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INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Convention on Biological Diversity (CBD):
Informal session in preparation for the Third meeting of the Subsidiary
Body on Implementation (virtual, 8-12/14 March 2021)
- Statements by the EU and its Member States

Delegations will find in annex, for information, a compilation of statements delivered on behalf of the European Union and its Member States at the abovementioned meeting.

**Convention on Biological Diversity (CBD):
Informal session in preparation for the Third meeting of the Subsidiary Body on
Implementation
(virtual, 8-12/14 March 2021)**

- Statements by the EU and its Member States -

**Agenda item 3: Review of progress in the implementation of the Convention and the
Strategic Plan for Biodiversity 2011-2020**

The European Union and its Member States are of the position that SBI should express great concerns that unfortunately, progress in the implementation of the Strategic Plan for Biodiversity 2011-2020 has not been sufficient to achieve the Aichi Biodiversity Targets. We are particularly concerned about insufficient mainstreaming of biodiversity across sectors and the lack of realising synergies.

Additionally, the EU and its Member States notes with deep concern that the national targets and commitments set by Parties through their national biodiversity strategies and action plans are collectively not commensurate with the level of ambition set out in the Aichi Biodiversity Targets and that, while there has been encouraging progress towards the Aichi Biodiversity Targets, progress on the whole has been limited.

The EU and its Member States believe that there is a need to learn from the review of the implementation of the Strategic Plan for Biodiversity 2011-2020. Therefore, recommendations and lessons learned should be taken into account when preparing the Post-2020 Global Biodiversity Framework.

Even though the efforts made by Parties to reflect indigenous peoples and local communities, traditional knowledge, customary sustainable use and gender issues in their national biodiversity strategies and action plans, EU and its Member States notes with deep concern that these important issues still need to be better reflected in the implementation of the Convention and more efforts are needed to guarantee this.

We welcome the best practices identified in the implementation of the Gender Plan of Action.

However, the 2015-2020 Gender Plan of Action has not been fully implemented, and the gender is not adequately reflected in the implementation of the Convention or in national biodiversity strategies and action plans. Therefore, we think that there is still room for improvement and a new plan of action along with measurable targets and appropriate indicators will be needed to support the implementation of a gender-responsive Post-2020 Global Biodiversity.

Therefore, the EU and its Member States urge Parties to significantly accelerate their efforts to implement the Strategic Plan for Biodiversity 2011-2020, in anticipation of the post-2020 global biodiversity framework to be adopted by the Conference of the Parties at its 15th meeting.

Finally, the EU and its Member States think that the SBI should invite Parties to update their National Biodiversity Strategies and Action Plans (NBSAPs), based on lessons learned and best practices contained in the Global Biodiversity Outlooks 4 and 5 (GBO 4 and 5), Local Biodiversity Outlook 2 (LBO 2) as well as in the review of implementation of the 2015-2020 Gender Plan of Action, in the view of aligning them with the upcoming post-2020 Global Biodiversity Framework, as appropriate.

Agenda item 4: Assessment and review of the effectiveness of the Cartagena Protocol on Biosafety

The European Union and its Member States wish to thank the Secretariat for the synthesis and analysis of information for the fourth assessment and review and final evaluation of the strategic plan for the period 2011-2020 based on the available information. Likewise, we wish to thank the Compliance Committee and the Liaison Group for their contribution.

The analysis reveals positive and promising developments in several implementation areas; several goals of the strategic plan are close to accomplishment.

However, too many crucial areas of implementation raise concern. First and foremost, the alarmingly high number of Parties that still need to fully put in place a functioning biosafety framework calls for action. In our view, the full implementation in all Parties to the Protocol is of utmost importance. It should receive highest priority. The required action includes, but is not limited to, sufficient and specific capacity-building.

The fact that only 99 fourth national reports were available at the cut-off date for the review and evaluation weakens the analysis' validity! We would like to recall that the fourth national report shall build the basis for the post-2020 working period until 2030. Against this background, the EU and its MS emphasise the need for an updated analysis once 80% of the Parties have submitted their fourth national reports, preferably prior to COP-MOP 10.

We wish to underline the importance of a biosafety component in the post-2020 GBF as well as the importance of an implementation plan for the Cartagena Protocol and a capacity-building action plan that addresses the Parties' needs and challenges.

The EU and its MS would like to highlight the positive developments regarding information-sharing on the Biosafety Clearing-House. The BCH is a widely accepted platform for information-sharing and knowledge management, and for supporting capacity-building. An increasing number of Parties have trained staff available and submit complete information, capacities are rising, and an increasing number of forums and discussions with broader participation are conducted. These developments reflect the important role of the BCH as a core element of the Protocol.

Further, while we consider the entry into force of the Nagoya-Kuala Lumpur Supplementary Protocol in 2018 a big step forward, the high number of Parties to the CP that have not yet ratified the Supplementary Protocol are a matter of concern that requires immediate action.

Let me assure you that the European Union and its Member States stand ready and committed to working hard with you and all your colleagues towards a full implementation of the Cartagena Protocol and its Supplementary Protocol.

We agree with the general direction of the draft recommendations prepared by the Secretariat. We will submit in writing our minor suggested amendments to the Secretariat.

Agenda item 5: Cartagena Protocol - Post-2020 global biodiversity framework

The European Union and its Member States wish to thank the Secretariat for the preparation of the draft recommendation of the implementation plan for the Cartagena Protocol on Biosafety and the draft capacity-building action plan for the implementation of the Cartagena Protocol and its Supplementary Protocol. Likewise, we wish to thank the Liaison Group for its valuable contributions.

Chair, the alarmingly high number of Parties that still need to fully put in place a functioning biosafety framework and the low number of Parties that have joined the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress raises concern and calls for action. Thus, even 20 years after it came into force, the full implementation of the provisions of the Cartagena Protocol in all Parties must still be the driver of our activities.

In this regard, we consider the drafted plans a very good starting point for discussions.

In our view, the goals and objectives of the implementation plan well address an effective and efficient implementation of both the Protocol and its Supplementary Protocol; and the key areas for capacity-building are well focused to support this. Both plans are based on experiences made during the last decade and ensure sufficient flexibility to account for developments to come and facilitate the monitoring process with simple and easily measurable indicators.

Chair, in the draft recommendation document, the implementation plan and capacity-building action plan are both presented in one table. However, the EU and its Member States remain strongly in favour of separating the two plans and directing them to individual decisions under their respective agenda items at COP-MOP 10. The EU and its Member States are convinced that capacity building is one of the pillars for a successful implementation of the Cartagena Protocol. This outstanding importance of capacity-building can best be adequately addressed with stand-alone documents that can be individually read and referenced.

Thus, we maintain that capacity-building activities should support the successful implementation of the Cartagena Protocol and we have added text also to strengthen this alignment. We suggest including indicators to measure the success of the capacity-building activities and their contribution to the outcomes, as well as a non-exhaustive, indicative list of possible actors and target groups for each activity.

We have suggestions for amendments to the draft recommendations, among others, in line with our proposal for two separate plans. We will submit these in writing to the Secretariat.

Let me assure you that the EU and its Member States stand ready and committed to working hard with you and all our colleagues towards a full implementation of the Cartagena Protocol and its Supplementary Protocol.

Agenda item 5: Post-2020 global biodiversity framework

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

The post-2020 global biodiversity framework must be ambitious and transformative. We welcome the updated zero draft as an important step forward in the process. Various issues fall under other agenda items and we prepared speaking notes accordingly.

As regards the updated zero draft, in section G, enabling conditions:

The name of the section could be changed, as it is not only about enabling conditions, but also about partnerships and synergies. Some conditions could be elevated to ‘principles’ or ‘safeguards for implementation’.

Paragraph 14(k) mentions political will and recognition at the highest levels of government and paragraph 14(h) mentions mainstreaming. These two issues are crucially important and should be put upfront in the list.

Paragraph 14(j) on safe and secure use of biodiversity, including in relation to zoonosis, does not fit in this section and needs to be addressed through the targets.

Paragraph 14(e) on synergies should explicitly refer to climate change and the UNFCCC.

The words ‘full and effective’ should be added to the reference of the participation by IPLCs in paragraph 14(a). We highlight the importance of the United Nations Declaration on the Rights of Indigenous Peoples.

Additionally, Section I on outreach, awareness and uptake, should also address education.

The EU and its Member States would like to make four further remarks on other issues.

Firstly, on a preliminary basis, we agree on the years for future COPs as foreseen in the documentation for agenda item 9, provided that COP15 takes place in autumn 2021.

Secondly, the post-2020 global biodiversity framework must be implemented in a gender-responsive manner. Equality between men and women and empowerment of women and girls in the implementation of the Convention are extremely important. Therefore, we will be happy to contribute to the consultation on the draft outline of a post-2020 gender plan of action.

Thirdly, we consider the implementation plan for the Cartagena Protocol as an important complement that is anchored in the post-2020 global biodiversity framework.

Fourthly, we would like to stress the importance of the One Health approach and of integrating biodiversity into national policies for the recovery from the COVID-19 pandemic and also for the prevention of future health, economic and social crises.

Let me conclude by underlining our willingness to work with all Parties in view of an ambitious and transformative global biodiversity framework.

Agenda item 6: Resource mobilization and the financial mechanism

The EU and its Member States thank the Secretariat for the documentation and the panel of experts for its reports.

We need transformative change across economic and financial systems to halt and reverse biodiversity loss. Aligning public and private financial flows with biodiversity objectives is crucial in order to scale up resource mobilisation. This requires rethinking economic and financial incentives and flows as part of our strategy to address the global funding gap for biodiversity at all levels. We must mobilise all types of resources (financial, human, technical and institutional) from all sources (domestic, international, private and public). We also need enabling and regulatory frameworks conducive to resource mobilisation from both private and public sector. The EU and its Members States would like to underline the principles set out by the Addis Ababa Action Agenda for development financing, including that for all countries, public policies and the mobilisation and effective use of domestic resources, underscored by the principle of national ownership, are central to the common pursuit of sustainable development. These are fundamental conditions to halt biodiversity loss that should be promoted in a balanced way and as part of a broader global agenda.

As a consequence, the EU and its Member States support the expert panel vision that resource mobilisation encompasses:

- the generation of new resources,
- the reduction of resource needs (namely, through the reduction of harmful subsidies and practices for instance),
- more efficient and impactful use of resources, and
- effectively mainstreaming biodiversity in every economic sector.

We generally support the structure of the resource mobilisation component of the post-2020 global biodiversity framework as proposed by the expert panel in Annex I to the SBI document.

The EU and its Member States have significantly increased their cooperation and financing commitments on biodiversity in partner countries over the last decade, in particular to developing countries. However, science tells us that international public financing only plays a limited role compared to the total financial needs, which can only be met by aligning private and public financial flows with biodiversity objectives.

As a consequence, we find it relevant to further discuss a target on international financial flows for biodiversity, considering both international private and public sources. Under such target, all Parties in a position to do so would jointly commit to mobilise resources from a wide variety of sources, both private and public. Given the need for international financing to leverage other resources, the link with domestic resource mobilisation is critical. Furthermore, we are also open to discuss a target on domestic resource mobilisation and believe that both domestic and international resource mobilisation should be addressed in a mutually supportive way.

We believe that the development of national biodiversity finance plans or similar instruments will be key to support the implementation of the post-2020 global biodiversity framework at the national level. Such plans would help identify current expenditures and evaluate progress in implementing national biodiversity objectives according to the national priorities, in particular based on national plans, strategies and possible commitments that will be discussed under SBI item 9. They should help generating national and international, private and public financing, enhancing efficiency and tracking progress. These finance plans can also help to increase coherence and synergies with national plans in other sectors (for instance on SDGs or climate). Flexibility will be key in terms of format and methodology, but we could explore the possible need for guidance on a minimal standard, which could build upon the BIOFIN methodology.

The EU and its Member States further believe that the target on harmful subsidies should focus on redirecting, repurposing or reforming, and eliminating harmful incentives, including subsidies, harmful for biodiversity, so that by 2030, incentives, including public economic incentives, are either positive or neutral for biodiversity. We also propose that this target include language around the need to identify and measure harmful incentives.

The EU and its Member States also generally support the draft elements of a possible successor to the current strategy for resource mobilisation, for adoption at CoP15.

We look forward to other Parties' comments and proposals. We should use the time available before formal SBI3 to exchange and make progress towards defining a meaningful resource mobilisation component of the post 2020 global biodiversity framework.

Agenda item 7: Capacity-building, technical and scientific cooperation, technology transfer, knowledge management, and communication

I speak on behalf of the European Union and its Member States.

We underline the importance of this item to support the effective implementation of the Post-2020 Global Biodiversity Framework (Post-2020 GBF). Science tells us that we need transformative change. So, we need the capacity, technical and scientific cooperation, the knowledge and communication for such transformative change.

We look forward to working with other Parties to improve the documents, including before the formal SBI-3.

We welcome the draft long term Strategic Framework for Capacity Development and the draft proposals to strengthen technical and scientific cooperation.

The EU and its Member States support the idea of developing National Capacity Development Plans or related components, integrated into the updated NBSAPs. Capacity development at national level needs to be structurally embedded in relevant organisations and institutions.

We support the use and improvement of existing tools, communities of practice, support networks and the development of inter-operability of relevant platforms, welcoming the engagement of the private sector. Proposals for new tools need to be evaluated based on their added value.

We seek further clarifications on the options for institutional arrangements for technical and scientific cooperation, mainly on the selection process, the resource mobilization strategy, including funding solutions, and the defined criteria for the proposed centres.

Regarding capacity development under the Cartagena Protocol, and building on our statement under SBI-3 agenda item 5, we are convinced that capacity building can best be addressed with stand-alone documents. We therefore, suggest discussing the Capacity Building Action Plan for the Cartagena Protocol under a specific agenda item at COP-MOP 10.

We take note of the evaluation of the strategic framework for capacity-building and development to support the effective implementation of the Nagoya protocol, and agree that this strategic framework should be revised in line with the Post-2020 GBF, as well as the long-term strategic framework for capacity-development. We emphasize the need to adapt future capacity development activities to the ABS elements of the future Post-2020 GBF.

The EU and its Member States welcome the Knowledge Management component of the Post-2020 GBF, with the important role of the Clearing House Mechanism and the Clearing Houses. The Bioland tool for the National Clearing House Mechanism should be further developed and should include inter-operability with the Clearing Houses, and other information sources.

The European Commission and UNEP-WCMC are exploring setting up a global Knowledge Centre for Biodiversity notably for tracking progress on targets and goals. We invite all to reflect with us on how to best use such a Centre.

We find the communication strategy for the implementation of the Post-2020 GBF very important. The role of the CBD secretariat would be, in particular, to develop a strategic steer and frame for magnifying the communication efforts by all relevant organisations.

We are still developing final positions on this item as several documents were available only recently.

Agenda item 9: Mainstreaming of biodiversity within and across sectors and other strategic actions to enhance implementation

I am speaking on behalf of the European Union and its Member States. We thank the Secretariat for the preparation of all the documents related to this agenda item.

The EU and its Member States welcome document CBD/SBI/3/11 as a very good basis for significantly strengthening the implementation, monitoring and review mechanisms under the Convention, which is crucial for effective implementation. This responds to the consistent EU and its Member States calls at COP-13 and COP-14 for improved implementation. We consider a reinforced implementation mechanism indispensable to any outcome of CBD COP-15 in Kunming.

The EU and its Member States support a quick response from Parties towards the Post-2020 Global Biodiversity Framework (Post-2020 GBF) in order to ensure transparency, comparability and accountability. We consider the proposal for national commitments to be valuable for further discussions.

The EU and its Member States also welcome and acknowledge the importance of non-state actors' actions that would be reported to the CBD. A whole-of-society approach is key to reaching the ambitious, yet crucial, vision of Living in Harmony with Nature.

The EU and its Member States support maintaining National Biodiversity Strategies and Actions Plans (NBSAPs) as the main instrument for the implementation of the Convention at national level.

Parties should update or revise their NBSAPs in line with the Post-2020 GBF, as soon as possible.

The EU and its Member States welcome the proposal for the national reporting. We consider it useful to include a standardized section relating to headline indicators in the national reports. The EU and its Member States support the proposal to have two main national reports in the 2020-2030 timeline.

The EU and its Member States support country by country review mechanisms to enhance the implementation, for sharing of experience between Parties and to strengthen capacities.

The online testing of the open-ended forum on implementation showed its usefulness, but also the need for further development.

The voluntary peer review should remain a useful tool to provide Parties with an in-depth national analysis of their implementation efforts.

Review of the implementation of the Post-2020 GBF needs to become a more transparent, comparable, and reliable process than the review of implementation of the current strategic plan. This will largely depend on a science-based and reliable monitoring framework which will include headline, component and complementary indicators to be used to allow COP to monitor progress towards the Goals and Targets and to review implementation of the GBF.

In order to review the progress in the implementation of the Post-2020 GBF, the EU and its Member States agree with the proposal to prepare before each COP a gap analysis/global gap report, comparing the aggregation of data, indicators with the corresponding goals and targets. We further support the compilation of a report, for instance prepared by the SCBD or UNEP, on the reported data on headline indicators prepared for each COP.

Furthermore, a global stocktake should be prepared for COP-17 and COP-19 to assess if further actions are needed to implement the Post-2020 GBF and to achieve the goals and targets and to allow for ratcheting up. This global stocktake could be composed of a technical phase of data collection and a political high-level phase. The technical phase could be based on the gap analysis/global gap report, the analysis of national reports and further relevant scientific evidence as available.

Agenda item 10: Review of the effectiveness of the processes under the Convention and its Protocols

The EU and its Member States in general support the document and the proposed recommendation.

With regard to concurrent meetings, the EU and its Member States appreciate that holding meetings concurrently allows for efficient and constructive discussions of cross-cutting issues and increases integration between the Convention and its Protocols. Indeed, the EU and its Member States recognize that further potential lies in streamlining the agendas of the Convention and its Protocols as well as further improving planning and coordination of contact groups and other consultations. The EU and its Member States also recognize the challenges that concurrent meetings place in particular on small delegations. To tackle this issue, the EU and its Member States propose an amendment to recall COP decision 14/37 which requests the Secretariat to facilitate such participation.

Regarding the topic of virtual meetings, the EU and its Member States thank the Secretariat, the COP President, SBI and SBSTTA chairs and the respective bureau members for their continuous efforts to organize virtual meetings. In this period when we cannot meet physically. Virtual meetings could be crucial to advance with the CBD agenda and, in particular, the preparations for the post-2020 global biodiversity framework.

The EU and its Member States recognize the limitations of virtual meetings but also identify several potential benefits such as the reduced environmental impacts and financial costs as well as increased number of participants. In this context, we would like to ask the Secretariat to present an assessment of the financial implications of holding meetings virtually, in full or in part, and to include appropriate proposals in the draft budgets to be decided at COP 15, CP COP-MOP 10 and NP COP-MOP 4.

Therefore, let me assure you that the EU and its Member States stand ready and committed to remain flexible and willing to participate in virtual meetings to allow the work under the Convention and its Protocols to move forward.

Agenda item 11: Mainstreaming of biodiversity within and across sectors and other strategic actions to enhance implementation - Long term approach to Mainstreaming

I speak on behalf of the European Union and its Member States.

The European Union and its Member States would like to thank the secretariat for the preparation of the documents related to agenda item eleven of the SBI, highlighting that biodiversity mainstreaming is critical for achieving the objectives of the Convention, as well as the 2050 Vision for Biodiversity.

Biodiversity mainstreaming should be one of the key elements of the post-2020 framework to achieve the transformative change required throughout society and economies.

The EU and its Member States are committed to enhance the implementation, integration, and mainstreaming of actions for biodiversity in relevant plans and policies, and to strengthen and strongly scale up efforts to mainstream biodiversity into all sectors of society.

The EU and its Member States think that effective mainstreaming will depend on effective and efficient synergies between the CBD and other conventions and UN processes and that effective and prompt mainstreaming of biodiversity is essential for achieving the transformational change needed as well as the SDGs.

The entire GBF, including all Goals and Targets, depend on and contribute to mainstreaming biodiversity.

The alignment of NBSAPs with the GBF would support the joint implementation of actions to meet the Goals and Targets of the GBF, other biodiversity-related conventions, the Targets of the SDGs, and relevant international commitments. Other Multilateral Environment Agreements, regional and international organisations, and other relevant initiatives are crucial for strengthening implementation and mainstreaming in the GBF.

In particular, we welcome the initiative on the Edinburgh Process on the contribution of subnational and local governments to the GBF and recall that the Edinburgh Declaration, provided in SBI 3 INF/25, is open for signature by additional subnational governments, cities, and other local authorities until the fifteenth COP.

The EU and its Member States welcome the work being done on the LTAM. We consider that the Action Plan for the LTAM contains useful elements to support mainstreaming of biodiversity in the three identified strategy areas and can provide key guidance and a toolbox to integrate biodiversity into decision making, involving multi-layers and multi-players listed in the AP, in particular, non-state actors.

However, some elements have not been entirely included in the LTAM and need improvement. In fact, the LTAM and current AP approaches, with an entry "government, company/finance, society", does not include all sectors and their value chains (natural resources, primary production to upstream end).

Therefore, the EU and its Member States consider that further work is needed to ensure that all sectors are addressed, including economic sectors such as energy/mining and infrastructure or cross-cutting activities (trade/supply chain).

In this view, the EU and its Member States request the Executive Secretary to invite parties to submit comments on the LTAM and AP to the secretariat in writing and request to compile and analyse these submissions and prepare an updated revised draft for consideration by the COP-15, ideally before the ending of SBI-3.

The EU and its Member States could support the continuation of an extended network and an Informal Advisory Group after renewal but is also open to other possible structures to follow up specifically on mainstreaming after COP-15, acting as a specific dialogue arena, exchange platform, and consultative network on issues related to mainstreaming and implementation. In this case, we stress the need to develop a recommendation on the future mandate, composition, and funding of the group, following the needs of the parties.

The LTAM and its AP should support the implementation of the GBF by providing guidance on mainstreaming. To avoid overlap, duplication, or parallel processes, we strongly emphasize the need for alignment of and support for the LTAM to the GBF. The LTAM and AP are relevant to all GBF Goals/Targets and must be fully used to support them.

A potential midterm review of the implementation of the LTAM in coherence with the review process of the GBF should be envisaged. Concerning elements to strengthen mainstreaming into the Goals and Targets of the GBF, the EU and its Member States want Annex I to emphasize that all goals and targets of the GBF are entry points or directly linked to mainstreaming.

Agenda item 12: Specialized international access and benefit-sharing instruments in the context of Article 4, paragraph 4, of the Nagoya Protocol

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

The EU and its Member States wish to thank the Secretariat for the preparation of this agenda item.

The EU and its Member States have been and remain supportive of the idea of examining the criteria for considering an international instrument to be a specialised international ABS instrument in the sense of Article 4(4) of the Nagoya Protocol; and we remain open to discuss this important topic further.

We underline that in our understanding, Article 4(4) of the Protocol concerning specialised international instruments cannot be considered in isolation of the other paragraphs of Article 4; all paragraphs of Article 4 should inform the interpretation and discussion concerning what constitutes a specialised international ABS instrument; this should be reflected in the text of the draft recommendation where article 4 is recalled.

As stated in previous discussion on this topic, in our view any criteria developed should not be more stringent than the wording of Article 4 of the Protocol, itself; furthermore any criteria considered should not as such discourage the recognition of future specialised international instruments but rather provide guidance for the development and adoption of such instruments.

Any criteria should pay particular consideration to the need for any potential specialized international ABS instrument to be supportive of and not run counter to the objectives of the Convention and the Protocol, in particular the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

Regarding the proposed specific criteria in the Annex of the draft recommendation, the EU and its Member States believe that it is not indispensable that the instrument is developed via an intergovernmental process. We acknowledge that, in the interest of responding to potential new issues, it might be important in some situations that such instrument is agreed by an intergovernmental process.

On this aspect, we would like to recall that the study from which the criteria were derived merely refers to a need for such instruments to be agreed by an intergovernmental process but does not call for them to be developed by such a process. Such a requirement might have important implications, not least for discussions under other fora, such as WHO.

Agenda item 13: Global multilateral benefit-sharing mechanism (Article 10) of the Nagoya Protocol | Statement on behalf of the EU and its Member States

I speak on behalf of the European Union and its Member States.

The EU and its Member States reiterate their commitment to responding to the undertaking of Art. 10 to consider the need for and modalities of a global multilateral benefit-sharing mechanism (GMBSM).

We wish to stress that any discussions concerning the need for and the modalities of a GMBSM must not reopen discussions on the temporal and geographic scope of the Nagoya Protocol (NP) and must not undermine the fundamental aspects of the Protocol such as the principle that the Protocol only covers genetic resources (GRs) and associated traditional knowledge (aTK) which fall under the sovereignty of Parties.

We also recall that the undertaking of Article 10 is to explore the need for and modalities of a GMBSM for benefits derived from GR or aTK in transboundary situations or where it is not possible to grant or obtain prior informed consent (PIC).

On these premises, we consider that the study and the cases brought forward by the Parties or other stakeholders do not identify situations where it is not possible to grant or obtain PIC, but list cases either falling outside of the scope of the Protocol or requiring progress in its implementation. This is for instance the case for marine genetic resources (MGR) from areas beyond national jurisdiction (ABNJ), which are outside of the geographic scope of the Nagoya Protocol and are currently addressed under UNCLOS negotiations towards the UN Biodiversity Beyond National Jurisdiction (BBNJ) treaty.

As for the transboundary situations described in the study (i.e. situations where GR can be found in shared ecosystems or where aTK is shared among various IPCLs), we note that the relevant existing provisions of the Protocol on cooperation (Article 11(1); Article 11(2)) should be effectively implemented and could provide means to address such situations. Thus, they do not justify the establishment of a GMBSM.

Overall, in our view, the need for a GMBSM under Article 10 has not been established, and therefore, discussing modalities is premature.

We note with concern that almost 75% of the references contained in the note prepared by the Executive Secretary on the current agenda item are based on the submission of only one stakeholder. We thus stress the need for the documents prepared by the Executive Secretary to strike a better balance between the views of different Parties and stakeholders expressed in their submissions.

Finally, we are aware that there are ongoing discussions in other relevant fora dealing with access and benefit-sharing matters such as the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), BBNJ under UNCLOS and WHO's Pandemic Influenza Preparedness (PIP) Framework. While acknowledging that the NP is based on the principle of sovereign rights over GR and working on the basis of a bilateral approach for benefit-sharing, we think that it would be useful to look at lessons learnt from multilateral benefit-sharing experiences as well as specific instruments for benefit-sharing.

Such an exercise might be helpful also to continue discussion around the need for a GMBSM, if other Parties wish to do so.
