

## Why does the EU push in GBF Targets 15 and 16 the business and over-consumption to be not bindingly regulated ?

1. The CBD obliges its parties to monitor and "regulate or manage" all "processes and activities" - also of corporations -, which are under their jurisdiction or control and which "are likely to have significant adverse impacts on" biodiversity (1) "regardless of where their effects occur" whether within "or beyond the limits of national jurisdiction" (2) and to "ensure that activities within their jurisdiction or control do not cause damage to the environment of other States". (3)

a) Why does the EU want to violate this obligation by requiring that the parties do not need to regulate and prevent such corporations' significant adverse impacts on biodiversity but that instead only the corporations themselves would "assess and report on" their impacts on biodiversity and reduce only such negative impacts, which they themselves like to address for "reducing biodiversity-related risks to businesses" (4) ?

b) Why does the EU want to limit even this corporations self-monitoring 'due diligence' only to that how "the use of biological resources" may cause "violation of the obligation [...] to avoid or minimize adverse impacts" on biodiversity under the CBD 10 (b) article (5) allowing thus all other ways how corporations undermine, destroy, degrade, displace and pollute biodiversity to continue without limit, violating the CBD articles 3, 4(b), 7(c), 8(l), 14.1(d), 22.1 , etc. ?

c) So why does the EU under its new Proposal for Directive on Corporate Sustainability Due Diligence determine that from all violations of the CBD articles only the violation of its article 10 (b) would be "adverse environmental impact" to be avoided in business activities as "an adverse impact on the environment resulting from the violation of one of the prohibitions and obligations pursuant to the international environmental conventions listed in the Annex, Part II" (6) ?

2. As the CBD obliges its parties to monitor and regulate or manage also all such processes and activities of the over-consumption under their jurisdiction or control which "are likely to have significant adverse impacts on" biodiversity (7) to "ensure that activities within their jurisdiction or control do not cause damage to the environment of other States" (8) and to act "to prevent or minimize such danger or damage" to other countries (9) then:

Why does the EU want these obligations to be violated or neglected and side-lined by proposing instead under the GBF Target 16 that the states should reduce only "where relevant the overconsumption", not by making its overall volume regulated and bound by limits but according to voluntary "cultural preferences" of the overconsumption culture (10) ?

3. Why and how does the EU assume that it would not be "relevant" to reduce the overconsumption if those who overconsume do not happen to have voluntary "cultural preference" to reduce their consumption (11) - even though the CBD obliges its parties to "regulate or manage the relevant processes" and activities of overconsumption according to "where a significant adverse effect on biological diversity has been determined" (12), including how:

a) IPBES has determined that the "high consumption lifestyles in developed countries" - whose majority is in the EU - are "dominant factors driving land degradation" and "pushing the planet towards a sixth mass species extinction". (13)

b) SBSTTA has determined that "unsustainable consumption underlies each of the main direct drivers of biodiversity loss" and its practices "exceed the capacity of the earth" and "90 per cent of global biodiversity loss [...] can be linked to the extraction and processing" demanded by "current patterns of unsustainable use, one of the main direct drivers of biodiversity loss" (14) ?

c) "Lowering total consumption and waste is essential" for "bending the curve of biodiversity loss" which is "accelerating at an unprecedented rate" as determined also by the GBO-5 and Leaders' Pledge to Reverse Biodiversity Loss by 2030 recently (15) ?

So why and how it would not be 'relevant' to bindingly regulate this "unsustainable consumption" which "underlies each of the main direct drivers of biodiversity loss" (16) to prevent the global biodiversity loss acceleration which it drives - like the CBD obliges its parties to do (17) - even where overconsumption cultures, like our EU, may not have voluntarism of "cultural preference" (18) to do so ?

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## Notes and references

1. CBD articles 7 (c) and 8 (l)
2. CBD article 4 (b)
3. CBD article (3)
4. GBF first draft Target 15
5. CBD article 10 (b) and EU's new Corporate Sustainability Due Diligence directive proposal, article 3 (b) and its ANNEX to the proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, PART II VIOLATIONS OF INTERNATIONALLY RECOGNIZED OBJECTIVES AND PROHIBITIONS INCLUDED IN ENVIRONMENTAL CONVENTIONS , paragraph 1
6. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, Brussels, 23.2.2022 COM(2022) 71 final 2022/0051 (COD), article 3 (b)
7. CBD articles 7 (c) and 8 (l)
8. CBD article (3)
9. CBD article 14 (d)
10. GBF first draft Target 16
11. GBF first draft Target 16
12. CBD article 8 (l)
13. IPBES, The Assessment Report on Land Degradation and Restoration, Foreword and Summary for Policymakers, sections A1 and B2, pages xx and xxiii, [https://ipbes.net/sites/default/files/2018\\_ldr\\_full\\_report\\_book\\_v4\\_pages.pdf](https://ipbes.net/sites/default/files/2018_ldr_full_report_book_v4_pages.pdf)
14. CBD/SBSTTA/24/3/Add.2 /Rev 1 paragraphs 109-110, 114-115
15. CBD Global Biodiversity Outlook 5 (GBO-5), page 181 and Leaders' Pledge to Reverse Biodiversity Loss by 2030
16. CBD/SBSTTA/24/3/Add.2 /Rev 1 paragraphs 109-110, 114-115
17. CBD articles 3, 4(b), 7(c), 8 (l), 14 (d) and 22.1
18. GBF first draft Target 16