



## Press Brief

# Model Contractual Clauses, Voluntary Codes of Conduct, Guidelines and Best Practices and/or Standards

## Why is this important?

Mutually agreed terms are essential for the development of fair and equitable access and benefit-sharing (ABS) arrangements. In Article 19, the Nagoya Protocol refers to model ABS agreements and examples of sectoral and cross-sectoral contractual clauses as tools to provide useful guidance in the negotiation of mutually agreed terms, thus providing legal certainty while supporting the fair and equitable sharing of benefits and promoting compliance. Model ABS agreements and model contractual clauses can also play a key role in building capacity to negotiate mutually agreed terms and to promote equity and fairness in negotiations. Some examples can be found at [www.cbd.int/abs/resources/contracts](http://www.cbd.int/abs/resources/contracts). Likewise, Article 20 of the Nagoya Protocol refers to voluntary codes of conducts, guidelines, best practices and standards developed for different types of users of genetic resources. Examples can be found at [www.cbd.int/abs/instruments](http://www.cbd.int/abs/instruments).

Through promoting the use of model contractual clauses, codes of conduct, guidelines and best practices or standards, Articles 19 and 20 aim to bring consistency in the way access and use of genetic resources is being negotiated. Such consistency would help to bring more legal certainty to providers and users alike and would reduce transaction costs for ABS. At its third meeting, the Intergovernmental Committee of the Nagoya Protocol exchanged views on the development, updating and use of these tools and provided recommendations to be considered by the COP-MOP at its first meeting.



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## What news to expect in Pyeongchang?

At its first meeting, it is anticipated that the COP-MOP will, among other things:

- Encourage Parties, other Governments, international organizations, indigenous and local communities as well as relevant stakeholders to submit tools developed under Articles 19 and 20 to the ABS Clearing-House
- Encourage the updating of tools relevant to Articles 19 and 20 that were developed prior to the Nagoya Protocol
- Decide to take stock of the use of sectoral and cross-sectoral model contractual clauses, voluntary codes of conduct, guidelines and best practices and/or standards in relation to access and benefit-sharing four years following the entry into force of the Protocol and in conjunction with the first assessment and review of the Nagoya Protocol.

### Secretariat of the Convention on Biological Diversity

413, Saint Jacques Street, suite 800  
Montreal, Quebec, H2Y 1N9  
Canada

Tel.: +1 514 288 2220  
Fax: +1 514 288 6588  
secretariat@cbd.int

[www.cbd.int/cop2014](http://www.cbd.int/cop2014)