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INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Convention on Biological Diversity (CBD):
Third meeting of the Subsidiary Body on Implementation
(16 May - 13 June 2021, virtual)
- 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)
Third meeting of the Subsidiary Body on Implementation
(16 May - 13 June 2021, virtual)**

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

The EU 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 note with deep concern that the national targets and commitments set by Parties through their National Biodiversity Strategies and Action Plans (NBSAPs) 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 efforts were made by Parties to reflect indigenous peoples and local communities, traditional knowledge, customary sustainable use and gender issues in their NBSAPs, the EU and its Member States note 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 gender is not adequately reflected in the implementation of the Convention or in NBSAPs. 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 Framework.

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 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

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 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 Member States 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 Global Biodiversity Framework 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 Member States 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 Cartagena Protocol 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.

Agenda Item 5: Post-2020 global biodiversity framework (GBF)

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

We maintain what we said on this item in the informal SBI in March and would like to make the following additional remarks:

All Parties should fully implement the Cartagena Protocol on Biosafety. In this regard, we consider the draft post-2020 implementation plan and the capacity-building action plan as very good starting points for discussion. For the plans to be efficient and effective and to respond appropriately to the relevant COP-MOP 9 decisions, they should be separated into two stand-alone documents to be approved by COP-MOP 10. In this way, they can also be adequately anchored in the post-2020 GBF and aligned with the long-term strategic framework on capacity-building beyond 2020, respectively.

The EU and its Member States welcome the revised Draft Outline of a post-2020 Gender Plan of Action. Gender equality is a fundamental human rights concern which needs to be treated as a cross-cutting issue. We support the development of a new Gender Plan of Action to contribute to the implementation of the post-2020 GBF and encourage all to engage. Women and girls are disproportionately affected by biodiversity loss and by related health crisis like the current pandemic. Therefore, we will be happy to contribute to the further development of the post-2020 Gender Plan of Action.

The EU and its Member States welcome the draft framework for a Communication Strategy to accompany the Global Biodiversity Framework and would like to underline that this communication strategy should be seen in the context of the broader discussion on communication, capacity development and knowledge management under the post-2020 GBF, discussed under item 7. We consider that the framework for the communication strategy should especially focus on awareness raising and needs for actions by all relevant actors. However, we would like the Secretariat to confirm our understanding that this complements, and does not replace, the Framework for a Communication Strategy that was adopted at COP13. The Communication, Education and Public Awareness Informal Advisory Committee should be involved in the implementation, in addition to the Flotilla. To ensure this, the mandate of the CEPA-IAC should be renewed.

Communication is crucial and needs to address the urgency and the ambition needed. It should also target all audiences, all citizens, from public to private. In this context, the EU and its Member States would like to draw attention to the Global Coalition #UnitedforBiodiversity, coordinated by the European Commission, with already almost 300 participating organisations, zoos, aquariums, botanical gardens, national parks, museums, research centres and universities from 49 countries. This Coalition is building momentum in the run up to CBD COP15 and beyond.

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

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

I am speaking on behalf of the European Union and its Member States. This intervention builds upon our statement presented during the informal virtual session of the SBI-3 in March with the intention of presenting more details concerning our suggestion.

Chair, as mentioned previously, the EU and its Member States remain strongly in favour of separating the implementation plan and the capacity-building action plan for the Cartagena Protocol on Biosafety and its Supplementary Protocol into two stand-alone documents. The two plans should be directed to individual decisions under their respective agenda items at COP-MOP 10 following the decisions CP-9/7 and CP-9/3 by COP/MOP9. In this way, both documents are adequately anchored in the post-2020 Global Biodiversity Framework and aligned with the long-term strategic framework on capacity-building beyond 2020, respectively. Two individual plans will increase transparency and raise visibility of capacity-building under the Cartagena Protocol.

The EU and its Member States consider capacity-building highly important and key for a successful implementation of the Cartagena Protocol. Thus, the capacity-building action plan needs to be comprehensive and to serve as a basis for successful capacity building activities. Therefore, we suggest some amendments so that the action plan can be individually read and referenced - and effectively put into practice.

While we suggest to keep the overall structure and goals, we added some additional key areas and activities that we believe are important for the successful implementation of the Cartagena Protocol. They should be considered as suggestions since the aim is a plan adaptable to each Party's context and needs.

We further included specific indicators to measure the success of the capacity-building activities. Additionally, several outcomes were added to describe in more detail the expected results from each activity, as well as a non-exhaustive, indicative list of possible actors and target groups involved in the development of each activity. For example, the engagement of academia with government agencies is in our view beneficial for stronger capacity-building in the areas covered by the Cartagena Protocol.

Let me conclude by reiterating our willingness to continue working closely with all of you towards a full implementation of the Cartagena Protocol and its Supplementary Protocol.

Agenda Item 6: Resource mobilization and the financial mechanism

This statement is made on behalf of the EU and its Member States, and builds upon our statement at the informal SBI meeting.

We wish to underline that the resource mobilisation component of the post-2020 Global Biodiversity Framework needs to reflect the need to close the global funding gap for biodiversity and address the transformative approach required to do so, including the need to progressively align private and public financial flows in the next decade to achieve biodiversity neutral or positive impacts.

The EU and its Member States generally support the approach of the expert panel in Annex I of the draft SBI recommendation but propose a number of amendments to that Annex to better capture the contribution of the SBI to the development of the post-2020 Global Biodiversity Framework:

- the targets in Paragraphs 3 and 4 should reflect the importance of all sources. These targets should also be appropriate for both public and private actors to assess the dependence and impacts of their activity on biodiversity, and substantially decrease negative impacts.
- generally speaking, international and domestic resource mobilisation should appear in a more balanced way. The EU and its Member States believe that a significant part of the solution will come from redirecting, repurposing or reforming, and eliminating harmful subsidies and incentives, so that by 2030, subsidies and incentives are either positive or neutral for biodiversity. This target should also include language around the need to identify and measure harmful incentives.

The draft COP Decision should better reflect that the resources to mobilise are not just of financial nature, as well as reflect the need to maximise synergies with financing in areas that can generate significant co-benefits for biodiversity, namely on climate and desertification. It should refer to the engagement of all relevant actors, including companies and philanthropic organisations.

The EU and its Member States 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 national level, but some room for flexibility on content and modalities will be needed in the text.

On reporting, the financial reporting framework will need to be fully aligned with the monitoring framework of the post-2020 Global Biodiversity Framework, and the methodology to track private financial flows must be improved.

Regarding the Financial Mechanism, the EU and its Member States recall that the Global Environment Facility (GEF) has been THE Financial Mechanism of the CBD since its inception and plays a unique role to support developing Parties to mobilise resources to achieve CBD objectives.

The EU and its Member States invite the GEF to enhance its performance, operational effectiveness and accessibility to the most vulnerable developing countries, and to contribute directly to the implementation of the post-2020 Global Biodiversity Framework, including the preparation of National Biodiversity Finance Plans, through strengthening access to funding within all programs and allocation system, especially for LDCs and eligible SIDS.

The GEF has a key role to play to promote significant synergies with the Rio Conventions, MEAs and other sustainable development processes, and other relevant funds.

The EU and its Member States recognise the efforts by the GEF to engage with the private sector on funding for Biodiversity and encourage it to strengthen this work as part of the GEF 8th replenishment cycle.

We invite the GEF to mainstream biodiversity in all its activities and to provide regular reporting on biodiversity co-benefits, including through better quantitative measurement of biodiversity-related impacts and outcomes of projects.

We also generally support the Terms of Reference for the sixth review of the effectiveness of the financial mechanism.

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

This statement is made on behalf of the EU and its Member States, and builds upon our statement presented during the informal virtual session of the SBI-3 in March 2021.

We first would like to recall the importance of this item to ensure the effective and full implementation of the post-2020 Global Biodiversity Framework. The EU and its Member States are looking forward to actively engage in discussions with other Parties to improve the relevant documents, draft recommendations, and annexes for further discussions during the third open-ended working group and adoption at COP-15.

Generally, we would like to emphasise that there are clear linkages between the components of this item, and other SBI-3 and SBSTTA-24 agenda items and they should be well reflected.

We would like to recall also that the use and improvement of already existing tools, initiatives, networks and institutional structures should be prioritised for all components to maximise efficiency and avoid duplication of efforts.

Regarding the draft recommendations related to capacity development for the Convention, component A, we would like to add references to the Clearing Houses under the Convention and its Protocols. Annex I to the draft recommendations cannot be adopted yet as we would like to suggest improvements, mainly on the governance and coordination mechanisms as well as reporting and review.

Concerning the capacity-building action plan for the Cartagena Protocol, we reiterate the importance of capacity-development for a successful implementation of the Cartagena Protocol and the need to have a stand-alone and dedicated document that can be easily referenced, to be discussed under this item instead of item 5.

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 we reiterate our support for the revision of the strategic framework in line with the Post-2020 GBF, as well as the long-term strategic framework for capacity-development.

With regards to technical and scientific cooperation, component B, further discussions will be needed before agreeing on paragraph 19 and 20 of the draft recommendation.

Paragraphs 26 to 31 on institutional mechanisms of the support centres cannot be accepted as such. Further discussions are needed to determine the best option for those arrangements, especially modalities and criteria for their establishment, synergies between them and with other international agreements and related funding strategies. Currently, the EU and its Member States are in favour of option B (regional and sub-regional support centres).

Regarding the process to review and renew technical and scientific cooperation programs proposed in SBI/03/07 Annex II, the EU and its Member States support option 3. This review by the Secretariat, with support from a consultant, should consider input from Parties, non-Parties and other stakeholders on existing programs and initiatives.

Concerning the knowledge management component, we would like to introduce three initiatives in the draft recommendations that we consider very relevant to support the knowledge management component of the post-2020 GBF.

First, the development of a Global Knowledge Centre for Biodiversity by UNEP-WCMC with EU support, for tracking progress on targets and goals of the future GBF.

Second, the Data4Nature initiative, inviting all development actors to share biodiversity data of environmental and social impact assessments through GBIF. We will be happy to share more details on these initiatives, since we are unable to present them during side-events.

Third, the PANORAMA: Solutions for a Healthy Planet Partnership as described in the document published under “other” documents for SBI3.

We would like to propose an additional paragraph requesting the Secretariat to update the work program for the CHM for the period 2021-2030 in line with the GBF and the COP-15 decisions.

We welcome the first version of the framework for the communication strategy of the GBF and would like to discuss it under this item instead of item 5. This would ensure coherence with the broader discussion on communication, capacity development and knowledge management under the GBF. The EU and its Member States consider that the framework for the communication strategy should especially focus on transformative change and action, as well as climate change, synergies with other MEAs and the SDGs and solutions.

The Communication Education and Public Awareness Informal Advisory Committee should be more involved and mentioned in the communication strategy to ensure that Parties are involved in the communication strategy and not only the Flotilla and CBD Secretariat. To assure this, the mandate of the CEPA-IAC should be renewed. We will make suggestions for this in the draft recommendations.

We will propose textual amendments to improve all draft recommendations, Annex I, Annex II, CBD/SBI/3/7/ADD2 and the standalone capacity building plan for the Cartagena Protocol. These will be posted on the dedicated portal.

Agenda Item 8: Cooperation with other conventions, international organisations and initiatives

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, including the conclusions of the Bern-II workshop, which provide interesting elements and would like to thank the government of Switzerland for supporting it.

Bearing in mind the complexity and importance of Cooperation with other Conventions, International Organisations and Initiatives for the implementation of the post-2020 Global Biodiversity Framework, it is essential to promote a broader debate.

Taking into consideration, with deep concern, that the document was only made available very late, there was very little opportunity to analyse and discuss it in-depth. We have not been able to finalise our position on this issue and would welcome and support a postponement of the detailed discussion on this agenda item to in-person formal sessions of SBI-3 and COP15, where and when we will be able to present consolidated amendments.

However, the EU and its Member States will share their preliminary positions:

- In general, the EU and its Member States strongly support the COP13 and COP14 decisions for enhancing cooperation with other conventions, international organisations and initiatives, in particular for the coherent implementation of the Aichi Targets.
- The EU and its Member States would like to stress the importance of the post-2020 Global Biodiversity Framework (GBF) to be a global, UN system-wide framework for all relevant stakeholders, organisations and conventions, facilitating a coherent implementation of biodiversity objectives and fostering cooperation among all actors involved. This will require a shared responsibility among all relevant agreements, organisations and processes.
- The EU and its Member States, therefore, welcome the consultations among conventions on the post-2020 GBF, in particular through the Bern workshops and the United Nations interagency cooperation guided by the Environment Management Group (EMG). We would like to stress the need to utilise the potential for synergies to enhance efficiency and implementation. All those initiatives are important to involve all relevant partners in the preparation of the post-2020 GBF and to support its implementation.
- To further encourage their involvement in the implementation of the GBF as a global framework for the next decade, it will be important to ensure that existing formal processes such as the Biodiversity Liaison Group (BLG), Informal Advisory Group on Synergies (IAG), and EMG, orient their work towards the implementation of the GBF. This could be supported by specific invitations by the COP15.
- To increase ownership by all processes, the EU and its Member States consider it is important to encourage the different Conventions, International Organisations and Initiatives to take up a role of lead agency in specific parts of the GBF (cfr. SDG lead agencies), in particular where their indicators are being used to monitor progress or where a goal or a target is implemented through their mandate. In that context, the BLG, including representatives of their governing, scientific and technical bodies, could be invited to explore thematic consultations on key issues for the implementation, monitoring and reporting of the post-2020 GBF, inviting other relevant MEAs, multilateral agreements and organisations as required according to the issue discussed. These consultations could result in providing common messages to the different governing bodies to act upon.

- The EU and its Member States stress that Cooperation for the coherent implementation of the post-2020 GBF should be built upon already established processes, mechanisms or bodies, adapting, if needed, their scope and modalities, as new mechanisms should only be pondered subsequently a clear definition of the added value expected, in light of already existing ones.
- Besides the formal processes, we also recognise the added value of engaging both Parties and MEAs at regular moments in a more informal setting, such as was the case with the Bern-workshops, to allow for open discussions.
- Regarding the advice to the OEWG, the EU and its Member States are concerned about the absence of the advice of the informal advisory group on ways to optimise synergies among the biodiversity-related conventions in the development of the post-2020 GBF (*COP14/30§10*), as this should be made available through SBI to be considered by the OEWG.
- Furthermore, we would appreciate if, at that time, the Secretariat could make available the missing information as requested by COP14, in particular with regards to the request by COP14 to the Informal Advisory Group on Synergies on the implementation of the COP13 road map and on its advice on ways to optimise synergies among the biodiversity-related conventions in the development to be considered by the OEWG on the preparations of post-2020 GBF.
- Last but not least, as mentioned in the report of the Bern-II workshop, synergies and cooperation at national level will also remain of the utmost importance for the success of the GBF, including in the context of capacity building, reporting, monitoring, resource mobilisation, among others.

Distinguished Delegates and Madam Chair, the EU and its Member States claim the necessity of considering the past decisions that must be properly reflected and effectively implemented, otherwise our efforts to successfully pursue our vision of “Living in Harmony with Nature” might be jeopardised.

We invite the Chair of the Subsidiary Body on Implementation to reflect our position in the final report.

We upload our statement and the bracketed draft recommendation and would like to ask the Chair to set a suitable deadline for submitting proposals for amendments in writing.

Agenda Item 9: Mechanisms for reporting, assessment and review of 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 if we are to meet Convention’s objectives and, by 2050, the biodiversity vision. We consider a reinforced implementation mechanism indispensable to any outcome of CBD COP-15 in Kunming.

We are of the view that all Parties must take action to implement the post-2020 Global Biodiversity Framework (post-2020 GBF) within one year from COP15 in order to ensure transparency, comparability and accountability.

Implementation

The EU and its Member States are of the position that the NBSAP remains the main instrument for the implementation of the Convention at national level, but it will need to be strengthened in order to effectively implement the new post-2020 GBF.

The EU and its Member States consider of great importance that, in line with Article 6 of the CBD, Parties are encouraged to align their NBSAPs with the post-2020 GBF as soon as possible, ideally using a headline indicators-based guidance for the NBSAPs to provide a transparent and comparable national response to the goals and targets of the post-2020 GBF.

Reporting

National reports should remain the core element for reviewing progress in implementation of all global goals and targets and should include a standardized section relating to the monitoring framework and headline indicators to focus on progress of the implementation of the action targets. We support the proposal to have two main national reports in the 2020-2030 timeline.

Review

The EU and its Member States propose a two-track approach to the review of the post-2020 GBF: the review of ambition and the review of implementation.

The EU and its Member States consider it necessary that Parties, within one year from COP15, communicate in a standardized way their ambitions to implement the goals and targets in the post-2020 GBF, through a transparent, comparable and reliable process, thereby allowing an assessment of the collective ambition at regional and global level. Therefore, we ask the Executive Secretary to prepare modalities, e.g. form and intervals, for transmitting information on national commitments as contributions, as well as a headline indicators-based guidance for the NBSAPs, so that those contributions allow for a review of the Parties' aggregated ambitions. These two documents would be considered by the Open Ended Working Group. The global ambition would be aggregated as part of the global gap analysis and captured in a global gap report prepared for COP 16, which would subsequently be regularly updated.

In order to review the progress in the implementation of the post-2020 GBF, the current reporting cycle of 4-5 years needs to be used effectively and timely to enhance the progress in implementation. Reports must be short and concise and can be based on a standardised template and available headline indicators to minimise reporting burden. It may be desirable to request Parties to report on a subset of the headline indicators not only in the National Reports, but also ahead of COP16 and COP18. This is best decided after the OEWG-3.

Furthermore, a global stocktake should be prepared for COP-17 and COP-19. This global stocktake consists of a global data collection phase based on the analysis of national reports, global gap report/gap analysis and further scientific evidence as available. Thereby it is assessed if further actions are needed to implement the post-2020 GBF, to achieve the goals and targets and to allow for a ratcheting-up. The global stocktake also should include a high-level political phase after the data collection phase.

The EU and its Member States support the continuation of the open-ended forum on implementation and the voluntary peer review to enhance the understanding of implementation of the Convention at the level of individual Parties.

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

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

The EU and its Member States also welcome and acknowledge the importance of non-state actors' actions and commitments 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.

Agenda Item 10: Review of the Effectiveness of the Processes under the Convention and Its Protocols

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

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 recognise 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 recognise 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 organise 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 recognise 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'm speaking on behalf of the European Union and its Member States. This statement builds upon our first reading intervention provided at the occasion of the virtual informal meeting of the Subsidiary Body on Implementation in March 2021.

We emphasise the need to recognise mainstreaming as one of the key elements of the GBF to meet the convention objectives, the 2050 biodiversity Vision and to achieve transformational change. We reiterate that the success of Mainstreaming will also depend on effective and efficient synergies with other conventions.

Mainstreaming is a cross-cutting issue and requires adequate recognition in the further development of the whole GBF including its goals and targets.

The EU and its Member States will submit their proposals to improve Annex I on ways to advise the Co-Chairs to integrate mainstreaming adequately into the post 2020 Global Biodiversity Framework (GBF) and the Annex II (Long-Term Approach to Mainstreaming) of the main document (CBD/SBI/3/13) as well as proposals for improvement of the Action Plan in written.

The EU and its Member States also emphasise that Annex II still needs some work on indicators and milestones, which should better be linked and harmonised with those of the post-2020 GBF.

The EU and its Member States stress the need to reduce or eliminate duplicities, and burden to the Parties, with regard to the review of the implementation of the post-2020 GBF, the LTAM and its Action Plan.

We further propose to reinforce the LTAM as a guidance tool for Parties when working on their NBSAPs, which are the main implementation instruments for the GBF. Mainstreaming biodiversity needs a whole of government and whole of society, including all sectors and stakeholders.

The EU and its Member States support that the Informal Advisory Group on Mainstreaming of Biodiversity could have its mandate reviewed or reinforced, engaging with a broader network of sectoral organisations and initiatives.

By the third meeting of the Open Ended Working Group, this renewed Informal Advisory Group shall present its work on ways to adequately integrate biodiversity mainstreaming into the post-2020 GBF.

We also stress that the process of reviewing of the LTAM and its Action Plan before OEWG-3 must be consistent with the arrangements foreseen for reporting, monitoring and review of the Post-2020 GBF.

Regarding the document CBD/SBI/3/19 on the engagement with Subnational Governments, cities and other local authorities to enhance implementation of the post-2020 GBF, the EU and its Member States share the following views:

- ✓ We support the principles of the Edinburgh Process for Subnational and Local Governments on the Development of the post-2020 GBF.

- ✓ We further support the proposed Plan of Action, to be understood as a flexible framework to be implemented as appropriate and respecting each level of government's competencies.
- ✓ And we recall the need to assure the integration of these principles into the post-2020 GBF.

Therefore, the wording on mainstreaming and Subnational Governments, cities and other local authorities should be reviewed all along the post-2020 GBF.

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

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

This statement builds upon our first reading intervention as done at the occasion of the virtual informal meeting of the SBI in March 2021; our views on this agenda item as expressed then are still valid and we will focus today on those aspects on which we would like to suggest improvements and amendments to the draft recommendation and its annex:

- we appreciate the work done by the Secretariat in preparing the draft text for this agenda item, and wish to reiterate our support to the idea of examining the indicative 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 our readiness to continue discussing this important topic further;
- as said in previous discussion on this agenda item, 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; we think that this should be reflected in the text of the draft recommendation, more precisely by adding a reference to paragraphs 1 to 3 where paragraph 4 of article 4 is recalled;
- with regard to the invitation to Parties, and other Governments to take into account the indicative criteria in developing and/or applying access and benefit-sharing measures, we suggest to extend it also to possible cases of endorsement of international instruments that include provisions on access and benefit-sharing, in line with the indication provided in paragraph 2 of the Annex;
- we acknowledge that in the interest of having agile instruments to respond to potential new issues, it might be important in some situations that such instruments are agreed by an intergovernmental process; this aspect should be better framed in the text of the draft recommendation;
- however, as we stated in previous occasions, we believe that it is not essential that the instrument is developed via an intergovernmental process; we also 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;
- there was, thus, an inaccuracy in the text of the "potential" criteria annexed to Decision NP-3/14 and we note that this inaccuracy (namely, the alleged requirement that SII also be developed by an intergovernmental process) is still present in the text of the current draft recommendation; hence we suggest to remove the alleged requirement that SII also be developed by an intergovernmental process in the Annex.

We will submit our suggestions for amendments in writing, on the basis of what was explained.

Agenda Item 13: Global multilateral benefit-sharing mechanism (Article 10 of the Nagoya Protocol)

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

Our comments on this agenda item, as expressed at the time of the informal virtual meeting of the SBI still stand, and we would like to reiterate and complements a few points today.

I wish to recall that the EU and its Member States remain committed to responding to the undertaking of Art. 10 to consider the need for and modalities of a global multilateral benefit-sharing mechanism (GMBSM). On this regard, we wish to recall that any discussion 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.

As explained at the meeting in March, we consider that the study contained in document CBD/SBI/3/15/Add.1 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. On this last aspect, we believe that the focus of Parties should be on making the Protocol fully operational through enacting domestic ABS measures.

Overall, in our view, the need for a GMBSM under Article 10 has not been established, and therefore, discussing modalities is premature. We will thus suggest amendments to the draft recommendations and its annex in line with our comments, as expressed at the informal meeting and this formal meeting of the SBI3.

Finally, we reiterate our availability to continue discussion around the need for a GMBSM, if other Parties wish to do so.
