

Council Conclusions on Preparation for the ninth ordinary meeting of the Conference of the Parties (COP 9) to the Convention on Biological Diversity (CBD) - (Bonn, 19 to 30 May 2008)

2812th ENVIRONMENT Council meeting
Luxembourg, 28 June 2007

The Council adopted the following conclusions:

"STRESSING the urgency of continuous, enhanced and vigorous efforts at all levels to achieve the global target of significantly reducing the rate of biodiversity loss by 2010 and the EU objective established at the European Council at Gothenburg to halt the loss of Biodiversity by 2010 within the EU;
EMPHASISING the need for the CBD to focus on effective implementation and compliance;

UNDERLINING the EU's strong commitment to an early and active preparation for the ninth meeting of the Conference of the Parties (COP 9) to the Convention on Biological Diversity (CBD) in May 2008, in order to ensure an active and constructive role of the EU in the upcoming intersessional meetings and to contribute to ambitious outcomes at COP 9;

HIGHLIGHTING the following EU priorities, to be complemented with detailed positions on the whole range of issues to be addressed at COP 9 in due course;

THE COUNCIL OF THE EUROPEAN UNION:

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8. **IS COMMITTED** to completing the elaboration and negotiation of an international regime on access to genetic resources and benefit-sharing at the earliest possible time before the tenth meeting of the Conference of the Parties as agreed at COP 8 by Decision VIII/4; and therefore **REGARDS IT** as essential that COP 9 will identify the main elements of the international ABS regime;

9. **STRESSES ITS WILLINGNESS** to engage in a substantive discussion on further measures to support compliance with prior informed consent and mutually agreed terms not excluding legally binding ones; in this context, **REITERATES** its proposal regarding the disclosure of origin or source of genetic resources and associated traditional knowledge in patent applications to the World Intellectual Property Organisation; **AFFIRMS** that the discussion should include consideration of an internationally recognised certificate of compliance with national access rules, and in this regard **TAKES NOTE** of the report of the meeting of the Group of Technical Experts on an Internationally Recognized Certificate of Origin/Source/Legal Provenance of January 2007, including its implications and added value for the international regime, as one potential element of an international ABS regime; furthermore, **HOLDS THAT** this discussion could also include work on an international definition of misappropriation and a related international obligation to prohibit the use of misappropriated genetic resources; **STRESSES** that, in parallel, efforts need to be undertaken to ensure that national access regimes fully conform to the CBD and the Bonn Guidelines and do not discriminate against foreign users of

genetic resources; UNDERLINES that this will require the establishment of international minimum requirements on national access law and practice that could serve as a reference point for enforcement measures in user countries; IS OF THE OPINION that legal certainty and compliance with ABS requirements could also be enhanced through sectoral work on standardising Material Transfer Agreements;