

# DIGITAL SEQUENCE INFORMATION ON GENETIC RESOURCES

## SUBMISSION TO CBD NOTIFICATION (2021-063)

### Key messages:

1. Parties should review and improve the ABS system as a whole to achieve a comprehensive system that can replace the current approach to ABS and truly deliver on the aims of the CBD, **rather than** focus on a specific system for “DSI” coming “on top” of the current bilateral system.
2. ABS procedures should be harmonised and simplified for a more workable and effective system which creates the required level of legal certainty for both providers and users.
3. A proper assessment of the current ABS system, as well as the workability and impact of any changes considered, should be made before any decision is taken.
4. The crucial importance of open exchange and access to “DSI” in the public domain for research and innovation, including for biodiversity conservation, must be kept in mind.

The International Chamber of Commerce is the institutional representative of more than 45 million companies in over 100 countries. Our mission is to make business work for everyone, every day, everywhere. We reaffirm global business' support for fair and equitable benefit sharing that will support and encourage conservation and the sustainable use of biodiversity, and the achievement of the Sustainable Development Goals (SDGs). Businesses are also dedicated to working with all stakeholders to identify solutions and design frameworks that will achieve these goals. We are committed to collaboratively creating and delivering more value and benefits from genetic resources for countries, stakeholders and society through research and innovation, thereby contributing to the objectives of the CBD and the SDGs.

While international discussions are currently focusing on the possible extension of ABS obligations to "Digital Sequence Information" ("DSI"), we do not believe that focusing on a specific system for "DSI", which would come "on top" of the current bilateral ABS system, would be appropriate for the following reasons.

- We believe that Parties should be more ambitious in taking this opportunity to review and improve the ABS system as a whole, with the ultimate aim of achieving a comprehensive system that can truly deliver on the aims of the CBD.
- We believe it is essential to work towards a system that can replace the current approach to ABS, rather than set up a system that comes on top of the current, national implementation of ABS.
- It is necessary to harmonise and simplify ABS procedures to make the system more workable and effective and to create the required level of legal certainty for both providers and users of biodiversity, thereby incentivising increased and ongoing innovation and value creation for all of society.
- Given the important implications of any decision made in this area, we would like to reiterate our suggestion that a proper assessment of the current ABS system as well as of the workability and impact of any changes considered should be made before any decision is taken, and support proposals made in this regard.

As negotiations go forward, we believe that two important ideas must be kept in mind.

- Open exchange and access to "DSI" that is in the public domain is crucial for research and innovation, including in the area of biodiversity conservation, and ICC strongly supports preserving this<sup>1</sup>. Imposing administrative and other restrictions on "DSI" presents a high risk of interference with open research policies for science and innovation, and the open access policies of the major International Nucleotide Sequence Data Collaboration INSDC DNA sequence databases.

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<sup>1</sup> ["Promoting sustainable use and conservation of biodiversity through open exchange of Digital Sequence Information"](#) – joint stakeholder statement co-signed by ICC with eighty four international, regional and national public and private sector organisations, academic and scientific institutions, data repositories and collections (24 May 2019)

- Furthermore, by its nature, collecting and using DNA sequence data throughout the world is much more complex than collecting and using physical genetic resources. An additional ABS system for “DSI” on top of the multitude of bilateral systems would make an already complex system even more complicated and unworkable for both users and providers. There is a significant risk that a specific benefit sharing scheme on “DSI” will result in more bureaucratic hurdles, greater cost, and less legal certainty, thereby increasing barriers to research and innovation. This includes research that contributes to the goals of the Post-2020 Global Biodiversity Framework, and innovation that is required more than ever to deal with the challenges ahead like climate change, biodiversity loss, food security and pandemic preparedness.

Again, we believe that Parties should be more ambitious in taking this opportunity to review and improve the whole ABS system, with the ultimate aim of achieving a comprehensive system that can truly deliver on the aims of ABS and create value for society at large. We have published these views in an earlier paper<sup>2</sup> and remain committed to more dialogue with policy makers and other stakeholders and to providing feedback and insights that will help ABS serve the CBD and SDGs.

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<sup>2</sup> [“Towards a new implementation strategy for access and benefit sharing”](#) ( 5 October 2020)

## About The International Chamber of Commerce (ICC)

The International Chamber of Commerce (ICC) is the world's largest business organization representing more than 45 million companies in over 100 countries. ICC's core mission is to make business work for everyone, every day, everywhere. Through a unique mix of advocacy, solutions and standard setting, we promote international trade, responsible business conduct and a global approach to regulation, in addition to providing market-leading dispute resolution services. Our members include many of the world's leading companies, SMEs, business associations and local chambers of commerce.

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### **INTERNATIONAL CHAMBER OF COMMERCE**

33-43 avenue du Président Wilson, 75116 Paris, France

**T** +33 (0)1 49 53 28 28 **F** +33 (0)1 49 53 28 59

**E** [icc@iccwbo.org](mailto:icc@iccwbo.org) [www.iccwbo.org](http://www.iccwbo.org)