EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate F - Global Sustainable Development
ENV.F.3 - Multilateral Environmental Cooperation

SUMMARY RECORD OF THE ABS CONSULTATION FORUM

4TH MEETING, 11 DECEMBER 2018

1. Welcome and adoption of the agenda

The Chair welcomed all participants; the agenda of the 4th meeting of the ABS Consultation Forum was adopted as it stood.

2. Update by the Commission on recent international developments

The CBD COP14 and the Nagoya Protocol COP-MOP3 took place in Sharm El Sheikh (Egypt) from 17 to 30 November 2018. Concurrent meetings of the Parties to the Convention on Biological Diversity, the Nagoya Protocol and the Cartagena Protocol were organised, similarly to the previous meeting. COP-MOP3 made 16 decisions, inter alia on assessment and review of the effectiveness of the Protocol, monitoring and reporting, awareness-raising, capacity building, the ABS Clearing House, a global multilateral benefit-sharing mechanism, cooperation with other international organisations, ABS specialised instruments, and follow up to the Strategic Plan 2011-2020. In addition, some overlapping issues, such as procedures for avoiding or managing conflicts of interest and enhancing integration between the Convention and its Protocols, benefited from the concurrent organisation of the meetings. At COP14, one of the most discussed issues was Digital Sequence Information. A further process to explore the topic was set up. As one of the follow-up measures, the EU and its Member States (MS) will have to work on coordinated input to the multilateral process on DSI.

3. Update on the process of ratification of the Nagoya Protocol and on the implementation of the EU ABS Regulation

The EC provided a short update on the increased number of Member States' ratifications (to date, 18 MS are Party to the Protocol). The EC also provided an update on the state of implementation of the EU ABS Regulation in the EU: 6 MS still need to designate competent authorities; 7 MS need to set up a penalty system; only 4 MS carried out compliance checks, and only 5 prepared risk-based plans for carrying out such checks. Four due diligence declarations have been submitted.

4. Update on DECLARE

The EC provided some statistical information about the use of the EU-wide IT tool DECLARE for submitting due diligence declarations (DDDs) (available for both checkpoints). At the time of the ABS Consultation Forum meeting, there were 113 users registered, many of them from Germany (34), but also relatively many from UK, France, Netherlands, Sweden and Denmark. There were 18 DDDs in DECLARE, the majority of which was still in draft form, with four DDDs completed and submitted (three in Germany and one in Malta).

5. Update on EU ABS implementation issues - guidance documents

The EC reported on the discussions held with the MS experts in 2017 and 2018, on unresolved issues for the forthcoming guidance document. The EC recalled that, for many issues, solutions were already found in 2017 (subcontractors, human microbiome and zoonotic diseases induced by human-originating viruses, routine modifications and tests, and keeping of documentation at the end of utilization) while, for others (such as commercial varieties, taxonomy, large-scale screening), solutions were only reached in 2018. The EC summarised the conclusions for each topic.

The EC informed the group about the intended way forward with the guidance document. The EC will not publish nine separate guidance documents (as originally drafted by the groups). There were many common issues; some more challenging (such as large-scale screening) and some on which an agreement could be found relatively smoothly (such as regulatory tests). In addition, some issues that were discussed in 2017 and 2018 concern topics already addressed in the horizontal guidance document. The intention is to further elaborate on relevant topics in the existing horizontal guidance document (leading thus to a revision of this document) and to prepare a separate guidance document with more sector-specific issues. The EC reassured the stakeholders that they would be consulted on the draft version of the new document.

6. Discussion on unresolved issues

A small group, established during the Consultation Forum meeting of December 2017, worked over 2018 on the issue of derivatives in the context of chemical modification of derivatives and the notion of continuum. The results of these deliberations were presented in the December 2018 meeting. In addition, it became clear in 2018 that the industry found the agreement reached in 2017 on the human microbiome problematic. An industry expert gave a presentation on the issue.

After the presentations, the CF discussed particular issues linked to the interpretation of derivatives and the human microbiome. In addition, questions were raised about large-scale screening and commercial plant varieties. Intentionality of access gathered some attention too. Some CF members argued that the current discussion paper goes beyond the interpretation as presented in the horizontal guidance document.

8. A.O.B.

No points were discussed under AOB.

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