



**Brussels, 12 December 2024
(OR. en)**

16867/24

**ENV 1224
CLIMA 455**

NOTE

| | |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| From: | General Secretariat of the Council |
| To: | Delegations |
| Subject: | AOB for the meeting of the Council (Environment) on 17 December 2024 Convention on Biological Diversity (CBD) (Cali, Colombia, 21 October-1 November 2024) – COP 16 to the CBD – COP-MOP 11 serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety – COP-MOP 4 serving as the Meeting of the Parties to the Nagoya Protocol on Access and Benefit Sharing |

The UN Biodiversity Conference took place from 21 October to 1 November in Cali, Colombia under the heading “Peace with Nature”. It was preceded by the Fifth Meeting of the Subsidiary Body on Implementation (SBI5) (16-18 October). A High-Level Segment (29-30 October) also took place with the participation of more than 100 ministers.

This was the first UN Biodiversity Conference since the adoption of the Kunming-Montreal Global Biodiversity Framework (K-M GBF) in December 2022, so it was referred to as the “implementation COP” highlighting the need to work towards the goals and targets adopted at COP15. The event was attended by more than 20,000 participants from 170 countries, including government officials, representatives of inter-governmental and non-governmental organizations, Indigenous Peoples and local communities, scientific institutions, business representatives and youth groups. Almost all EU Member States participated, as well as the European Commission.

Lengthy deliberations resulted in the adoption of a total of 27 decisions under the CBD COP16, 10 decisions under the Cartagena Protocol COP-MOP11 and 11 decisions under the Nagoya Protocol COP-MOP5.

A number of substantive decisions were adopted on a series of strategic, administrative and ecosystem-related issues that are of high priority for the EU and its Member States and which will help both the practical conservation work and the implementation of the K-M GBF. These include the following:

- Operationalizing the multilateral mechanism for benefit sharing from the use of digital sequence information on genetic resources, with the launch of the so-called Cali Fund.
- Establishing a network of regional and sub-regional Centres for Scientific and Technical Cooperation.
- Adopting a global action plan for biodiversity and health.
- Adopting decisions regarding Indigenous Peoples and local communities (IPLCs).
- Integrating UN-level climate action with biodiversity conservation efforts.
- Creating procedures to describe ecologically and biologically significant marine areas, essential for the UN's BBNJ Agreement and for protecting 30% of ocean areas by 2030.
- Mainstreaming of biodiversity within and across sectors.
- Addressing issues related to synthetic biology.
- Providing guidance on invasive alien species, plant conservation, and sustainable wildlife management.

The four key topics during the negotiations, where significant political leadership was needed, were resource mobilization (RM), digital sequence information on genetic resources (DSI), mechanisms for planning, monitoring, reporting and review (PMRR) and the Monitoring Framework (MF) and Article 8(j) on indigenous peoples and local communities.

The adoption of the decisions on Article 8(j) concerning matters relating to **Indigenous Peoples and local communities** was a priority for the Colombian COP Presidency. A historic moment was the adoption at the final plenary of the decision on the operational modalities for the multilateral mechanism for the **fair and equitable sharing of benefits from the use of DSI** and its global fund – now called the **Cali Fund**.

In the morning of 2 November, the COP President introduced a compromise proposal on **resource mobilization**, which included a provision establishing a dedicated global financing instrument for biodiversity under the COP's authority. This decision was, however, not acceptable to various donor countries, including the EU and its Member States, and it could not be finalised as at 7.00 am in the morning a Party, supported by others, made a point of order and asked the President to check whether there was quorum in the room. As the requirements of quorum were not reached at this late hour of the meeting, the UN Biodiversity Conference was suspended and a series of decisions were not adopted, including on resource mobilization; guidance to the financial mechanism; PMRR and the monitoring framework of the K-M GBF; the Multi-year Programme of Work and the budget.

CBD COP16 will be resumed on 25-27 February 2025 at the seat of the FAO, Rome, Italy, with regional meetings the preceding day, and hopefully adopt the remaining decisions. The Colombian presidency held initial regional consultations on 12 December 2024. **The EU and its Member states flagged the need to involve ministers in the resumed COP and its preparation.**

The **budget** for the biennium 2025-2026 as well as the costs of the in-person resumed sessions of the UN Biodiversity Conference were adopted through informal silence procedure that took place between 3 to 6 December 2024 to ensure the uninterrupted operations of the Secretariat.

Armenia was chosen as the **host for COP17** after a vote in plenary.

Detailed report

COP 16 to the CBD

Being an implementation COP, it is important to note that in total 44 national biodiversity strategies and action plans (NBSAPs) and 119 national targets were submitted by parties as of 1 November 2024. COP still urged parties that have not yet done so to revise or update their NBSAPs.

COP16 started with high ambitions, and partially fulfilled these ambitions through the adoption of a significant number of decisions, the final plenary was not able to address all agenda items and the EU and its Member States especially regret that some significant decisions, such as on PMRR and MF were not discussed and adopted at the end due to the suspension of the meeting. However, the substantive decisions were adopted which are of great importance in the implementation of the Convention and the K-M GBF. The substance of the most important decisions is outlined below.

Regarding the **operationalization of the multilateral mechanism for benefit-sharing from the use of DSI on genetic resources** agreement was made on the essential elements of the MLM and its Cali Fund, but substantial intersessional work is required for the MLM and its fund to become fully operational. Users of DSI who generate monetary benefits from its commercial use must contribute with 1% of their profits or 0.1% of their revenue, according to their size, to the global fund which will be administered by the UNDP Multi-Partner Trust Fund Office, under the authority of COP. The fund will support developing countries, and at least half of the funds will go to support the self-identified needs of IPLCs. Users must also share non-monetary benefits, contributing to biodiversity and conservation goals. Countries are encouraged to adopt national policies to incentivize contributions to the Cali Fund. The effectiveness of the MLM and the Cali Fund will be regularly reviewed starting at COP18. Key concessions from the EU and its Member States side include the establishment of the Cali Fund and the limitation to developing countries for fund distribution.

With respect to **capacity-building and development, technical and scientific cooperation and technology transfer, clearing-house mechanism (CHM) and knowledge management**, the COP requested GEF to continue supporting country-driven projects in all eligible countries. A network of regional and subregional technical and scientific cooperation support centres was also created, which will have to publish the information they collect on the Convention's website. In Europe, four centres were selected: the European Commission Joint Research Centre; the International Union for Conservation of Nature Centre for Mediterranean Cooperation; the International Union for Conservation of Nature Regional Office for Eastern Europe and Central Asia; and the Royal Belgian Institute for Natural Sciences. Parties also decided that the Secretariat would act as the global coordination entity, coordinating the activities of the regional centres. The COP asked the Secretariat to map and share information on global coverage through the CHM, and to continue joint capacity-building activities with UNFCCC, UNCCD, and other Multilateral Environmental Agreements. The programme of work of the CHM for the period 2024-2030 was also adopted.

After years of negotiations, the Global Action Plan on **biodiversity and health** (GAP) was adopted, marking a key step in integrating biodiversity into the health sector. The GAP encourages government authorities to collaborate on biodiversity-health interlinkages and includes a set of voluntary actions tied to the Kunming-Montreal Global Biodiversity Framework targets. Actions focus on wildlife, ecosystem management, the health sector and other relevant sectors like agriculture, urban planning, and water.

Regarding **Article 8(j) on Indigenous Peoples and local communities**, the discussions focused on key issues such as the programme of work and the establishment of a permanent subsidiary body to replace the current working group, and to better reflect the need for continuous engagement and contributions of Indigenous Peoples and local communities at all levels of implementation of the Convention. An additional draft decision was introduced by the COP Presidency just before COP16, to recognise the role and contribution of people of African descent in implementing the Convention, which was a top political priority for the COP Presidency. The programme of work was adopted in plenary without major contention. However, the establishment of a permanent subsidiary body faced strong opposition from some Parties, leading the EU and its Member States to link it with the decision on people of African descent. Finally, after intensive outreach both decisions were adopted. The modus operandi of the subsidiary body will be adopted at the next COP. Another decision focused on the role of languages in the intergenerational transmission of traditional knowledge, innovations, and practices. A COP also took note of the recommendations from the UN Permanent Forum on Indigenous Issues, with an additional footnote stating that it cannot be interpreted as meaning the separation of Indigenous Peoples and local communities.

The COP made real progress on **biodiversity and climate change** with a strong, substantial key decision highlighting the crucial role of nature in combating climate change and emphasizing that nature-based solutions (NbS) are integral to both mitigation and adaptation efforts. The decision called for stronger synergies between scientific platforms (IPBES, IPCC), the Rio Conventions, and other MEAs, as well as greater investment in NbS and ecosystem-based approaches. It also urged parties to incorporate these solutions into national strategies and align policies across sectors. Some elements were deleted, including references to the potential negative effects of climate geoengineering, and acknowledging human right to a clean, safe, and sustainable environment. The decision also reaffirmed the CBD moratorium on geoengineering to protect biodiversity and called for the development of tools and guidelines for implementing NbS and conservation in a changing climate.

The adoption of two important decisions on **marine issues** was a huge success of the COP. Efforts have been underway for over eight years to establish rules for modifying or creating new ecologically or biologically significant marine areas (EBSAs), and COP16 reached a compromise and adopted the final decision on modalities of EBSAs, which will facilitate implementation of marine conservation and management targets under the K-M GBF and other international agreements, including the UN Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement). On the topic of conservation and sustainable use of marine and coastal biodiversity and of island biodiversity, parties agreed on the need to better understand geoengineering impacts, especially on marine ecosystems, in line with the precautionary approach. Other priorities included improving knowledge of mesopelagic, deep-sea, and benthic ecosystems, advancing nature-based and ecosystem-based approaches, and enhancing ecosystem management for climate mitigation and adaptation. The importance of integrating biodiversity values and ensuring benefit-sharing from marine genetic resources, as well as the risks of the ongoing mass bleaching of coral reefs, were also emphasized.

A successful decision was taken on **mainstreaming of biodiversity**, which was a priority for the EU and its Member States. It stressed the importance of mainstreaming biodiversity across governments and societies to meet the objectives of the Convention and K-M GBF. It also outlined activities for the Secretariat leading up to COP17, including providing a structured overview of available good practices, tools, guidance, and solutions to support biodiversity mainstreaming and fostering sector-specific communities of practice through a series of webinars focused on mainstreaming in various sectors. Additionally, parties agreed that further activities, which may include a gap analysis, will be undertaken before COP18.

With respect to **synthetic biology**, lengthy and slowly developing negotiations led finally to the agreement of the development of a thematic action plan on capacity building, technology transfer, and knowledge sharing in the context of synthetic biology, and the establishment of a new AHTEG on synthetic biology. Deleting reference to the “multidisciplinary” character of the AHTEG was decided, as well as references to the inclusion of scientific, technical, interdisciplinary, and intercultural expertise and to the “broad and regular horizon scanning” nature of the exercise. Parties and others will be invited in the next two years to submit information to support preparation of the thematic action plan, as well as information on their priority areas related to synthetic biology. The draft thematic action plan will be submitted for peer review and consideration by SBSTTA and SBI. Meanwhile an independent scientific study on synthetic biology applications that are relevant for the K-M GBF will also be commissioned and an online forum to support the AHTEG will be convened. The new AHTEG reviewing and synthesizing the compilation of submissions and the outcomes of the online forum will identify the current and potential benefits of synthetic biology, and the potential positive and potential negative impacts of the most recent technological developments in synthetic biology for the three objectives of the Convention and the implementation of the K-M GBF, while also providing advice on capacity building and development.

The decision on **sustainable wildlife management** encouraged parties to use the IPBES Thematic Assessment on the Sustainable Use of Wild Species and consider its seven key policy actions. Enhanced synergies with other MEAs, especially CITES and CMS was also requested, as well as to prepare a draft global guidance on sustainable wildlife management before COP17, as well as facilitate regional dialogues to foster understanding of the key elements.

Regarding **Invasive Alien Species (IAS)** after long debates, COP welcomed the IPBES Thematic Assessment on IAS and Their Control with a footnote noting accessibility issues. It also urged parties to make use of the elements of voluntary guidance in updating NBSAPs and IAS management. The need for sustained financial resources for IAS management was also emphasized and the Secretariat was tasked with enhancing collaboration among organizations and facilitating an online forum for sharing information and progress on IAS management.

On **plant conservation**, COP endorsed voluntary complementary actions for plant conservation as an update to the Global Strategy for Plant Conservation, and invited parties and other governments to report on progress, consider appointing national focal points, and support botanical garden initiatives.

At the last hours of the final plenary, a compromise proposal for a draft decision on **resource mobilization** was introduced by the COP Presidency, which included a provision on establishing a dedicated global financing instrument for biodiversity under the COP's authority. This draft decision was not acceptable for most developed country parties including the EU and its Member States. After an initial exchange on resource mobilization at the final plenary, the COP was suspended due to the lack of quorum, therefore no final decision was made either on **resource mobilization** or the on the **financial mechanism**, which would provide guidance to GEF. Both issues remained open.

Due to the suspension of COP16, **several other key decisions are pending** on the adoption at the resumed session of COP16, including the following:

- the decision on the **monitoring framework of the K-M GBF** which was close to be finalised. The final draft decision included for example the addition of a new headline indicator on land use change and land tenure in IPLC territories, it finalizes the list of questions on binary indicators, accepts methodological guidance for indicators, decides on the future review process and prioritizes the updating of metadata for certain indicators at lower development levels. Key issues remain on how to define the indicator on pesticide environment concentration/aggregated total applied toxicity; and whether to keep the "Global ecological footprint" and "Global footprint of consumption" as component indicators.

- the Decision on **mechanisms for planning, monitoring, reporting and review**. the COP President issued a final draft decision that was supposed to serve as a basis for compromise but was not discussed in plenary. The final draft seemed acceptable for the EU and its Member States even though it was less ambitious than what we were aiming for. It included elements, for example: removal of options for an advisory committee to improve communication and political will for global review, discontinuation of the Open-Ended Forum for Voluntary Country Review but supporting the exchange of views at global level through interregional dialogues, agreement on certain information sources for the global report. It was clarified that commitments from actors other than national governments (previously referred as non-State actors) do not affect territorial sovereignty or legal status. The proposal of the EU and its Member States on an informal technical dialogue in 2026 was also included but the final draft did not mention that the global review should provide policy guidance or explore options for addressing implementation gaps.
- Decisions on **cooperation with other conventions and international organizations**, the **Multi-Year Programme of Work** as well as the **administrative and budgetary matters** were neither adopted at COP16 due to the suspension of the meeting.

COP-MOP 11 serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety

Decisions on technical aspects like the **operation and activities of Biosafety Clearing-House** (BCH) and the **detection and identification of living modified organisms** (LMO) concerning mainly details of implementation measures, and also on **socio-economic considerations** were taken by the Parties to the Cartagena Protocol (CP). A report presented by the CBD Secretariat was taken note on the update on **cooperative activities** with other international organization.

The **Compliance Committee**'s recommendation to further consider the implications of diverging interpretations of the definition of LMOs under the CP generated lengthy discussions in a Friends of the Chair group on how to respond in an appropriate way to the concern of the Compliance Committee and whether to establish a process in order to elaborate the issue further. Parties finally agreed to acknowledge that the definitions of "living modified organism" and "modern biotechnology" provided in the text of the CP on Biosafety are not in question. The sovereign right of Parties to adopt legislation to implement their obligations under the Cartagena Protocol was recognized. Furthermore, Parties agreed that during the next intersessional period the CBD Secretariat will compile information contained in the BCH and other sources regarding current national legislation, regulations, and guidelines on new developments in modern biotechnology, which then will be submitted together with the information received from Parties regarding national legislation, regulations and guidelines on new developments in modern biotechnology that are relevant to the CP and not published in the BCH, for consideration by COP-MOP 12. In addition, Belize, Libya, and Papua New Guinea were cautioned and were requested, as a matter of urgency, to submit their fourth national reports.

With regard to **risk assessment and risk management** the additional voluntary guidance materials to support the case-by-case risk assessment of LMOs containing engineered gene drives were welcomed and Parties were also asked to make use of it. In addition, an AHTEG will be established, tasked with the evaluation of the needs and priorities identified and submitted by Parties for further voluntary guidance materials on specific topics of risk assessment of LMOs. The online expert forum was also extended to support the analysis of further topics of risk assessment. Based on the report of the AHTEG, the SBSTTA will make recommendations to COP-MOP 12 to consider additional issues on which guidance materials on risk assessment may be needed taking into account the needs and priorities identified by Parties.

Regarding the **Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress** the main points were the designation of national focal points, sharing information on financial security mechanisms, together with other information on national implementation measures in the fifth national reports. In addition, Parties to the Cartagena Protocol are urged to ratify the Supplementary Protocol.

COP-MOP 4 serving as the Meeting of the Parties to the Nagoya Protocol on Access and Benefit Sharing

The focus of COP-MOP5 was to promote implementation and compliance with the Protocol. Disputes remained restrained and brief.

The recommendations of the Compliance Committee were adopted with the expectation that these will improve compliance with the Protocol. Regarding the **financial mechanism and resources**, COP-MOP5 encouraged Parties to ensure that their funding needs and priorities are reflected in their national biodiversity finance plans and to include the priorities of IPLCs in their funding proposals to the GEF, including the GBFF. It also encouraged Parties to give priority to ABS projects in the programming of their eighth replenishment country allocations. The decision on **capacity building and development and awareness raising** was to enhance the Parties' ability to implement their obligations. The decision on the **Access and Benefit-sharing Clearing-House** (ABS-CH) addressed the issue that some Parties were not publishing mandatory data in the ABS-CH. It invited UNEP to develop a capacity-building project to enhance the ability of developing countries to use and contribute to the global operations of the ABS-CH, and also invites the GEF to provide financial support to projects related to the ABS-CH.

The second assessment and **review of the effectiveness** of the Nagoya Protocol will take place at COP-MOP6, for which the methodology was adopted. COP-MOP5 also set the tasks for enhancing the implementation of the Protocol in the context of the K-M GBF. Decisions on two agenda items – the specialized ABS international access and benefit-sharing instruments and the global multilateral benefit-sharing mechanism – were postponed.