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NOTE

from: General Secretariat

to: Delegations

Subject: Biological Diversity and Biosafety

a) Eleventh meeting of the Conference of the Parties (COP 11) to the Convention on Biological Diversity (CBD) (Hyderabad, India, 8 to 19 October 2012)

b) Sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP 6) (Hyderabad, India, 1 to 5 October 2012)

- Report from the Presidency and the European Commission

Delegations will find in the Annex a report from the Presidency and the European Commission on the abovementioned subject.

Biological Diversity and Biosafety

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- Report from the Presidency and the European Commission -

Chapter 1: Convention on Biological Diversity

Introduction

1. The eleventh meeting of the Conference of the Parties (COP 11) to the Convention on Biological Diversity (CBD) was held from 8-19 October 2012, in Hyderabad, India, following the sixth Meeting of the Parties to the Cartagena Protocol on Biosafety (COP/MOP 6). COP 11 adopted 33 decisions on a range of strategic, substantive, financial and budgetary issues. Among other important issues, the meeting addressed the status of the Nagoya Protocol on access to genetic resources and benefit-sharing (ABS); the implementation of the Strategic Plan 2011-2020 and progress towards the Aichi biodiversity targets; the implementation of the Strategy for Resource Mobilization; biodiversity and climate change; cooperation, outreach and the UN Decade on Biodiversity; ecosystem restoration; Article 8(j) (traditional knowledge); marine and coastal biodiversity; biodiversity and development; and several other ecosystem-related and cross-cutting issues. Parties also addressed operations of the Convention; and administrative and budgetary matters.
2. A High Level Segment was held from 16-19 October 2012, which included panel discussions on “Implementation of the Strategic Plan on Biodiversity 2011-2020”, “Biodiversity for Livelihoods and Poverty Reduction”, “Costal and Marine Biodiversity” and “The implementation of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing”.

Overview of the main decisions adopted

3. Following the impressive package adopted at COP 10 in Nagoya, Japan, COP 11 marked the move from policy-making to implementation. A key challenge was for all Parties to demonstrate they still stand firmly behind the commitments they took in Nagoya, and to take the necessary decision to translate such political commitments into operational actions.
4. The European Union and its Member States played an active and decisive role in the negotiations; a number of important decisions have been adopted, on issues such as, inter alia, advice on the application of relevant biodiversity safeguards with regard to REDD+; better conservation and more sustainable use of marine biodiversity and the identification of ecologically or biologically significant areas (EBSAs); and the enhancement of cooperation and synergy within the three Rio Conventions and the biodiversity-related conventions.
5. On the crucial issue of resource mobilisation, the European Union and its Member States demonstrated that they indeed stand behind the commitments they made at COP 10 to substantially increase financial, human and technical resources globally from all possible sources, including innovative financial mechanisms for biodiversity, balanced with the effective implementation of the Convention on Biological Diversity and its Strategic Plan, against an established baseline and an effective reporting framework. In this regard, the European Union and its Member States, together, committed along with other Parties at COP 11 to an overall substantial increase of total biodiversity-related funding for the implementation of the Strategic Plan from a variety of sources, and resolved to achieve the following preliminary targets, to be reviewed at COP 12:
 - double total biodiversity-related international financial resource flows to developing countries by 2015 and at least maintaining this level until 2020, including through a country-driven prioritisation of biodiversity in development plans in recipient countries;
 - endeavour for 100% but achieve at least 75% of parties having included biodiversity in their national priorities or development plans by 2015;
 - endeavour for 100%, but achieve at least 75% of parties provided with adequate financial resources having reported domestic biodiversity expenditures and funding needs, gaps and priorities by 2015; and

- endeavour for 100%, but achieve at least 75% provided with adequate financial resources, having prepared national financial plans for biodiversity by 2015, and 30% of those parties having assessed biodiversity values.
6. The COP also decided to consider at COP 12 modalities and milestones for the full operationalization of Aichi Target 3 on the removal, reform, or phase out of incentives, including subsidies harmful to biodiversity.
 7. All important elements for the EU were secured in the decision, including an agreement of Parties to use the preliminary reporting framework; the definition of a baseline as the average of annual biodiversity funding for the years 2006-2010; several paragraphs referring to the importance of enabling conditions; and an operational paragraph ensuring further progress on innovative financial mechanisms.
 8. During the closing plenary, Canada, Australia, Switzerland and Japan expressed concerns that the conditions set at COP 10 for agreeing targets, including the identification and endorsement of robust baselines and the adoption of an effective reporting framework had not been met.
 9. In relation to marine biodiversity and the identification of ecologically or biologically significant areas (EBSAs), COP 11 decided, broadly in line with the (Environment) Council Conclusions, to request the Executive Secretary to include the summary reports on the description of areas that meet the criteria for EBSAs in its dedicated Repository and to submit them to the United Nations General Assembly and particularly its Ad Hoc Open-ended Informal Working Group to Study Issues Relating to the Conservation and Sustainable Use of Marine Biological Diversity Beyond Areas of National Jurisdiction (WG BBNJ), as well as to submit them to Parties, other Governments and relevant international organizations. COP 11 also explicitly acknowledged the open nature of the process of describing EBSAs, and in particular the need for relevant processes to be completed with regard to the North-East Atlantic and the Mediterranean.

10. The decision on application of relevant biodiversity safeguards for REDD+ activities highlights the importance of addressing biodiversity concerns and protect biodiversity when Parties further implement the international scheme for Reducing Deforestation and Forest Degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries (REDD+), that is under finalisation under the UN Framework Convention on Climate Change. This issue was amongst the most contentious ones on the agenda of CBD COP 11.

11. A key outcome of the decision is the approval of an annex which provides substantive and detailed advice on safeguards for biodiversity when undertaking REDD+ activities. This advice will help developing countries to ensure that biodiversity is safeguarded and protected. Another crucial element consists in stressing the need for monitoring on how REDD+ activities contribute to achieving the objectives of the Convention on Biological Diversity; and in this regard, the decision notes that the indicative list of indicators to assess progress towards the Strategic Plan's goals could be useful for such assessment. Parties further agreed to a follow-up process on specific biodiversity indicators, by requesting the Secretariat to further develop such advice based on views from parties and to report to SBSTTA prior to COP 13, taking into full account the relevant UNFCCC decisions. Finally the decision encourages Parties to ensure that biodiversity concerns are included in REDD+ programmes and strategies as well as safeguards for biodiversity under REDD+ should be included in national reports relating to the Aichi targets.

12. Synergies among the biodiversity-related conventions were the focus of the discussions and again, thanks to an EU proposal and subsequent efforts, a prominent role for UNEP to enhance synergies was eventually included in the decision. In this context, COP 11 urges Parties and invites other Governments and international organizations, in particular the UNEP, UNESCO and FAO, to pursue efforts to enhance synergies, including in the context of the post-2015 development framework, with a view to strengthening Parties' ownership of the process.

13. As regards the implementation of the Strategic Plan for 2011-2020, progress was made also on the further development of tools and guidance for monitoring implementation, including indicators.

14. Discussions on new and emerging issues relating to the conservation and sustainable use of biodiversity focused on Synthetic biology. The COP decided, based on the precautionary approach, on the need to consider the potential positive and negative impacts of components, organisms and products resulting from synthetic biology techniques on the conservation and sustainable use of biodiversity, and has requested the Secretariat, subject to available resources, to: compile information submitted by parties and others, and consider possible gaps and overlaps with CBD applicable provisions, for SBSTTA consideration.
15. The EU, together with its Member States, were successful in requiring the application of these criteria to identify what can be qualified as new and emerging issues, which allows in parallel further analysis of synthetic biology to be developed, including in the EU.
16. The moratorium as proposed by the Philippines was rejected; and a reference to the application of the precautionary approach in accordance with the Preamble of the Convention and with domestic legislation following environmental impact assessment (based on Article 14 of CBD) when addressing threats of significant reduction or loss of biodiversity posed by organisms, components and products resulting from synthetic biology, were secured.
17. With regard to the budget, drastic reductions were made on meetings, including more streamlined COPs, fewer, shorter documents and reduced time for Working Groups. It was decided to hold the 2 meetings of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) in plenary sessions only. Agreement was reached on a 5% budget increase in assessed contributions, by finding voluntary pledges ledges for the Article 8(j) inter-sessional meeting (Denmark, Finland, India, Korea, Norway, Sweden and African Group) and for the preparatory meeting for COPMOP 1 of the Nagoya Protocol on ABS (ICNP3), funded by Japan.
18. The COP decided that future COP meetings will continue to be held every two years until 2020.
19. The COP also elected new Bureau members, as nominated by regional groups. Parties then elected Gemedo Dalle Tussie (Ethiopia) to be the next SBSTTA Chair.

Next steps

20. The Republic of Korea's offer to host CBD COP 12 in the second half of 2014 was accepted. COP 12 in South Korea will inter alia undertake a mid-term review of progress towards achieving the Aichi targets; and tackling the many demands being placed on the Convention; ranging from new scientific work on marine and coastal biodiversity, to continued work towards the entry into force of the Nagoya Protocol.
21. Against that background, some urgent steps and actions need to be undertaken by the EU, with a view not only to implement its commitments, but also to enable the EU to maintain its leadership on biodiversity protection at international level.
22. In light of the ambitious Aichi targets and heightened attention to measuring actual progress on the ground in reducing biodiversity loss after the failure to meet the 2010 target, increased monitoring under the Strategic Plan will be crucial.
23. In particular, on resource mobilisation, important follow-up steps include a review of the preliminary reporting framework to monitor resource mobilization, and of the Strategy on Resource Mobilisation at WGR15, as well as the consideration of principles and safeguards for the use of innovative financial mechanisms and the potential adoption of a final target at COP 12. This will require intensive inter-sessional work.
24. With regard to biodiversity safeguards with regard to REDD+, COP 12 will consider a progress report on how REDD+ safeguards contribute to the CBD objectives, with a view to feed into the subsequent climate COP in 2015 that should agree on an new comprehensive global climate change regime. A refined advice on the application of relevant safeguards for biodiversity with regard to REDD+ activities should be then considered at CBD COP 13.
25. On these issues and the others, the EU will have to actively participate in these processes from the early stages, with a view to shape the next decisions and future developments in an appropriate way.

EU role in the negotiations

26. Overall, the EU confirmed its leading role in supporting the conservation and sustainable use of global biodiversity at COP 11.
27. Outreach activities were conducted at expert level on the specific subjects under negotiation in the Working Groups and Contact Groups throughout the COP as well as at ministerial level with a number of key countries, including (at high level) with Japan, India, Canada, New Zealand, Brazil, Switzerland and Norway.
28. With regard to resource mobilisation, during the last EU coordination meeting held at ministerial level during the night of Saturday 20 October, following request for clarification from EU member States, the Commission stated that for the EU and its Member States, the preliminary target of doubling biodiversity-related international financial resource flows to partner countries by 2015, compared to the baseline of the average of the years 2006-2010, as agreed by the 11th Conference of the Parties to the Convention on Biological Diversity, is to be understood as a global target which does not imply any specific burden-sharing agreement between Member States or EU Institutions. Copy of this statement is included in the Annex to this report.

Chapter 2: The Cartagena Protocol on Biosafety

29. The Conference (COP-MOP 6) was conducted with a plenary session and two working groups running throughout one week dealing with substantive issues. One working group dealt with the report of the compliance committee, rules for handling, transport, packaging and identification, unintentional transboundary movements, notification requirements, liability and redress and socio-economic considerations. The other working group dealt with issues such as risk assessment & risk management, the Biosafety Clearing House, capacity-building activities, financial mechanisms and assessment and review, among others.

30. The meeting adopted 16 decisions. There were two key issues, on which progress was made: socio-economic considerations and risk assessment & risk management. On socio-economic considerations, Parties agreed to the establishment of an *ad hoc* technical expert group, subject to the availability of funds, with the main objective of developing conceptual clarity on socio-economic considerations in the context of the Cartagena Protocol. On risk assessment and risk management, Parties agreed to commend the progress made on “the Guidance of Risk Assessment of Living Modified Organisms” and to test the guidance in actual cases of risk assessment. A new *ad hoc* technical expert group was also set up, which would work online and meet face-to-face in the event of funds being available.
31. The European Union and its Member States welcomed all decisions adopted which were in line with the (Environment) Council Conclusions.

Commission statement on resource mobilisation

For the EU and its Member States, the preliminary target of doubling biodiversity-related international financial resource flows to partner countries by 2015, compared to the baseline of the average of the years 2006-2010, as agreed by the 11th Conference of the Parties to the Convention on Biological Diversity, is to be understood as a global target which does not imply any specific burden-sharing agreement between Member States and/or the EU.

