



Sao Paulo, 30 September 2021

Ref.: Notification 2021-063

Dear Executive Secretary,

In response to the above-referenced notification, we hereby present our concerns about document CBD/WG2020/3/4 (Digital sequence information on genetic resources) and make suggestions on how best to deal with the topic going forward from a governance perspective. This contribution is organized in the form of bullet points, as follows:

- The multistakeholder debates and efforts reported so far, including within the AHTEG, have been extremely valuable to advance discussions.
- The AHTEG itself made clear that some topics could not be exhausted and deserve more in-depth analyses and reflections in the future.
- Further debate is necessary before decisions are taken, considering that digital sequencing is an extremely new technology, and in order to promote legal security and stability, while moving towards consensus among CBD parties.
- Paragraph 15 of Annex I of UN Doc. CBD/WG2020/3/4 reads: “The experts discussed implications of publicly accessible databases in relation to digital sequence information. They reiterated the value of open access, with some experts noting that *‘open’ does not necessarily mean ‘free and unrestricted’ access* and noted that publicly accessible databases are functioning using differing terms and conditions of use.” In other words, how the AHTEG and later the CBD regime define *‘open’* in this context is highly consequential. It is thus recommended that future policies and governance mechanisms respond to the need for rules governing access to, and harmonization of, relevant databases, taking account of the different purposes for which information on the topic may be requested.
- The AHTEG also highlights how regulatory trends are not uniform: some countries are beginning to regulate digital sequence data; others have no intention to do so; while others, still, await to see how international negotiations unfold and the governance guidance it may eventually provide.



- In line with the precautionary principle, persons interested in accessing such databases should be required to disclose their purpose in so doing.
- Access should be controlled (e.g., through certification requirements), yet granted without discrimination to every party that signs up to the regulation in question, and in relation to every sector, commercial and non-commercial.
- The need for international regulation in this field is clear and committing to such future regulation should be seen as a prerequisite for accessing international databanks, thus enabling monitoring of research and exchanges of beneficial and peaceful innovations.
- It is recommended that an expert commission be established, within the framework of the international regulation, to review digital sequencing use projects and their purposes, both in the commercial and academic spheres, and assess their compatibility with rules and standards on biosafety, testing, and bioethics, and with the protection of people, animals, and the environment.

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