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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Convention on Biological Diversity (CBD)
(Sharm El Sheikh, Egypt, 17-29 November 2018)

- COP 14 to the CBD
- COP-MOP 9 serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety
- COP MOP 3 serving as the Meeting of the Parties to the Nagoya Protocol on Access and Benefit Sharing
- Information from the Presidency and the Commission

Delegations will find in the Annex an information note from the Presidency and the Commission on the above subject, to be dealt with under "Any other business" at the Council (Environment) meeting on 20 December 2018.

**Convention on Biological Diversity (CBD)
(Sharm El Sheikh, Egypt, 17-29 November 2018)**

COP 14 to the CBD

COP-MOP 9 serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety

**COP-MOP 3 serving as the Meeting of the Parties to the Nagoya Protocol on Access and
Benefit Sharing**

- Information from the Presidency and the Commission -

Introduction

COP 14, COP-MOP 9 and COP-MOP 3 took place between 17 and 29 November 2018, in Sharm El Sheikh, Egypt. It was preceded by the African Ministerial Summit on Biodiversity (13 November) and a High-level Segment (14-15 November). Together, these meetings formed the UN Biodiversity Conference 2018 under the heading “Investing in biodiversity for people and planet”.

The Conference was attended by approximately 3,800 participants representing the Parties (196) to the Convention, other governments, international and non-governmental organizations, indigenous peoples and local communities (IPLCs), academia, and the private sector. All EU Member States participated, as well as the European Commission.

Key issues addressed at the meeting were the preparations for the post-2020 global biodiversity framework, transformative change through mainstreaming, resource mobilisation, capacity building, as well as digital sequence information (DSI) and synthetic biology. The Conference adopted a number of decisions on a series of strategic, administrative, financial, and ecosystem-related issues of relevance to the implementation of the Convention and its Protocols. These included 37 decisions under the CBD COP, 16 decisions under the Cartagena Protocol COP/MOP, and 16 decisions under the Nagoya Protocol COP/MOP.

Overall, the decisions of the Conference reflect the positions and proposals of the European Union and its Member States. Hence, the EU, under the leadership of the Austrian Presidency and the Commission, accomplished the mandate given by the **Environment Council** in October 2018 (Council Conclusions), and has all reason to be satisfied with the outcome of the Conference.

COP 14 Convention on Biological Diversity

The Conference expressed deep concern that, despite many positive actions by Parties and others, most of the Aichi Biodiversity Targets are not on track to be achieved by 2020, which, in the absence of further significant progress, will jeopardize the achievement of the mission and vision of the Strategic Plan for Biodiversity 2011-2020, the Sustainable Development Goals, and ultimately the planet's life support systems. The COP urged Parties to, inter alia, significantly accelerate their efforts to implement the Strategic Plan (2011-2020) and adopted a list of options to accelerate progress towards achieving the Aichi Biodiversity Targets by 2020.

Further, the COP adopted an ambitious follow-up process to the Strategic Plan (2011-2020). Governments agreed on a comprehensive and participatory process to develop a post-2020 global biodiversity framework, including setting up an intersessional open-ended working group (OEWG), establishing a high-level panel, and bringing the preparatory process for the post-2020 framework to the attention of the UN General Assembly. The COP decided to fully integrate resource mobilisation in the post-2020 framework and knowledge management will be a component of the process. The COP also decided to prepare communication material as part of the preparation process, as well as strengthening cooperation and synergies between existing processes. Regional and thematic workshops will be carried out to involve all actors and stakeholders concerned. A technical expert group will make recommendations on how to address DSI in the context of the post-2020 framework.

A central topic for this Conference was that of mainstreaming biodiversity in the sectors of energy and mining, infrastructure, manufacturing and processing, and health. Parties decided to develop a long term strategic approach to mainstreaming, as part of the post-2020 biodiversity framework, with the assistance of an Informal Advisory Group.

Regarding the mobilisation of resources, Parties called for strengthening financial reporting, capacity building, safeguards in biodiversity financing mechanisms, and provided guidance concerning the contributions of indigenous peoples and local communities. Parties also agreed on a solid preparatory process for integrating the mobilisation of resources fully in the post-2020 global biodiversity framework, and established an expert panel to undertake a number of activities for the consideration of the Open-ended Working Group, including an estimate of resources needed and a contribution to the follow-up to the current resource mobilisation strategy.

Digital sequence information (DSI) was a topic which saw difficult negotiations, with late night contact group meetings deliberating the linkages of DSI with the objectives of the Convention, its contribution to scientific research, potential threats DSI creates for the objective of benefit-sharing, and capacity-building needs concerning generation and use of DSI. Finally, an agreement was reached on establishing an intersessional process, which includes submission of information, preparation of a number of studies, and a meeting of an extended Ad Hoc Technical Expert Group (AHTEG) with participation of indigenous peoples and local communities (IPLCs). The process is aimed at providing Parties with more clarity on the concept of DSI and good knowledge base for any future decision making. Importantly, Parties agreed that the result of the DSI inter-sessional process will be incorporated in discussions of the Open Ended Working Group on post-2020.

With respect to synthetic biology, lengthy negotiations in contact group led to the agreement to continue both the online forum and the AHTEG and to set up a horizon scanning process to review new information on potential positive and negative impacts of synthetic biology on the objectives of the Convention, Protocol. Parties also agreed on the application of the precautionary approach and the involvement of IPLCs when considering the release of organisms containing engineered gene drives.

With respect to capacity building, the Conference decided to prepare a draft long-term strategic framework for capacity building beyond 2020 aligned with the draft post-2020 framework and the 2030 Agenda. With respect to the second IPBES work programme, the Conference agreed that elements of IPBES work should be relevant to the post-2020 framework, help support its implementation, assess progress, and allow for ongoing exchange of information and requests from the Convention.

The COP invited the UN General Assembly to designate the decade 2021-2030 the UN Decade on Ecosystem Restoration.

The COP decided to complete the current work programme on Article 8(j) no later than by COP 15, and to consider the development of a fully integrated work programme within the post-2020 biodiversity framework. The COP also adopted the Rutzolijirisaxik voluntary guidelines for repatriation of traditional knowledge; the Glossary of relevant key terms and concepts within the context of Article 8(j) and related provisions; a list of elements of methodological guidance, for identifying, monitoring and assessing the contribution of IPLCs to the achievement of the objectives of the Strategic Plan and the Aichi Targets; and, finally, the checklist of safeguards in biodiversity financing mechanisms annexed to the decision, recognising the importance of IPLC tenure over traditional territories. The Conference further requested the Article 8(j) Working Group to consider developing a post-2020 specific safeguards framework on IPLCs.

Four further substantive guidance documents/actions plans were adopted by the COP: i) on avoidance of unintentional introduction of invasive alien species; ii) on the design and implementation of ecosystem-based approaches to climate change adaptation and disaster risk reduction; iii) on the integration of protected areas and other effective area-based conservation measures (OECMs), building on the adopted definition of OECMs; and iv) on the sustainable wild meat sector. The COP, furthermore, adopted an updated action plan 2018-2030 for the international initiative on conservation and sustainable use of pollinators.

With respect to national reports, the recommendation for alignment of reporting cycles and reporting formats of the Convention its Protocols was agreed, and synchronised reporting cycles will start in 2023. Under the same agenda item, the COP adopted a multidimensional review approach under the Convention, including the voluntary peer review as one of its elements. It also requested the Executive Secretary to further develop the multidimensional review approach, for consideration by the SBI 3, while also testing a Party-led review process through an open-ended forum at the SBI 3. The COP, furthermore, decided on a robust process for avoiding and managing conflicts of interests in expert meetings, strongly building on transparency.

On the topic of marine and coastal biodiversity, the COP decided to urge parties to increase their efforts regarding the issues of marine debris (in particular plastic pollution), deep-seabed mining, and biodiversity in cold-water areas. A contact group was established, which met throughout the meeting, focusing mainly on the modalities for modifying the description of the Ecologically or Biologically Significant Marine Areas (EBSAs), describing new areas, and strengthening the scientific credibility and transparency of the process, and the terms of reference of an informal advisory group. Finally, the COP agreed on a decision, including to recall the UN Convention on the Law of the Sea (UNCLOS) in the preambular paragraph and an addendum to the terms of reference of the informal advisory group on EBSAs. The Annex on the modalities for modifying EBSAs was, however, put in brackets.

COP-MOP 9 - Cartagena Protocol on Biosafety

Several decisions on technical aspects like the Biosafety Clearing House, the Reporting mechanism, Cooperation with other organizations, conventions and initiatives, Unintentional transboundary movements, and Transit and contained use of living modified organisms, concerning mainly details of implementation measures, were taken by the Parties to the Cartagena Protocol.

The Parties decided not to follow a recommendation by the Compliance Committee of the Protocol to caution a Party which has never submitted a national report so far (Montenegro). Instead this Party was not mentioned in the final decision but was urged to submit the report as soon as possible.

With regard to risk assessment and risk management a clear and structured process for the identification and prioritization of specific issues of risk assessment of LMOs that may warrant consideration was established. For this purpose the online expert forum was extended and a new AHTEG will be established. LM fish and LMOs containing engineered gene drives will be used as examples to test the process. SBSTTA will review the results of the process and make a recommendation to COP-MOP 10 whether additional guidance materials are needed for those types of organisms.

With regard to socio-economic considerations lengthy discussions on the way to finalize the guidance for the assessment of socio-economic effects took place in a contact group. The EU, among many other Parties favoured the extension of the existing AHTEG to this work, while few others opposed that approach, but did not propose a suitable alternative. Finally an agreement to extend the AHTEG was reached, given that a statement regarding non-tariff barriers to trade is included in the decision.

In the focus of the discussions was the follow-up to existing strategies and action plans, namely the strategic plan for the Cartagena Protocol and the action Plan for Capacity building, and the linkages of these follow-up documents to the overall post-2020 biodiversity framework and the strategic framework for capacity building under the CBD. To ensure that these links are established and followed throughout the overall CBD-led processes it was decided that Biosafety experts should be invited to participate in workshops and online forums held with regard to these processes.

The EU made concrete proposals for the processes to develop 1) an implementation plan for the Cartagena Protocol post-2020 as a follow-up to the current strategic plan, and 2) an action plan for capacity building for biosafety. These proposals foresee intense participation of the Parties to the Protocol, by *inter alia* online forums and a peer review process, as well as a mayor role of the Liaison Group for Capacity Building on Biosafety, which was – following a request by the EU – renamed to “Liaison Group for the Cartagena Protocol”. The proposals on the processes tabled by the EU were taken up in the decisions.

Regarding the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress the main points were reporting, the designation of national focal points, and a study on financial security mechanisms. In addition Parties to the Cartagena Protocol are urged to ratify the supplementary Protocol.

COP-MOP 3 Nagoya Protocol on Access and Benefit Sharing

The majority of decisions taken by the Parties to the Nagoya Protocol concentrated on technical aspects of implementation. Namely, Parties adopted a list of goals and priorities for implementation of ABS Clearing House and endorsed joint modalities (for all three clearing-houses). Under monitoring and reporting, Parties agreed on timing of reporting to be synchronised with CBD cycle and agreed to revise in the future the reporting format. Under measures to raise awareness, Parties welcomed the awareness raising toolkit for ABS developed by the Secretariat and encouraged all to use the toolkit and continue awareness raising efforts. On capacity building, Parties agreed on elements for the evaluation of the current strategic framework for capacity building under the Nagoya Protocol and decided to integrate NP relevant aspects in the long-term strategic framework for capacity building post-2020 under CBD. Advancement of technical aspects of implementation included also decisions on financial mechanism, procedures for avoiding of conflicts of interest in expert groups (echoing the decision taken by COP), cooperation with other conventions, international organisations and initiatives, and enhancing integration between the Convention and its Protocols. Parties also agreed to continue discussions on ABS specialised international instruments by submitting information on how specialized international ABS instruments are addressed in their domestic measures as well as views on the potential criteria; both elements will be discussed by SBI 3.

COP-MOP 3 carried out also a first assessment and review of the effectiveness of the Protocol. Principal conclusions endorsed by Parties indicated that the Protocol is still in early days of implementation and Parties need to step up their efforts to implement the Protocol, especially with regard to adoption of compliance measures. Parties agreed also on the future assessment and review process and on indicators for future assessment.

The discussions on the global multilateral benefit sharing mechanism (Article 10) were among most controversial issues debated by COP-MOP. Finally, Parties agreed on intersessional process including submission by Parties on specific cases which support the need for such mechanism and options for possible modalities for addressing such cases, and preparation of a study to identify cases under Article 10. Both elements will be considered by SBI 3.

Some controversy surrounded also the decisions on follow up for the Strategic Plan 2011-2020 and DSI (this time under Nagoya Protocol). With regard to the preparation of the follow up to the Strategic Plan, Parties agreed to encourage all to undertake measures to enhance the implementation of the Nagoya Protocol in the context of the post-2020 biodiversity framework. On DSI, Parties recognized that Open Ended Working Group on post-2020 will consider the outcome of the extended AHTEG and requested OEWG to send the outcome of its deliberations for consideration of COP-MOP 4.

The COP and the COP-MOPs requested the Bureau and the Executive Secretary to take into account the information from the review of experience in holding concurrently meetings when preparing for COP 15. The COP and the COP-MOPs also adopted a procedure for avoiding or managing conflicts of interest in expert groups, including a revision process to take place before or at COP 16. Under the agenda items dealing with knowledge management, the COP and the COP-MOPs also agreed on joint modalities for the clearing houses of the Convention and its Protocols.

Finally, consensus was reached on the integrated programme of work and budget, and the plenary adopted a 2% increase to the core budget, taking into account inflation, also providing a durable solution for facilitating participation by participants from developing countries in the meetings under the Convention, but not providing for any additional Secretariat posts.

Charlotta Sörqvist (Sweden) was elected as new SBI chair, Gabriele Obermayr (Austria) was elected to the COP Bureau as the EU representative. Basile van Havre (Canada) and Francis Ogwal (Uganda) were elected as Co-Chairs of the Open-ended Working Group on the post-2020 global biodiversity framework.