

2014 Italian Presidency
of the Council
of the European Union



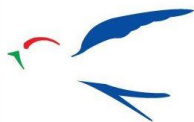
Informal Ministerial meeting to prepare the 12th meeting of the Conference of Parties to
the Convention on Biological Diversity (CBD COP12)

Bruxelles, 9 September 2014

"Albert Borschette" Conference Centre
36 Rue Froissart, meeting room AB-1A

Agenda

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|---|--------------------|
| <i>Registration and arrivals</i> | <i>09:30-10:00</i> |
| 1. <u>Welcome of participants and introduction</u> | 10:00-10:30 |
| 2. <u>Resource Mobilization</u> | 10:30-13:30 |
| 2A. Adoption of final targets | |
| 2B. Role of the private sector and innovative financial mechanisms | |
| 2C. Mainstreaming and link to SDGs | |
| <i>Light lunch</i> | <i>13:30-14:30</i> |
| 3. <u>Selected other salient issues to be tackled at COP12</u> | 14:30-16:00 |
| 3A. Marine biodiversity - Ecologically or Biologically Significant marine Areas (EBSAs) | |
| 3B. Synthetic Biology (SynBio) | |
| 3C. Biodiversity safeguards and REDD+ activities | |
| 4. <u>Entry into force of the Nagoya Protocol and MOP1</u> | 16:00-16:30 |



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Annotated Agenda

Registration and arrivals **09:30-10:00**

1. Welcome of participants and introduction **10:00-10:30**

Gianluca Galletti, Minister of Environment, Land & Sea, Italy

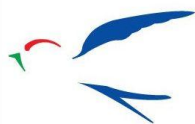
Janez Potočnik, European Commissioner for Environment

2. Resource Mobilization **10:30-13:30**

2A. Adoption of final targets

One of the main remaining issues to be tackled at CBD COP12 is the adoption of final resource mobilisation targets. The Council Conclusions of June 2014 call for the finalisation of targets at COP12, including the adoption of the preliminary international target agreed in Hyderabad, and building upon the other targets included in paragraph 7 of Decision XI/4 related to the inclusion of biodiversity in national priorities and development plans, the reporting of domestic biodiversity expenditure, and the assessment/evaluation of the various values of biodiversity and its components.

At the 5th meeting of the Working Group on the Review of Implementation of the CBD (WGR15) in preparation of COP12, G77 countries, led by Brazil, indicated that they would not accept a final target unless it was more ambitious. A strategic discussion by the Ministers on how to handle the issue during COP and further guidance on the council conclusions would therefore be useful.



The COP12 draft decision also contains a target on domestic financing, referring to the need to mobilize domestic financial resources 'to significantly reduce the gap between identified needs and available resources'. A domestic target is necessary to provide some balance to the international target which mainly puts the burden on donor countries; however a quantified target on domestic resources is unlikely to be acceptable to most CBD Parties. In WGR15, G77 countries also indicated that the need to reduce the gap between identified needs and available resources should also apply to the international target.

Q1: What should be the EU strategy regarding the international target to reach a deal at COP12? How should the EU tackle the suggestion from Brazil/G77 to make explicit that the international target also contributes to reducing the gap between identified needs and resources?

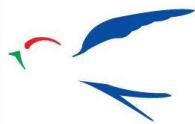
Q2: Does the EU agree with the proposed domestic target or should an alternative formulation be put forward? How strong should the EU be on the need for a domestic target in the final resource mobilisation package, and on a specific reference to the other preliminary targets agreed in Hyderabad?

Q3: How flexible is the EU on the timing of finalisation of targets?

2B. Role of the private sector and innovative financial mechanisms

The international target agreed in Hyderabad clearly indicates that it applies to financing from a variety of sources. In line with the Council Conclusions which stressed the need for Parties to mobilise resources, including from the private sector and other stakeholders, the EU's position in WGR15 was that the domestic target should also refer to all sources of financing. WGR15 recommendations also foresee that the CBD Secretariat will develop a set of draft decisions to be considered at COP12 focusing amongst others on the strategy for resource mobilization and the mainstreaming of biodiversity, and on safeguards for innovative financial mechanisms. There may be some resistance from some Parties to agree on these issues. The Council Conclusions emphasised the importance of using a range of financial mechanisms as part of the toolbox to address resource mobilisation for biodiversity.

Q4: Should final targets be clearly linked to all sources of financing, including from the private sector? How can we better encourage the private sector to report on their contribution? Should the EU be proactive at COP12 to encourage further use of innovative financial mechanisms and associated safeguards?



2C. Mainstreaming and link to SDGs

One of the main findings of the High Level Panel on Global Assessment of Resources for Implementing the Strategic Plan for Biodiversity 2011-2020 is that closing the financial gap requires effective mainstreaming of biodiversity in major development sectors. The specific theme for COP12 is biodiversity and sustainable development. In addition to a draft decision on the integration of biodiversity in the post-2015 framework, the Korean Presidency has put forward a proposed Gangwon Declaration on Biodiversity for Sustainable Development which calls for appropriately integrating elements of the objectives of the Convention, the Strategic Plan and the Aichi Targets in the post-2015 development agenda.

The Proposal of the Open Working Group (OWG) for Sustainable Development Goals has included among the 17 proposed goals, 2 that are directly related to biodiversity and ecosystems (Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development; Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss) with about 10 Targets each. Biodiversity issues have been captured to varying degrees in other goals. The proposal will be submitted for consideration and appropriate action at the 68th UN General Assembly.

Q5: What synergies could be developed between the SDG process and CBD resource mobilisation? Can the EU play a proactive role to mainstream biodiversity in SDGs, targets and indicators?



Light lunch

13:30-14:30



3. Selected other salient issues to be tackled at COP12

14:30-16:00

Ministers wishing to introduce one of the three issues listed below are kindly invited to notify it in advance to the Italian Presidency.

3A. Marine biodiversity - Ecologically or Biologically Significant marine Areas (EBSAs)

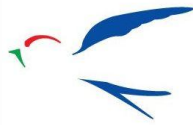
On the agenda of COP12 is a draft decision taking stock of the latest round (since COP11 in 2012) of regional workshops to describe areas that meet the scientific criteria for EBSAs. During this round, more than 150 areas in seven different marine regions have been described as meeting EBSAs criteria. Accordingly, the annex to the draft COP decision covers the following marine regions: Southern Indian Ocean, Eastern Tropical and Temperate Pacific, North Pacific, South-Eastern Atlantic, Arctic, North-West Atlantic, Mediterranean. The draft decision also attempts to provide additional guidance to the future of the EBSA process.

Regionally specific issues

- The *North-East Atlantic* region spearheaded the EBSA process with the first regional workshop, hosted by France in September 2011, which in this case also involved the regional sea convention, OSPAR, and the regional fisheries management organisation, NEAFC. Reaching agreement in all those organisation has proven difficult, and even after an additional round of scientific review (carried out by the International Council for the Exploration of the Sea – ICES) no areas have yet been agreed for formal consideration by SBSTTA and COP. However, SBSTTA18 in June 2014 provided for areas from the North-East Atlantic still to be included in the COP12 decision under certain conditions (Recommendation XVIII/3, para. A.1).
- A regional workshop for the *Mediterranean* was hosted by Spain in April 2014. Some specific reservations were expressed on the process and outcomes of this workshop but at the June 2014 SBSTTA meeting, Parties nonetheless agreed to include the areas described in the summary report to COP12, with a view to including them in the EBSA repository.
- At SBSTTA18, square brackets were put around the description of areas in the *Arctic* and in the *North-West Atlantic* (in both cases at the request of Iceland) as well as in the *Eastern Tropical and Temperate Pacific* (at the request of Peru).

Horizontal issues

- When should areas within national jurisdiction be included in the EBSA process? The different regional workshops have taken ad-hoc decisions in this regard, but there is still no clear consensus on criteria for inclusion. Specific questions arise with regard to areas which are not currently recognised as being under national jurisdiction but which are



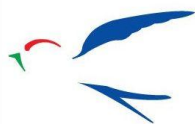
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subject to coastal states' claims for an extension of the continental shelf. Current disagreements on the description of particular EBSAs concern areas within as well as beyond national jurisdiction. In addition to clarifying EU Member States' positions on the results of the different workshops, it might also be worth reflecting on necessary outreach towards third countries which are still opposing some of those results.

- What kind of further work (if any) should be done on areas that meet EBSA criteria? Some consider that the process could be further strengthened by entrusting the CBD with the collection of scientific information on the *status* of marine biodiversity and the types and levels of *human activity* in those areas. Others consider that issues related to the previously established process should first be addressed before its scope is expanded.





3B. Synthetic Biology (SynBio)

SynBio has emerged as a new research area associated with an expansion of the scope and scale of genetic modification. There is scientific uncertainty around the potential impacts of SynBio on biodiversity, which has effectively been on the agenda of CBD meetings for several years. No agreement has been reached so far on whether to formally recognise SynBio as a "New and emerging issue" (for which criteria were defined in COP decision IX/29 of 2008) and/or on how it should be addressed in substantive terms in the CBD context.

Discussions are hampered by the lack of a science-based, operational definition of "Synthetic Biology". Many experts think that such a definition should comprise specific inclusion and exclusion criteria, with special attention given to quantifiable and currently measurable ones. EU scientific committees are in the process of, *inter alia*, developing a definition but there is no final agreement yet among the scientists who are members of those committees. Without an agreed operational definition, it will be difficult to decide on whether additional mechanisms are needed at international level to regulate or introduce safeguards for SynBio, not least because of unclear relations to more "traditional" types of genetic engineering. How best to advance work on an operational definition is thus one of the questions facing the EU and its Member States as well as other CBD Parties at COP12.

In the CBD context, the Cartagena Protocol on Biosafety (CPB) aims to ensure the safe handling, transport and use of Living Modified Organisms (LMOs) resulting from modern biotechnology that may have adverse effects on biological diversity, taking also into account risks to human health. The Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the CPB, moreover, establishes international rules and procedures on liability and redress relating to living modified organisms. Recently, the development of additional guidance for risk assessment of LMOs produced through SynBio was proposed under the CPB by an Ad Hoc Technical Expert Group on risk assessment and risk management. The Nagoya Protocol (NP) on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation aims at sharing the benefits arising from the utilisation of genetic resources in a fair and equitable way, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies. While the NP does not address SynBio, the matter is of relevance also for future work under this protocol. One of the few parts of the draft COP decision on which Parties have been able to agree concerns the need to relate to the Convention *and* its protocols in further expert work on SynBio. Additional political guidance by Ministers – building on the EU's existing, balanced position as developed for COP11 – may be required on the objectives, the scope and the timing of this work under the CBD.



3C. Biodiversity safeguards and REDD+ activities

Linkages between biodiversity and climate-change policies are addressed under several items on the agenda of COP12. This area is an important testing ground for frequently proclaimed ambitions to maximize synergies between different multilateral environmental agreements more generally. The EU has repeatedly stressed the potential in particular of REDD+ to promote the objectives of the CBD while equally supporting the UNFCCC process. However, some Parties are still concerned that CBD COP decisions could interfere with processes under the UNFCCC or prejudice their outcomes.

In its Conclusions of June 2014 (§34), the Council has reaffirmed the importance of further strengthening synergies between biodiversity and climate change policies, in particular by applying what was agreed at COP11 on safeguards (Dec. XI/19) and by maximising biodiversity-related benefits of REDD+ activities in support of the Aichi Targets.

Political guidance by the Ministers would be useful, inter alia, on how to turn this debate from a mostly defensive one, where biodiversity concerns continue to be perceived by many as an additional complication on the climate-policy agenda, into a more constructive one, which makes the synergies agenda – to which everyone subscribes in principle – relevant in operational terms, focusing on the implementation of the COP11 decision. This could also include reflection on promising strategies for outreach towards third countries.



4. Entry into force of the Nagoya protocol and MOP1

16:00-16:30

Gianluca Galletti, Minister of Environment, Land & Sea, Italy

Janez Potočnik, European Commissioner for Environment

Preparations for CBD COP12 should reflect that COP12 will at the same time serve as the first Meeting of the Parties (MOP1) to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation. MOP1 will take important decision in view of the entry into force of the Protocol, in particular on the modalities of operation of the Access and Benefit-sharing Clearing-House as well as on procedures and mechanisms to promote compliance with the Protocol. This agenda item serves the purpose of acknowledging the entry into force of the Protocol and its first meeting of the Parties, without entering into details of the preparation of the meeting.

