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#### INFORMATION NOTE

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From: General Secretariat of the Council

To: Delegations

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Subject: Convention on Biological Diversity (CBD):

- Twelfth meeting of the Conference of the Parties (COP 12) to the CBD (Pyeongchang, Republic of Korea, 6 to 17 October 2014)
- First meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit Sharing (COP-MOP 1) (Pyeongchang, Republic of Korea, 13 to 17 October 2014)

= Statements by the European Union and its Member States

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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 CBD meetings.

**Twelfth meeting of the Conference of the Parties (COP 12) to the CBD  
(Pyeongchang, Republic of Korea, 6 to 17 October 2014)**

**Opening Statement**

Mr President, honourable delegates

I am speaking on behalf of the EU and its Member States.

We would firstly like to pay tribute to Republic of Korea, the Province of Gangwon, the local authorities and particularly to the city of Pyeongchang, for hosting COP 12. We wish the Republic of Korea all the best with its COP Presidency and we warmly welcome the initiative of the Government to host a high-level segment on the theme "Biodiversity for Sustainable Development" in the context of this COP 12. In addition, we would like to thank India for its successful Presidency in the last two years and its generous support to the Convention of Biological Diversity.

The agreement reached at COP 10 in Nagoya in 2010, including an ambitious Strategic Plan 2011-2020 with the 20 Aichi Targets, the Nagoya Protocol on Access and Benefit Sharing and the decision on implementation of the strategy for resource mobilization, was indeed historical. We welcome the entry into force of the Nagoya Protocol next week and the full achievement of the Aichi Target 16.

COP 11 clearly emphasised that biodiversity is a cornerstone for sustainable development and poverty eradication, and demonstrated that multilateral environmental governance and institutions deliver benefits to all in presence of shared political willingness. Under this perspective, the EU and its MS call for the objectives of the CBD and those of the Strategic Plan and its Aichi Targets to be appropriately reflected in the Sustainable Development Goals targets and indicators. We welcome the initiative of the Korean COP Presidency to have sustainable development as the main theme of the High Level Segment and of the Gangwon Declaration.

The EU and its Member States are strongly committed to the implementation of the Convention on Biological Diversity and its related Protocols as well as of the decisions adopted by their governing bodies, in particular the Strategic Plan for Biodiversity 2011-2020 and its Aichi Targets, also through the implementation of our National Biodiversity Strategies and Action Plans.

It is clear that effective implementation of the CBD and the Aichi Targets will require putting in place the right policy frameworks and governance structure as well as a significant increase in financial, human and technical resources from all sources. We will engage constructively in the negotiations on these important topics to develop the Pyeongchang Roadmap for the further implementation of the Strategic Plan.

We look forward to a coherent and balanced decision on a final target on resource mobilization, reflecting all the elements of the package adopted in Hyderabad. We reaffirm that, together, we commit to contribute to doubling total biodiversity-related financial resource flows from a variety of sources to developing countries, in particular least developed countries and Small Island Developing States, as well as countries with economies in transition, by 2015, using as reference level the average of annual biodiversity funding for the years 2006-2010, and at least maintaining this level until 2020.

The EU and its MS also stress the importance of domestic resource mobilization and highlight the need for all CBD Parties to mobilise resources, and to increase efforts to mainstream biodiversity across their policy frameworks.

Mr President, honourable delegates

The Hyderabad commitments were a major achievement in our common endeavour to realise all three objectives of the CBD but we must work harder and wider.

We would like to stress once again that the CBD cannot and should not work in isolation. Whether at global, regional, national or local level, biodiversity policies can only be successful when they are integrated into a whole range of other policy areas, including economic and social policies. This underlines the crucial catalytic role of the Convention in reaching out to a wide range of stakeholders, including the private sector, NGOs, indigenous and local communities, as well as local authorities. Enhancing synergies with other UN organisations and multilateral environmental agreements and in particular biodiversity related conventions is also a priority. A successful implementation of the Convention and its Strategic Plan largely depends on such mainstreaming and synergies.

The EU and its Member States will do their utmost to maintain the momentum and make COP 12 successful.

Thank you. Mrs Chair President.

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**Agenda item 10: Status of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization**

We first would like to welcome the ratification of the Nagoya Protocol by 53 Parties, including the EU and 3 of its Member States . The ratification processes are under way in many EU MS . We are happy that the Nagoya Protocol will entry into force in time for the first Meeting of the Parties to be held next week. This outcome does confirm our joint commitment to the Protocol we all adopted 4 years ago. It also represents a significant contribution to implementing the Strategic Plan for Biodiversity 2011-2020 and fulfilling the Aichi Biodiversity Targets, and namely, of course, Target 16.

We welcome the report on the status of the Nagoya Protocol prepared by the Secretariat, and the report of the third meeting of the ICNP. We note with satisfaction the outcome of the work done in the ICNP in preparation of COP-MOP 1.

At ICNP III good progress has been made in the work on a number of relevant elements important for the implementation of the Nagoya Protocol and its provisions. We are happy that in their work participants to the ICNP have focused mostly on those elements important for providing a solid framework for the effective functioning of the Nagoya Protocol. We would like to mention in particular the work aiming at making the ABS Clearing House, as an integral part of the CBD CHM, operational from day one of the entry into force of the NP as particularly important in this context, together with the elaboration of the draft strategic framework for capacity-building and development, the preparation of the discussion on the monitoring and reporting system. A lot has been done and together with the work done at previous sessions of the ICNP a solid basis for our discussions next week has been laid.

The integrated approach at international, regional and national level, using also the existing tools under the Convention, mindful of the needs of and opportunities for present and future Parties to the Protocol will be a good point of departure for the effective and coherent implementation of the Nagoya Protocol.

The European Union and its Member States remain committed to play an active part in the effective implementation of the Nagoya Protocol. We stand ready to work with partners in any way that can help to further elaborate missing elements in view of the forthcoming COP-MOP 1.

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#### **Agenda item 11: Fourth edition of the Global Biodiversity Outlook**

The EU and its MS welcome the fourth edition of the Global Biodiversity Outlook and its contribution to the ongoing review through data, indicators and scenarios, and congratulate the authors and contributors. GBO 4 clearly shows that there are signs of progress on the ground in implementation of actions to achieve the targets although they are limited. We are delighted to see the growing number of initiatives that are being developed and undertaken around the World, which we expect will lead to tangible results in the coming years. We will do our part to keep up the momentum necessary to achieve the Aichi Biodiversity Targets.

The EU and its MS encourage Parties, other Governments and relevant organizations to take steps to prepare for the wide dissemination of the fourth edition of the Global Biodiversity Outlook and its findings, including by translating the report and disseminating the key messages to specific audiences in national languages.

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**Agenda item 12: Mid-term review of progress towards the goals of the Strategic Plan for Biodiversity 2011-2020, and the Aichi Biodiversity Targets, and further actions to enhance progress**

The EU and its MS welcome the List of key potential actions to enhance progress towards the implementation of the strategic plan for biodiversity 2011-2020 and the achievement of the Aichi biodiversity targets as drawn from the Executive Summary of GBO-4. We would like to emphasise that the specific actions needed to implement the Strategic Plan for Biodiversity 2011-2020 and to improve progress towards the Aichi Biodiversity Targets will vary with national circumstances and priorities, including those set out in updated national biodiversity strategies and action plans.

We acknowledge the key scientific and technical needs relating to the implementation of the Strategic Plan for Biodiversity 2011-2020.

We also support the organisation of the Ad Hoc technical and Expert Group on Indicators for the Strategic Plan for Biodiversity 2011-2020, with the terms of reference provided in Annex III that would focus on refining the set of indicators and finding ways and means for improving the use of indicators and enhancing their integration in other sectoral policies. We propose some small amendments which request the Executive Secretary to help prepare a meeting of the AHTEG, and invite contributions from GEO BON and Biodiversity Indicator Partnership and suggest changes in the terms of reference as included in Annex III. We also propose a small amendment to align the references to the Clearing-House Mechanism to be consistent with draft decisions to be discussed under agenda item 13.

As Annex 1 comes directly from GBO 4, the only change we propose is to specify this in the title of the Annex.

We support Annex 2, however we may wish to respond if other parties have comments.

With regard to Annex III, the draft Terms of Reference of the Indicators AHTEG, we will submit our proposed changes in writing.

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**Agenda item 13: Review of progress in providing support in implementing the objectives of the Convention and the Strategic Plan for Biodiversity 2011-2020, and enhancement of capacity-building, technical and scientific cooperation and other initiatives to assist implementation**

1. The European Union and its Member States welcome the recommendation for COP 12 based on the recommendation adopted by the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, at its fifth meeting. We support this text, however we may wish to respond if other parties have comments.
2. Based on the reports on progress since WGRI 5 and the annexed recommendations of the Clearing-House Mechanism Informal Advisory Committee issued by the Secretariat, we would like to add some new elements to point 4 of the draft decision on the Clearing-House Mechanism.

3. We welcome the development by the Secretariat of a pilot online reporting system intended to enable Parties to submit information on their progress towards the Aichi Targets based on national targets, on a voluntary basis, and request the Executive Secretary to make it a fully operational component of the clearing-house mechanism of the Convention on Biological Diversity, avoiding duplication, and directly involving Parties in the development of the tool; we would like to cooperate with the Secretariat and other interested Parties, to further develop the CBD online reporting system and to facilitate its interoperability with other reporting tools such as the one developed by the European Environment Agency; the EU and its MS would be ready to help the Executive Secretary in this process.
4. On Communication, education and public awareness and the United Nations Decade on Biodiversity, we welcome the progress report and we propose amendments to the draft decisions.
5. To enhance public awareness, we encourage Parties to establish and use national indicators, where appropriate, for elements of their NBSAPs that relate to Aichi Biodiversity target 1.
6. We believe that it is up to Parties to decide how they develop and implement their communication and outreach strategies that support implementation of the Strategic Plan for Biodiversity 2011-2020, national committees are only one way to achieving this and therefore we suggest some amendments to provide Parties with more flexibility.
7. We consider that the proposals for the work to be done by the Executive Secretary are open-ended and over-ambitious; we believe the Secretariat should focus on facilitating and enabling activities and collaborate with other bodies, including UNESCO for Education for Sustainable Development, rather than this being a role for each individual Party to undertake.
8. We will provide amendments in writing to the Secretariat.

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#### **Agenda item 14: Resource mobilisation**

The EU and its MS highlight the importance of ensuring that the Strategic Plan 2011-2020 is effectively implemented and resourced. We look forward to a coherent and balanced decision on resource mobilisation, reflecting all the elements of the package adopted in Hyderabad and stressing the importance of domestic resource mobilization. The EU and its MS emphasise the need to substantially increase resources (financial, human, technical and institutional) from all possible sources, including the private sector, innovative financial mechanisms, for biodiversity globally to achieve the Aichi Targets.

We reaffirm that, together, we commit to contribute to doubling total biodiversity-related financial resource flows from a variety of sources to developing countries, in particular least developed countries and Small Island Developing States, as well as countries with economies in transition, by 2015, using as reference level the average of annual biodiversity funding for the years 2006-2010, and at least maintaining this level until 2020.

The EU and its MS also stress the importance of domestic resource mobilisation and highlight the need for all CBD Parties to mobilise resources, and to increase efforts to mainstream biodiversity across their policy frameworks.

The EU and its MS believe that the CBD Strategy for Resource Mobilisation is still relevant, and support extending the current Strategy to 2020. The EU and its MS also welcome the proposed list of concrete and effective actions to complement the Strategy, which, inter alia, provide concrete steps to help Parties to operationalize Aichi target 3. The EU and its MS believe that COP 12 should encourage Parties to further develop and use a range of financial mechanisms, and provide practical operational guidance and safeguards for their use, building on, among others, the outcome of the Quito process. It is also important to strengthen ongoing capacity building initiatives and processes which support Parties to mainstream biodiversity in national planning and to develop national resource mobilization strategies. The EU and its Member States continue to stress that as well as mobilising new resources it is important to ensure that existing resources are used effectively.

The EU and its MS welcome the conclusions of the High-level panel and highlight the need to develop policies and institutions to ensure that biodiversity is embedded in development plans and decisions across our economies and societies to ensure that we cost-effectively meet our biodiversity and sustainable development goals. It is clear that environmental budgets alone will not be sufficient to deliver the scale of resources needed to meet Aichi targets. Mainstreaming biodiversity in all sectors is crucial for the successful scaling up of resources.

The EU and its MS will also submit further specific comments in writing.

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**Agenda item 15: Financial mechanism + Fourth review of the effectiveness of the financial mechanism**

The EU and its Member States welcome the Report of the Global Environment Facility as contained in document UNEP/CBD/COP/12/14/Add.1. We congratulate the GEF for fully responding to the guidance in the COP 11 decision and for incorporating it in its 6th replenishment programming.

We also welcome with appreciation the successful conclusion of negotiations for the sixth replenishment period of the GEF (GEF 6), and express our gratitude to the 31 countries that have pledged a total of \$4.433 billion. We are pleased to note that \$1.296 billion was allocated to the Biodiversity Focal Area, making it the biggest portfolio of GEF 6. The EU and its Member States also welcome the reforms decided in the sixth replenishment package concerning, inter alia, interaction with the private sector and innovative strategies, which include “integrated approach pilots”.

We would also like to highlight the importance of increased cooperation among conventions in order to achieve synergies and avoid overlaps. The EU and its Member States appreciate the work of the liaison group of biodiversity-related conventions that considers the relationship between its members and GEF. This has resulted in a significant amount of GEF-funding, and associated projects, which already contribute to the implementation of biodiversity-related conventions other than the CBD for which the GEF is not the financial mechanism.

We also welcome document UNEP/CBD/NP/COP-MOP/1/4, prepared for the Conference of the Parties serving as first Meeting of the Parties to the Nagoya Protocol as an input for drafting the relevant COP decision. Due to the intrinsic link between the Nagoya Protocol and the Convention we believe that support for continued ratification of the Protocol and its implementation is important and will help to underpin the achievements of all three objectives of the Convention. It will also be important to take account of the guidance agreed last week by the Biosafety Protocol MOP since the guidance from both MOPs need to be incorporated in the overall decision from the COP.

The EU and its Member States have some questions with regard to the additional elements for guidance to the Financial Mechanism contained in section VI of Document UNEP/CBD/COP/12/14 and would like to propose amendments in writing to the Secretariat.

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**Agenda item 16: Biodiversity and sustainable development**

As stated in the opening statements, biodiversity is a cornerstone for sustainable development and poverty eradication, and the EU and its MS call for the objectives of the CBD and those of the Strategic Plan and its Aichi Targets to be appropriately reflected in the Sustainable Development Goals targets and indicators. We highly appreciate and support the initiative of the Korean Presidency to have sustainable development as the main theme of the High Level Segment and the Gangwon Declaration.

The EU and its MS thank the Executive Secretariat for the work on these issues and support its continuation.

The EU and its MS welcome the Chennai Guidance for Implementation of the Integration of Biodiversity and Poverty Eradication. It now reflects a wide diversity of visions, priorities and approaches in a balanced manner. The EU emphasizes the importance for all Parties, international, multilateral and bilateral cooperation agencies, other organizations and relevant stakeholders to implement and effectively use the Guidance, in accordance with national circumstances and priorities.

The EU and its MS can support the proposed COP 12 decision on integrating biodiversity with poverty eradication and sustainable development and suggest deleting the brackets around the reference to the Busan Partnership.

On biodiversity and health, we are happy with the draft text prepared by SBSTTA and we can also support the additional elements prepared by the Secretariat.

In addition we recognize the importance of exploring new fields of investigations in light of challenging health crises, as the current Ebola epidemics, as mentioned by our African partners this morning. Biodiversity has important benefits for health and increasing awareness of these benefits will help mobilising support for the objectives of the CBD.

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**Agenda item 17: Mainstreaming gender considerations**

The EU and its MS consider gender mainstreaming to be an important cross-cutting issue in all aspects of work within the CBD and encourage this work to continue, and we support the expanded Gender Plan of Action.

In order for the Gender Plan of Action to be effective, further effort will be needed to make it operational. In our view, this should be done in particular through the national reporting system and it should be integrated in a common monitoring framework for gender mainstreaming between the different environmental conventions, as provided for in the draft decision. This should build on the preliminary indicators developed by the Biodiversity Indicators Partnership. We will submit suggested drafting for the Decision on these issues.

Paragraph 20 of the part II of the Plan addresses responsibility and accountability of gender mainstreaming at the CBD Secretariat. This is, indeed, important, but the EU and its MS would like to have more insights on how this can be operationalized in the context of the CBD.

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**Agenda item 18: Access and benefit-sharing**

We welcome the proposals by the Executive Secretariat in the running up to COP 12 and COP-MOP 1 to promote a common vision for the Convention and the Nagoya Protocol, with a focus to their effective and mutual implementation. The solutions/agreements found on COP-MOP 7 of the CPB augur well in view of organising the meetings of the COP and the COP-MOPs concurrently. The discussion of a “Subsidiary Body for Implementation” serving both the Convention and the Protocols could contribute to making sure that the work remains closely integrated and has a common vision.

If we want to make sure that the work on ABS truly serves its purpose of implementing the third objective of the Convention and achieving Aichi target 16, it is crucial to maintain an integrated approach between the Convention and the Nagoya Protocol. We continue to believe in the need to continue the work on cross-cutting and common issues, such as the further development of the Clearing-House, as well as on the assessment of the needs for capacity-building and development and the ways to address those needs, mutually supportive and integrated.

We welcome the suggestion to have a note by the Executive Secretariat on possible ways and means to promote integrated approaches to issues at the interface between the access and benefit-sharing related provisions of the Convention and the provisions of the Nagoya Protocol.

We look forward to elaborating more in the coming week, where there is potential for better integration between the Convention and the Nagoya Protocol.

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## **Agenda item 19: Article 8(j) and related provisions**

The EU and its MS believe that full and effective participation by indigenous and local communities that are holders of traditional knowledge is crucial for the effectiveness of Convention's work and plays a significant role in the achievement of sustainable development at all levels, including in decision-making, planning, implementation and monitoring of policies and programmes.

Before addressing different sub-items in this decision, we would like to highlight that the expressions used in relation to "traditional knowledge" as well as "customary sustainable use" vary considerably. We would *invite* the Secretariat to propose possible ways to harmonise the use of these terms, as appropriate.

With regard to the *Progress report on the implementation of the programme of work on Article 8(j) and related provisions and mechanisms to promote the effective participation of ILCs*, the EU and its MS welcome ILCs' efforts, in particular the IIFB working group on indicators, to advance the work on indicators related to traditional knowledge through "Community Based Monitoring and Information Systems", as described in doc UNEP/CBD/WG8J/8/9.

With respect to the third in-depth dialogue to be held at the ninth meeting of the Working Group on Article 8(j) and Related Provisions, the EU and its MS would like to support the topic *Communication, education and public awareness (CEPA) and Traditional knowledge, innovations and practices*, including consideration of relevant subtopics (in paragraph 14 option a).

We therefore support the proposed draft recommendation with a few suggestions for improvement related to "*Indicators relevant to traditional knowledge and customary sustainable use.*" We will hand in these proposed amendments to the Secretariat in writing.

The EU and its MS also welcome the Draft Plan of Action on Customary Sustainable Use, which is one of the most significant achievements of the PoW.

With regard to the *repatriation of traditional knowledge* we support the proposed draft decision. We would also like to stress that the repatriation of information related to indigenous and local communities and traditional knowledge should facilitate the exchange of such information, rather than limit or restrict it, and that this goal should also be reflected in the best-practice guidelines to be developed.

We would like to underline that the implementation of tasks 7, 10 and 12 should actively contribute to the protection of traditional knowledge associated with genetic resources. The EU and its MS welcome the draft recommendation and can support its adoption. The work should be focused on identifying gaps and additional measures needed to complement the Nagoya Protocol, building on and contributing to work carried out in other relevant international bodies such as FAO ITPGRFA and, in particular, Article 9 on farmers rights. We have already mentioned the need for consistency and we will propose a minor amendment to address this.

The EU and its MS welcome local and regional efforts in the development of *sui generis* systems that contribute to the achievement of Target 18. We emphasize that during the process of developing elements of *sui generis* systems, the work of other relevant organizations, including the World Intellectual Property Organization (WIPO), must be taken into account. Therefore, the EU and its MS continue to regard the ongoing interactions between the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and the CBD as mutually beneficial. We will submit a minor amendment to that effect and with this we support the adoption of the draft recommendation.

With regard to the *Recommendations from the United Nations Permanent Forum on Indigenous Issues*, the EU and its MS welcome the independent legal analysis and stress that any decision on this issue at COP 12 cannot be interpreted as an intention to reopen or change the text of the CBD and/or its related Protocols. Against this backdrop, the EU and its MS can accept the proposed draft decision as the basis of negotiations at COP 12.

The EU and its MS:

- recognise UNDRIP as an important tool in helping to enhance the promotion and protection of the rights of indigenous peoples;
- We re-affirm that the subject matter of Article 8(j) and related provisions is traditional knowledge and customary use relevant to the conservation and sustainable use of biological diversity within the scope of the Convention, and that each Contracting Party is expected to implement these provisions with full and effective participation of indigenous and local communities, wherever possible, and subject to national legislation;
- We support the draft decision proposed by the Secretariat with minor amendments to ensure that it fully reflects the advice of the UN OLA. We will hand in these amendments to the Secretariat in writing.

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## **Agenda item 20:      Liability and Redress**

On this issue, it is obviously very important to remain consistent across the Convention and its Protocols. The Nagoya Kuala Lumpur Supplementary Protocol is not yet in force but it is a natural focal point for discussions on liability and redress, and progress on ratification is being made in the EU and around the world.

Closely related efforts are being made in other international institutions, and here we refer in particular to the UNEP guidelines which are acknowledged in the draft decision.

The EU and its Member States consider that we should work and gain experience with these tools, which are still quite young, before starting to develop additional ones. Therefore, we invite COP to take note of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety and to take note also of the UNEP’s Guidelines for the development of domestic legislation on liability, response action and compensation for damage caused by activities dangerous to the environment, as is foreseen in the draft decision. In addition, we would like this COP meeting to encourage further awareness-raising and capacity building activities. At this point, we are not convinced of the need for additional biodiversity-specific guidance on liability and redress.

We will submit our suggested amendments to the draft decision in writing.

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## **Agenda item 21: Marine and Coastal Biodiversity**

### ***Marine and coastal biodiversity: ecologically or biologically significant marine areas***

The EU and its Member States stress the need for conservation and sustainable use of marine biological diversity. We are fully committed to an effective and full implementation of relevant existing commitments and on-going processes, in particular the CBD Programme of Work on Marine and Coastal Biodiversity. We are also in favour of launching, as soon as possible, negotiations on a UN Convention on the Law of the Sea (UNCLOS) implementing agreement for the conservation and sustainable use of marine biological diversity, in line with the commitment taken in the Rio+20 Outcome Document, “The Future We want”.

We thank the Secretariat and its partners for the organization of the regional EBSA workshops and we reiterate our strong support to the technical and scientific process of describing EBSAs. It can provide Parties with a useful tool contributing to the achievement of the Aichi biodiversity targets.

We therefore underline the importance for COP 12 to request the Executive Secretary of the CBD to include areas that meet the criteria for EBSAs in the repository.

The process of describing areas that meet the agreed scientific criteria for EBSAs, an open and evolving process, should include the participation of all relevant stakeholders to future workshops, especially any States within whose jurisdiction an EBSA might be described. We also recall that any decisions, both by Parties and by relevant international organizations, to designate protected areas and to establish effective, area-based conservation measures within the national jurisdiction of States should be adopted by the Party or Parties concerned, in accordance with relevant national legislation and international law, including UNCLOS.

We will propose to amend the Annex to the Draft Decision.

We are in favour of exploring options, ways and means, where such actions are not already underway, with a view to undertaking scientific and technical analysis of the state of marine and coastal biodiversity, including in relation to types and levels of human activity in areas described as meeting the EBSA criteria, to allow the use of that information, as appropriate, by coastal States and international and intergovernmental organizations. We are therefore in favour of retaining paragraph 10 of the draft decision, for which our preferred wording is based on Option 1 but includes some additional clarifications to address some of the concerns raised on this issue. We will submit also this proposal in writing to the Secretariat.

***Marine and coastal biodiversity: Impacts on marine and coastal biodiversity of anthropogenic underwater noise and ocean acidification, priority actions to achieve Aichi Biodiversity Target 10 for coral reefs and closely associated ecosystem, and marine spatial planning and training initiatives***

With regard to the other marine matters covered in the draft decision, we support the texts recommended by SBSTTA.

In particular, we emphasize the need to conduct further research on underwater noise to fill the current knowledge gaps with the aim of identifying the most appropriate measures for mitigating potential impacts on marine ecosystems. At the same time, we consider that viable options for measures are already available and should be seized by CBD Parties, following the guidance in para. 3 of the draft decision as well as by implementing the “Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life” adopted by the 66<sup>th</sup> Session of the Maritime Environmental Protection Committee of the International Maritime Organization.

Ocean acidification is a major pressure and threat on marine and coastal biodiversity and ecosystems. Under Aichi Target 10, CBD Parties have made a commitment that by 2015, the multiple anthropogenic pressures on coral reefs, and other vulnerable ecosystems impacted by climate change or ocean acidification are minimized. It is one of the sad lessons from GBO 4 that we will in all likelihood miss this target. The priority actions on coral reefs and the suggested addendum to the work plan on coral reefs annexed to the draft COP decision can at least help to revert the trend, and we therefore fully support them.

We also support the dissemination of information and best practices on the experience and use of maritime spatial planning, Integrated Coastal Management and the results achieved. The recently adopted EU Directive on Marine Spatial Planning will put us in a better position to contribute to this exercise.

Finally, we are committed to reduce pressures and threats on marine and coastal biodiversity and ecosystems resulting from marine litter, which is also one of the goals of the EU Marine Strategy Framework Directive. We are looking forward to, and will actively contribute, to a positive outcome of the expert workshop to be held later this year, in line with the decision by COP 11.

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## **Agenda item 22: Invasive Alien Species**

The EU and its Member States welcome the recommendations to COP 12 in document UNEP/CBD/COP12/1/Add2/Rev.1 addressing the management of risks associated with introduction of alien species as pets, aquarium and terrarium species, and as live bait and live food as well as UNEP/CBD/COP 12/19 on the review of work on invasive alien species and considerations for future work. We fully support the compromise texts agreed upon during SBSTTA and proposes to adopt the draft decisions unchanged.

Furthermore, the EU and its Member States welcome progress made by the CBD, the IUCN Invasive Species Specialist Group (ISSG) and the Global Invasive Alien Species Information Partnership in developing a method to identify and prioritize pathways of introduction of invasive alien species as described in UNEP/CBD/COP/12/INF/10. This is a significant first step in achieving Aichi Target 9 on invasive alien species and we therefore urge that the criteria in UNEP/CBD/SBSTTA/18/9/Add.1 be further developed in order to make them fully operational.

In addition the EU and its Member States eagerly anticipates the test version of the toolkit for Parties to achieve Aichi Biodiversity Targets that is being developed by the Executive Secretary, IUCN ISSG and the Global Invasive Alien Species Partnership, and will be released during COP 12. It is however, important for the Executive Secretary to follow up on the experiences of the Parties when using the toolkit.

The European Union legislation on invasive alien species which was adopted last week, will contribute significantly to the achievement of Aichi target 9 in Europe, The EU and its Member States are ready to share with other Parties experiences gained in the prevention and management of the introduction and spread of invasive alien species at the EU level. In particular, it appears that the issue of release in the wild of alien species to be used as biological pest control and their effects, both positive and negative on biological diversity and related ecosystem services has to be addressed by the SBSTTA.

We will provide our views in writing to the Secretariat.

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## **Agenda item 23: Global Strategy for Plant Conservation**

EU and its MS welcome and acknowledge the progress towards the achievement of some of the targets of the Global Strategy for Plant Conservation 2011-2020 emerged from the mid-term review and reiterates the aim of integrating the GSPC. We believe that the GSPC and in particular its monitoring and implementation, including the use of indicators, should be seen in the broader context of the Strategic Plan for Biodiversity 2011-2020 and its Aichi targets.

EU and its MS stresses the need to enhance the implementation for the Global Strategy for Plant Conservation, especially towards meeting targets for which there is currently more limited progress.

EU and its MS have no amendments for text.

The EU and its MS welcome and contribute to initiatives aiming at strengthening capacities to achieve the GSPC and reinforcing bridges between botanical gardens from developed and developing countries. In this regard EU and its MS draw the attention to the UNESCO conference “Botanists of the twenty-first century: roles, challenges and opportunities” that was held from September 22 to 25<sup>th</sup>, 2014 and to the upcoming 7th conference of European botanic gardens “Botanic gardens in the decade on Biodiversity challenges and responsibilities for the countdown towards 2020” to be held in July 2015.

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**Agenda item 24: New and emerging issues: synthetic biology**

The EU and its Member States appreciate the work done by SBSTTA 18 in order to find a way forward regarding the proposal to consider synthetic biology within the context of the Convention of Biological Diversity and its Protocols.

The EU and its Member States find it important to focus on the interaction between the application of Synthetic Biology and biological diversity in order to identify potential risks and benefits in this regard.

Considering the rate at which synthetic biology techniques are developing and the apparent lack of a common understanding on synthetic biology concepts, tools and applications, the EU and its Member States support further steps to develop an operational definition based on the present knowledge and on quantifiable and measurable criteria and, for this reason, the EU and its MS support as well, subject to the availability of financial resources, the convening of an open-ended online forum followed by an open workshop of experts, with knowledge of the Convention and its Protocols.

The EU and its Member States welcome the revised UNEP/CBD/COP/12/INF/11 and INF/12 documents and appreciate the inclusion in these documents of the a science-based operational definition on Synthetic Biology as proposed by three EU Scientific advisory Committees, the Scientific Committee on Health and Environmental Risks (SCHER), the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) and the Scientific Committee on Consumer Safety (SCCS). We hope this will be useful to the proposed workshop of experts.

Above all, we highlight the importance of applying the precautionary approach in line with previous COP decisions.

However, in our view as the current and near term synthetic biology are covered by current regulation on LMOs we do not support the call for any moratorium such as given in point 3a, b, c *alt.*

We will provide the Secretariat with text.

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## **Agenda item 25: Biodiversity and climate change**

Climate change and biodiversity loss are among the most important environmental challenges we face today. Both are complex and cross-cutting issues, which affect nearly all human activities, and are strongly interconnected. On the one hand, climate change—as demonstrated by many recent authoritative reports and studies—is affecting biodiversity through higher mean annual temperatures, ocean acidification, changed precipitation patterns and more extreme weather events such as heat waves and storms. On the other hand, biodiversity and ecosystem services can play a significant role in the climate systems and contributes to both climate change mitigation and adaptation. Furthermore, climate change mitigation and adaptation actions may produce adverse impacts on biodiversity which should be addressed.

Biodiversity underpins the provision of manifold ecosystem services that can help to realize synergies between climate change mitigation and adaptation actions. Biodiversity conservation is important for maintaining the provision of ecosystem services as, generally speaking, intact and resilient ecosystems are more robust due to a greater range of tolerances and sensitivities to stresses. Therefore it is undisputed that ecosystem-based approaches buffer human communities against the adverse impacts of climate change.

The EU and its Member States would like to emphasize the importance of mainstreaming ecosystem-based approaches in policies and strategies relevant for addressing climate change adaptation and mitigation and disaster risk reduction, as well as the importance of ensuring consistency between national strategies, policies and instruments.

In this light the EU and its Member States thank the Secretariat for the 2 INF papers, UNEP/CBD/COP/12/INF/15 and UNEP/CBD/COP/12/INF/29 which demonstrate the synergy between the NBSAPs and REDD+ and between the NBSAPs and the NAPAs.

Furthermore, the EU and its Member States welcome the REDD+ decisions developed under the UNFCCC. In line with previous CBD COP decisions, which highlight the importance and multiple benefits of forest ecosystems, the CBD should continue to positively engage with REDD+ to ensure that both conventions will play out mutually supportive. This includes understanding the role that the implementation of REDD+ can play in contributing to the achievement of relevant Aichi Biodiversity Targets. Building on the agreement from Hyderabad on guidance for the implementation of biodiversity-related safeguards for REDD+, the next step for this should be the ongoing collation of relevant information and analysis of whether biodiversity-related benefits of REDD+ are being delivered effectively, with a view to providing updated and targeted advice and guidance if necessary.

To this end, the EU and its Member States encourages REDD+ countries to apply advice on safeguards for biodiversity, as agreed at COP 11, and supports the request to the Executive Secretary to provide advice on the maximization of biodiversity-related benefits of REDD+ and to assess the need for additional guidance for the implementation of the biodiversity-related safeguards of REDD+.

These elements are reflected in the EU's proposed amendments to the draft decision text from SBSTTA 18. We will hand over these amendments to the Secretariat in writing.

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## **Agenda item 26: Ecosystem Conservation and Restoration**

The EU and its Member States welcome the draft recommendation on ecosystem conservation and restoration and expresses gratitude to the Executive Secretary for preparing the notes UNEP/CBD/COP/12/22 and UNEP/CBD/COP/12/INF/18.

We welcome the Forest Ecosystem Restoration Initiative, established by Government of the Republic of Korea Forest Service, to support Parties to the Convention on Biological Diversity in achieving Aichi Biodiversity Target 5, 11 and 15 in an integrated manner. Ecosystem conservation and restoration are amongst the Aichi targets where implementation needs to be significantly stepped up.

In line to GBO 4 we recognize that many restoration activities are under way, but the contributions of these are hard to assess and scientific confidence is low. The status of knowledge needs to be further improved. Therefore, we welcome the thematic assessment on land degradation and restoration, which is currently being prepared by IPBES.

For the EU and its Member States it is essential to underline that whilst the priority is to avoid or at least reduce the further loss of ecosystems and the services they provide, ecosystem restoration is a key activity that can help to reverse some of the losses of ecosystems and related services.

Likewise, whilst we recognise the need for large-scale restoration efforts, including those being addressed through other *fora*, we also would like to highlight the cumulative benefit of small-scale activities. All of these are essential if we are to meet the relevant Aichi targets.

We consider that a spatial planning approach at landscape and seascape scale can also reduce loss of native ecosystems, avoid further degradation, and promote restoration.

The EU is also pleased to welcome and encourage the private sector's efforts in supporting Private Protected Area's (PPA) and in their ecosystem restoration activities.

In addition, the EU and its Member States look forward to the results of the WCPA - World Commission on Protected Areas / SSC - Species Survival Commission joint task force on biodiversity and protected areas of the IUCN of the work to consolidate scientific criteria and methodology in order to identify sites of global significance for biodiversity.

Finally, the EU and its member States would like to underline the importance of ecosystem conservation and restoration, which can also contribute to poverty alleviation, and sustainable development.

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**Agenda item 27: Sustainable use of biodiversity: bushmeat and sustainable wildlife management**

The EU and its Member States support this draft Decision upon which we have only a few minor comments.

First, we strongly support the need for closer collaboration between the Convention on Biological Diversity and Convention on International Trade in Endangered Species of Wild Fauna and Flora, and especially between national focal points for each Convention. Such collaboration and synergy will help us to achieve the 2<sup>nd</sup> objective of the Convention, the sustainable use of biodiversity through the sustainable management of wildlife, including bushmeat .

The EU and its MS believes that the Collaborative Partnership on Sustainable Wildlife Management has a pivotal role in this task as will the initiation, by IPBES, of the scoping of its thematic assessment on sustainable use and conservation of biodiversity.

The EU and its MS would like to stress the importance of communication and information sharing among members of the Collaborative Partnership on Sustainable Wildlife Management through use of the Clearing House Mechanism and other appropriate means, and the need to produce relevant awareness-raising and outreach materials.

Finally, the EU and its MS remain concerned that illegal killing and trade in wildlife has, in addition to other damaging effects on sustainable wildlife management, detrimental socio-economic and environmental consequences. We note the draft Decision recognises the outcome of London Conference on illegal Wildlife Trade in the draft Decision. In this context we should refer as well to the UN Environment Assembly of UNEP Decision of 27 June 2014 on illegal trade and other related high-level initiatives. We will provide draft text to this effect.

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**Agenda Item 28: Biofuels and biodiversity**

The EU and its Member States would like to welcome the document UNEP/CBD/COP/12/23. Shared definitions are crucial to be able to move forward with the effective implementation of decisions IX/2 and X/37 and to be able to have a common framework for reporting on progress.

Without clarity on technical definitions relating to sustainability of biofuel production, we are unlikely to see effective and consistent implementation of the decisions. We welcome continuation of work by the Executive Secretary, subject to available resources and in collaboration with relevant organisations and institutions, on the compilation of information on relevant definitions and key terms, as requested by the SBSTTA. The EU and its MS look forward to addressing Biofuels at COP 13.

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**Agenda item 29: Cooperation with other conventions, international organizations and stakeholders' engagement, including business**

Effective Cooperation between international organisations, other conventions and initiatives is indispensable for the full implementation of the CBD and its Strategic Plan 2011-2020. The EU and its Member States support the draft Decision on this topic with a few changes, in particular the paragraphs regarding a new proposal to establish the working group on synergies.

Realising synergies in the work under the biodiversity-related conventions is very important. We are happy to see that the NBSAPs are increasingly effective for realising such synergies at the national level. At the level of the bodies under the biodiversity-related conventions, more can be done to achieve synergies. The role of the Biodiversity Liaison Group should be strengthened and the Strategic Plan should be used more effectively as a tool for such synergies at international level.

However, we think instead of establishing a working group between biodiversity-related conventions there are more effective ways to enhance synergies. We fear that the proposed working group would become too large and too rigid and therefore costly but not effective. We propose that the Executive Secretary organises an ad-hoc workshop with participants from the biodiversity-related conventions. The result of the report of this workshop and any recommendations should be considered by WGRI/SBI and COP 13. We will submit our proposed wording on this in writing. As regards Business and biodiversity I can be brief. Business engagement is critical for successful implementation of the Strategic Plan on Biodiversity. More attention should be given towards the global partnership for Business and biodiversity which we believe is an important and crucial initiative. Biodiversity is a matter not only for the public sector, it should also be mainstreamed into the private sector. We see the private sector also as an important source for innovative finance for biodiversity. We are happy to give our full support to the draft Decision on this topic.

As regards the sub-national implementation, the EU and its Member States welcome the report on the implementation of the Plan of Action prepared by the Executive Secretariat. [Again, we are happy to give our full support to the draft Decision on this topic.] [(if other Parties open the text) We can fully support the draft Decision on this topic, but would like to make a few minor adjustments. We will submit our suggestions in writing.]

As regards Biodiversity and Sustainable Tourism the EU and its Member States are looking forward to the finalisation of the review of the User's Manual of the CBD Guidelines on Tourism. This is urgent and should be given due attention. We support the draft Decision on this topic. We would just propose some minor adjustments. In particular, we should avoid wording that would suggest additional reporting requirements. Adequate reporting will already be assured through the existing channels. Another minor adjustment concerns the dissemination of relevant tools and guidance in the last indent. As for various other issues, we would like to stress the potential use of the Clearing House Mechanism. We will provide our text proposal in writing.

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**Agenda item 30: Improving the efficiency of structures and processes under the Convention and its Protocols, retirement of decisions, and Intergovernmental science-policy Platform on Biodiversity and Ecosystem Services (IPBES)**

The EU and its Member States, would like to thank the Secretariat for preparing the documents for this important item. We believe that at WGRI 5 and SBSTTA 18, much progress was achieved on all three items of effectiveness, retirement of decisions and IPBES. The EU can therefore support the draft recommendations on these issues as they were agreed upon at WGRI.

With regard to submission of requests to IPBES in the draft recommendation from SBSTTA 18, we would favour the CBD communicating with IPBES through two channels: (1) for routine requests regarding the future work of IPBES, we would expect SBSTTA to formulate requests as recommendations to COP. Proposals for such requests may come from submissions by Parties, or through the Secretariat, and include requests in relation to new and emerging issues; (2) for issues on which SBSTTA has an existing mandate to provide scientific advice to COP and where there is an urgent requirement for that advice we would expect those requests and/or additional supporting information to be formulated by SBSTTA and transmitted directly to IPBES. We would therefore wish to delete the brackets around paras 1 and 2 of the draft decision on this topic.

Furthermore, we would like to thank the Secretariat for preparing the documents for our discussions on concurrent meetings of the COP and COP MOPs as well as on the establishment of a Subsidiary Body on Implementation. There is a need to review the current structures and processes and seek ways and means to foster the synergies and linkages between the Convention and its Protocols at both national and international levels and to ensure that they are implemented in a coherent and mutually supportive way. We therefore support an integrated approach towards the implementation of and decision-making by the Convention and its Protocols, and in this regard believe that both the establishment of the SBI and concurrent meetings of the COP-MOP and the COP are interesting proposals that merit further discussion.

We nevertheless have several concerns with the proposed approach as described in the documents before us and would like to highlight the following.

The EU and its MS support concurrent meetings of the COP and MOPs as they will improve coherent decision-making across the three instruments which in turn supports a more efficient and coherent implementation at national level. We are therefore in general positive regarding the approach contained in Doc COP/12/25/Add2. However, the information provided by the Secretariat does not provide sufficient detail and more work is needed on the Plan in Annex 1 to better identify the precise modalities for the organization as well as regarding possible legal and budgetary aspects. We therefore believe that the Plan in Annex1 needs to be further refined based on views expressed during the Cartagena Protocol COP-MOP 7, the CBD COP 12 and the Nagoya Protocol COP-MOP 1 and in particular take into account the experience gained from the concurrent meeting of COP 12 and COP-MOP 1. Existing experience with the organization of concurrent meetings such as from the UNFCCC and its Protocol as well as from the Basel, Rotterdam and Stockholm conventions, should also be considered.

The main concerns for the EU/MS are related to the phasing of meetings in order to optimise best use of resources by delegations in terms of experts attending for relevant periods during the two week period. Another concern is how to maintain integrity of the decision-making under each of the three instruments.

In order to address these concerns, we would propose that the COP 12 requests the Secretariat to update the plan in Annex1 accordingly, based on views expressed by Parties and taking into account the experience from the concurrent meeting of the COP 12 and the COP-MOP 1 of the Nagoya Protocol. This can then be submitted to the next meeting on implementation to finalize the organization of the concurrent meetings.

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**Agenda item 31: Multi-year programme of work of the Conference of the Parties up to 2020**

The EU and its Member States thank the Secretariat for their work on this agenda item and support the draft recommendation, which will enable the Conference of the Parties to more fully accomplish its primary function under Article 24 to “keep under review the implementation of the Convention”.

In particular, we emphasise the importance of mainstreaming or integration of biodiversity across sectors, through, for example, legislation, national accounting, spatial planning frameworks, communication, education and public awareness, and the more effective use of biodiversity-related information in support of decision making.

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**Closing Statement**

Mr President, honourable delegates

I am taking the floor on behalf of the European Union and its Member States.

We welcome the successful outcome of COP 12. The 4th Global Biodiversity Outlook clearly shows that some of the trends are either not going in the right direction or they are moving too slowly. We believe that this outcome put on the right track for stepping up progress.

The adoption of the Pyeongchang Roadmap for the further implementation of the Strategic Plan will support the effective implementation of the CBD and the Aichi Targets. It will help putting in place the right policy frameworks and governance structure, and contribute to a significant increase in financial, human and technical resources from all sources.

The EU and its Member States welcome in particular the agreement on resource mobilization targets. This is a good and balanced agreement, which reaffirms all the elements of the package adopted in Hyderabad, whilst also stressing the importance of domestic resource mobilization and the need for all CBD Parties to mobilise resources, and to increase efforts to mainstream biodiversity across their policy frameworks. We reaffirm that, together, we commit to contribute to doubling total biodiversity-related financial resource flows from a variety of sources to developing countries, in particular least developed countries and Small Island Developing States, as well as countries with economies in transition, by 2015, using as reference level the average of annual biodiversity funding for the years 2006-2010, and at least maintaining this level until 2020.

On other issues, we welcome significant further progress at COP 12 on synthetic biology, ecologically or biologically significant marine areas (EBSAs) global guidance to address the issue of invasive alien species; climate change and biodiversity; ecosystem conservation and restoration; and biodiversity and sustainable development.

We would also like to warmly welcome the Gangwon Declaration, which underscores the importance of integrating and mainstreaming biodiversity into the post-2015 development cooperation agenda, including the future Sustainable Development Goals. We believe this is essential for delivering on CBD Aichi targets.

Mr President, honourable delegates,

Four years ago when we adopted the Nagoya Protocol and Aichi target 16, we took on an ambitious and challenging task to make this landmark instrument operational. We are now happy to see that we have collectively made sure that this first COP-MOP delivers the decisions that will ensure an effective functioning of the Protocol, decisions that we hope will help in creating mutual trust and legal certainty for providers and users.

The work at COP-MOP has been conducted with the same constructive spirit developed during the meetings of ICNP notably at ICNP III, here in Pyeongchang. The results of our work will make it possible to begin the effective operation and implementation of the Protocol and to provide the tools for efficiently addressing the needs of and challenges for Parties. We are looking forward to continuing to work together with present and future Parties to the Protocol, as well as other stakeholders, including indigenous and local communities to ensure that this Protocol will be a success.

We would finally like to warmly thank again the Republic of Korea, the Province of Gangwon, the local authorities and particularly to the city of Pyeongchang, for hosting COP 12. We wish the Republic of Korea all the best with its COP Presidency.

Thank you. Mr President.

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**First meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit Sharing (COP MOP 1)  
(Pyeongchang, Republic of Korea, 13 to 17 October 2014)**

**Agenda item 7: Exchange of information and views on the status of the ratification and implementation of the Nagoya Protocol.**

The EU and its Member States would like to congratulate all Parties, which contributed to the entering into force of the Protocol. Thanks also to the Executive Secretary for his efforts to speed up the ratification process.

It is my pleasure to report that in addition to the EU, three EU Member States, Denmark, Hungary and Spain have already ratified the Protocol. The ratification process is on-going with the other Member States undertaking their internal procedures to adapt their national systems accordingly. We expect their ratification to follow in the course of next year, in order to fully achieve Aichi Target 16.

Since the adoption of the new EU biodiversity strategy in 2011, the EU and its Member States have worked hard to implement the Nagoya Protocol in the Union and become Parties to the Protocol. Last April, the European Union accessed the Protocol and approved the EU Regulation dealing with the “compliance measures for users from the Nagoya Protocol (...) in the Union”.

The EU ABS Regulation entered into force in June of this year and it is applicable as of yesterday, the day of the entry in force of the Nagoya Protocol. Utilization of GR and TK associated with GRs within the scope of the NP is now covered by this legislation, and this, we believe, represents a major step towards our common goal.

We have always stated that the adoption of user compliance measures is necessary for any Party to the Nagoya Protocol to fully implement its provisions. The EU therefore has been focusing its efforts on the compliance pillar of the NP.

The EU ABS Regulation is immediately binding on users in all Member States. The Member States will have to take some additional implementation steps, such as to designate competent authorities and entities that will serve as checkpoints. Member States will also establish proportionate and dissuasive penalties and sanctions, as required by the Regulation.

The Nagoya Protocol has just entered into force. We are committed to embrace the challenge of its full and effective implementation to deliver on the objective of the Protocol.

The creation of the legal framework is just the basis for the successful implementation. The implementation of the NP will have to be integrated into the business model of all economic actors involved the utilization of GR. All stakeholders, both on the provider and user side, such as business, researchers, academia, indigenous and local communities are essential players in this effort and will have to work to adjust their way of working to the new legal requirements and to the change brought about by the Protocol that now enters into force.

We believe that effective implementation of the Protocol will require close cooperation among the Parties, other Governments and all stakeholders. We are determined to work collaboratively to promote important supportive tools and initiatives.

In that regard, the EU and its Member States supports many processes related to the implementation of the third pillar of the CBD, including the ABS capacity development initiative.

Finally we would like to take this opportunity to encourage all CBD Parties to take the necessary steps towards ratification to ensure the Protocol becomes an ever stronger instrument to fulfill our ABS obligations.

The European Union and its Member States confirm our commitment to play an active and constructive role and to find solutions to all outstanding issues under consideration at this meeting. We look forward to working with all of you on this.

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**Agenda item 8:           The Access and Benefit-sharing Clearing-House and information-sharing (Article 14)**

The EU and its Member States acknowledge that good progress has been made with the functionality of the ABS Clearing-House since ICNP 3. However, further efforts are required not only by the Secretariat but also by Parties. Parties need to ensure that – where already available – ABS legislation as well as competent national authorities are published and that a publishing authority is designated.

The informal advisory committee should continue supporting the Secretariat with both technical and practical expertise. To ensure continuity, the mandate of the previously established informal advisory committee should be extended.

Further refinements of existing common formats and the development of new ones are likely to be required and the Secretariat should consider Parties' feedback and experience as well as the expertise of the informal advisory committee. We believe it is too early for a formal decision of the COP-MOP to adopt the common formats but want to stress that some aspects of them require strong involvement of COP-MOP.

As for the draft decision and the draft modalities we suggest some redrafting to avoid duplications and inconsistencies and to have a clearer distinction of roles. We also suggest adding some elements.

On a specific aspect: we believe that with the coming into force of the Protocol, there will need to be a clear distinction between Parties and non-Parties, in particular records on the ABS Clearing-House should be clearly distinguishable as coming from either a Party or non-Party. To help ensure clarity and legal certainty we suggest that only Parties are able to register internationally recognised certificates of compliance and checkpoint communiqués.

We will provide the Secretariat with our suggestions in writing.

With regard to the two questions for which common understanding is sought, we believe that the remaining issues related to the internationally recognized certificate of compliance and the checkpoint communiqué should be looked at by the informal advisory committee.



In relation to the request by the Secretariat to elaborate on the modalities of the involvement of indigenous and local communities, we would argue that the designation of competent authorities for the ABS Clearing-House and the specific role and responsibilities of indigenous and local communities is subject to national arrangements. We believe that indigenous and local communities have an important role to play in providing relevant information relating to access to traditional knowledge associated with genetic resources. We could imagine that under some national systems they could, for example, have the role of a 'competent national authority' or of a 'national authorised user'.

To conclude, we thank the Executive Secretary for its note on the indicative priorities for the further development of the ABS Clearing-House and seek the Executive Secretary's guidance on the involvement of Parties in the decision-making process.

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### **Agenda item 9: Monitoring and reporting (Article 29)**

We thank the Executive Secretary for having prepared draft guidelines and a draft format for the reporting.

The EU and its Member States are of the opinion that the reporting format should not ask Parties to report on elements that they have already added to the ABS Clearing-House. This concern has not been addressed in this initial draft. We do therefore have a number of questions and observations on the document presented.

Parties should keep the information on the ABS Clearing-House up to date at all times and not only at the time of reporting. There should be no discrepancies between information on the ABS Clearing-House and the one filled into the report.

National reporting will also support the work of the compliance committee. The information contained in the reports should therefore be useful as an indicator for the fulfilment of the Protocol's obligations by Parties. The proposed draft format does not always contribute to this aim. For instance, while "Yes/No" questions are simple and were, in general, recommended by ICNP 3, in a number of cases, more precise questions are needed in order to obtain more concrete answers.

We will provide the Secretariat with suggestions for improvements of the draft reporting format as well as some amendments on the draft guidelines. We are happy to engage in the way forward and could contribute with practical solutions. The reporting format for the interim report should be agreed at this meeting.

With regard to the guidelines and the new elements for a draft decision we insist that only one interim report should be submitted by every Party by the end of 2017. More than one interim report per Party, even if voluntary, would pose serious problems for comparability and data analysis. Comparability of the national reports is essential for the assessment and review of the effectiveness of the Protocol.

It is clear that national reports will be an additional source of information for capacity building needs. However, we recall that according to the capacity-building strategy parties have a dedicated tool to report on their needs, etc. This tool should be used primarily to report on capacity-building needs. Similarly, resource mobilisation for the Nagoya Protocol should only be reported through the Financial Reporting Framework under the Convention.

It is in the interest of all Parties to have both an easy format as well as appropriate reporting intervals. This way we also reduce the necessity for capacity-building on reporting.

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**Agenda item 10: Cooperative procedures and institutional mechanisms to promote compliance with the Nagoya Protocol and address cases of non compliance (Article 30)**

It is a major achievement that the Nagoya Protocol has entered into force to allow for this first COP-MOP to take place. Now ensuring implementation is the challenge.

The EU and its Member States believe that the compliance mechanism will be an important tool for ensuring the effectiveness and facilitating compliance by Parties with the obligations under the Protocol. In accordance with Article 30, it would not be concerned with compliance by individuals or companies with domestic legislation.

As at ICNP 3, we made good progress last week in our discussions on such a compliance mechanism and worked in a very constructive atmosphere.

But still a number of key issues are open for discussion and have been forwarded to COP-MOP 1 for its consideration and final approval. We look forward to resolving these so that we put in place an efficient and effective mechanism that supports the implementation of the Protocol.

The EU and its Member States support a simple, facilitative, non-adversarial, non-judicial and cooperative mechanism. As experience on the Cartagena Protocol has shown, such a mechanism can help other processes under the Protocol, such as monitoring and reporting, capacity building and the clearing house mechanism.

One major remaining open issue is the role that Indigenous and Local Communities should play in the compliance mechanism.

The EU and its Member States recognize that Indigenous and Local Communities are directly addressed by the Nagoya Protocol and that their role should be reflected in a future compliance mechanism.

We feel that ILCs have valuable expertise to bring to the Committee and we therefore look to see how this can best be incorporated into its work.

It is important for the Committee to receive submissions in practice where there are cases of non-compliance by Parties and we seek to include procedures that ensure this.

The EU and its MS are optimistic that we can conclude the first COP-MOP with agreement on all the remaining issues and with the establishment of a Compliance Committee for the Nagoya Protocol, and we are ready to make every effort to help achieve this goal.

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**Agenda item 11: Model contractual clauses, voluntary codes of conduct, guidelines and best practices and/or standards (Articles 19 and 20)**

The EU and its Member States believe that the model contractual clauses, voluntary codes of conducts and best practices will support both users and providers and therefore will be very important for the proper implementation of the Nagoya Protocol.

The EU ABS Regulation in its Art. 13 includes complementary measures for the European Commission and the Member States, as appropriate, to support the development of these tools by relevant sectors particularly where they would benefit academic researchers and small and medium-sized enterprises.

We continue to believe that model private law contracts are best developed by those who enter into them. Users and other stakeholders are the best placed to know the practicalities of their own sectors on the one hand and governments the particular requirements of their access legislation on the other.

We also strongly support the dialogue between the users and providers when developing the supportive instruments. Exchange of information and a good understanding of each other's needs and conditions are vital.

Further, these tools should be made available on the ABS Clearing House. This exchange of information will allow users and providers to learn from each other and it will contribute to the better implementation of the Protocol. The wide dissemination of examples of model contractual clauses, voluntary codes of conduct and best practices will also be useful in providing inspiration and good examples for users and stakeholders in developing such supportive tools.

We would also like to point to the need for the Executive Secretary to engage in and keep track of relevant parallel processes including those under the FAO's Commission for Genetic Resources for Food and Agriculture and the Inter-Governmental Committee of the World Intellectual Property Organization.

We encourage all actors – users and providers, to develop, update and use model contractual clauses as well as other supportive tools, such as voluntary codes of conducts, guidelines and best practices, and we are looking forward to productive discussions and future developments on this agenda item.

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**Agenda item 12: Guidance to the financial mechanism (Article 25)**

We strongly welcome the Report of the Council of the Global Environment Facility providing the response by the GEF to the guidance arriving from the Conference of the Parties at its eleventh meeting. We appreciate, in particular, information on how it has responded to the guidance related to the Nagoya Protocol and recognize that it has adequately captured this guidance in the 6<sup>th</sup> replenishment.

We share the need for integrating the guidance on programme priorities with respect to ABS into its overall guidance to the financial mechanism. In doing so it will be crucial that the GEF receives concise strategic guidance on policy, programme priorities and eligibility criteria as mandated by the Convention.

We agree with the request to GEF to support activities that assist the capacity -building of eligible Parties in those activities related to the entry into force and implementation of NP.

Based on the experience with the Cartagena Protocol on Biosafety we understand that is not efficient or desirable for the GEF to create a separate GEF window to allocate funds specifically for ABS activities. We would therefore suggest deletion of this operational guidance as we know that is not something the GEF can take on board.

With respect to the Operational arrangements between the Convention and the Council of the Global Environment Facility with respect to the Nagoya Protocol we seek clarification on the modalities of reporting of the GEF to the COP-MOP. We are not sure this is in line with the operational arrangements between the COP and GEF.

We would also like to understand better the consequences of the suggestion that the current proposed guidance would supersede all the previous guidance to the Financial Mechanism related to access and benefit-sharing. We are not sure that all the guidance related to ABS elaborated previously should be deleted.

As regards the guidance on programme priorities we note that the suggested draft decision on guidance to the GEF repeats literally Appendix I of the Annex to decision XI/5 and then therefore it is not necessary to repeat it in the decision.

Finally, we note that the Nagoya Protocol Implementation Fund has significantly contributed to the entry into force of the Nagoya Protocol and to the achievement of the Aichi target no. 16.

We will provide you with our amendments in writing and look forward to a productive discussion on this agenda item.

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**Agenda item 13:       Guidance on resource mobilization for the implementation of the Nagoya Protocol**

The EU and its Member States would first of all like to thank the Executive Secretary for his note – Guidance on Resource Mobilisation for the implementation of the Nagoya Protocol, which provides useful information about the process, and serves as good basis for discussion on resource mobilisation for the implementation of the Nagoya Protocol.

We take note of the additional elements proposed by the Secretary recognizing the need to streamline the Nagoya Protocol implementation in the strategy for resource mobilisation. We believe that it is important that Parties feature Nagoya Protocol implementation in their resource mobilisation strategies.

In times of limited public budgets mobilizing resources from all sources will be essential for the launching and successful implementation of the Nagoya Protocol. Awareness-raising on the importance of genetic resources and traditional knowledge associated with genetic resources will be essential to activate all those sources.

The effective use of resources is fundamental. We believe there should be a strong link between resource mobilisation for implementing the Protocol and the need and priorities that will be identified under the strategic framework for capacity building and development that is up for decision by this meeting.

We continue to emphasise that ABS agreements in themselves have a great potential to and will mobilize resources for the achievement of the CBD's three objectives through the sharing of benefits. Model contractual clauses should also contribute to benefits generated through the ABS agreement, which can be then directed towards conservation of biodiversity and the sustainable use of its components.

Procedurally, resource mobilisation consideration for the implementation of the Nagoya Protocol should be closely linked with the resource mobilization under the Convention. In particular, reporting on resource mobilisation should be integrated and done under the Convention's reporting framework on resource mobilisation.

We would like to propose some changes in writing to the draft decision.

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**Agenda item 14:       Cooperation with other conventions, international organizations and initiatives**

The EU and its MS consider it is important that the work under the CBD, the NP and the related MEAs and, in particular, under the Commission on Genetic Resources for Food and Agriculture is carried out in coordinated manner. We are also interested in the outcome of the on-going process under WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. Such cooperation should allow enhancing synergies between the works carried out at different fora as well as to avoid duplication and efficient resources use.

The EU and its MS believe that co-operation between different bio-diversity related conventions should also be reflected in a coherent approach taken at the national implementation level. The national level cooperation is essential to further promote the overall cooperation between biodiversity-related and Rio conventions and their coherent and synergic implementation, through a party-driven process, and with the view to enhancing access to biodiversity funding and for efficient implementation.

Cooperation with other conventions and international organizations is relevant for many key aspects of the Protocol, such as capacity building, the ABS Clearing-House, the model contractual clauses and codes of conduct, resource mobilisation and so on.

In this context, we highlight the activities carried on within the ABS Capacity Development Initiative, directly supported by the EU and some of its MS.

We also consider that, in the future, the importance of stakeholders' engagement – including business – should be recognized, as already done under the CBD.

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**Agenda item 16:        Improving the efficiency of structures and processes under the Convention and its Protocols**

The European Union and its Member States promote an integrated approach towards the implementation of and decision-making by the Convention and its Protocols, and in this regard we believe that both the establishment of the Subsidiary Body for Implementation and concurrent meetings of the COP-MOP and the COP are interesting proposals that merit further discussion.

We have nevertheless several concerns with the proposed approach as described in both documents, and we consider it important that the relevant discussions during the COP 12 take into consideration the concerns regarding the Nagoya Protocol on these issues. Therefore the EU and its MS would like to reiterate views it expressed during COP-MOP 7. We think that the recommendations met by COP-MOP 7 to COP 12 should be taken into account. We also would like to invite COP 12 to address those concerns when considering these two issues in order to have an adequate reflection of the MOP perspective.

We will submit amendments to both these draft decisions on the concurrent meetings and on SBI in writing to reflect our views, and would appreciate our views on Document COP/12/25/Add.1 as expressed above to be reflected in the report of the COP-MOP 1.

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**Agenda item 17: Measures to assist in capacity-building, capacity development and strengthening of human resources and institutional capacities in developing country Parties and Parties with economies in transition (Article 22)**

The European Union and its Member States welcome the draft strategic framework for capacity building and development in support of the effective implementation of the Nagoya Protocol on Access and Benefit-sharing as modified and approved at the ICNP 3.

The draft strategic framework provides a guidance on perceived needs on how to build and develop capacities in order to prepare ratification as well as effective implementation of the Protocol. It adequately reflects the necessity to determine the areas where Parties have to increase their efforts and where capacity building might be required, according to the experiences of the Parties as well as to the needs and opportunities encompassing the whole Convention.

We want to remind that the ABS-CH, as interconnected with the CHM, can provide a chance to outline needs, experiences and opportunities, and to ensure a support through a bottom-up approach and a Party-driven process.

The European Union and its Member States would also like to observe that the decisions taken under other points of the agenda, namely agenda item 8 addressing the modalities for the ABS Clearing House and item 9 the monitoring and reporting, should take into account the need to minimize the capacity building and to better address it.

We do not wish to open the draft Strategic Framework nor its annexes, however if other Parties do feel the need to open the Strategic framework, we would take the opportunity to propose some changes.

We, therefore, recommend the adoption of the decision and the strategic framework as it is, and invites all Parties to consider the timeline of the framework for the implementation of the Nagoya Protocol when expressing timely capacity building needs.

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**Agenda item 18: Measures to raise awareness of the importance of genetic resources and associated traditional knowledge (Article 21)**

The European Union and its Member States welcome the awareness-raising strategy as presented and revised at ICNP 2, and whose role has been subsequently remarked by the 11<sup>th</sup> Conference of the Parties of the CBD. We believe that awareness raising will be important for the achievement of the objectives set up under the Protocol and the Convention.

The EU and its MS appreciate that the awareness-raising strategy takes account of the Protocol implementation at national level and takes as the point of departure the needs expressed by the Parties. We also recognize the relevance of the regional and sub-regional awareness strategies.

The integration of awareness raising actions in national strategies – as well as the regional and sub-regional ones - represents a key point to match with Parties' needs and opportunities. More importantly, it will also simplify access to biodiversity funding (e.g. access to Global Environment Facility funding through the National Biodiversity Strategies and Action Plans).

As regards the amount allocated to this action, given the actual financial constraints, and the relation with other Protocol items such as capacity building, we need to see the full range of commitments, including financial ones, from COP-MOP before assessing the amount of resources allocated for the strategy.

Finally, we want to stress the role of the CBD and its Protocols' CHM for the distribution of information and documentation, as well as the need to utilise existing awareness raising tools, structures and materials.

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**Agenda item 19:       The need for and modalities of a global multilateral benefit-sharing mechanism (Article 10 of the Nagoya Protocol)**

We have been and we 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. The considerations of need and modalities of the GMBSM should also not undermine the fundamental aspects of the Nagoya Protocol such as the principle that the Protocol only covers genetic resources which are under the sovereignty of Parties.

The EU and its Member States continue to strongly feel that we need to gain practical experience on the implementation of the Nagoya Protocol, to allow a real assessment of the need for an additional tool to complement the bilateral system on which the Nagoya Protocol is based. 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. A discussion of those issues will in time, allow us to examine in more detail the possible need for a Global Multilateral Benefit Sharing Mechanism. But we need to establish this better understanding before we can proceed to a discussion of possible modalities.

The recommendations from ICNP 3 are a compromise we are prepared to accept. We maintain however that the wording 'subject to availability of funds' needs to remain in both cases. This is in line with other decisions, which fall outside of the core operations and particularly important in view of the biannual budget discussions.

We would like to signal that if other Parties feel the need to open the draft decision, we would take the opportunity to propose some changes as well.

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