

Digital sequence information on genetic resources

The Subsidiary Body on Implementation

[0. *Recommends that, at its seventeenth meeting, the Conference of the Parties, as a matter of priority review the Memorandum of Understanding signed between MPTFO, UNDP, UNEP and the CBD, and the documents annexed to it, and make recommendations for necessary amendments to the Memorandum of Understanding and annexed documents to ensure consistency with Decision 16/2;*

Obis. Requests the Executive Secretary on behalf of the interim Secretariat of the Multilateral Mechanism to:

a. facilitate informal intersessional online meetings for Parties to consider these documents and the legal implications of the provisions contained therein;

b. communicate with the Bureau of the COP17 on the need to include an additional agenda item for the review of the Memorandum of Understanding and the Annexed documents in the provisional agenda to be considered at COP17 and submit the documents for the consideration of COP17;]

Recommends that, at its seventeenth meeting, the Conference of the Parties adopt elements of a decision along the following lines:

The Conference of the Parties,

Recalling decision 15/9 and decision 16/2,

[1. *Recognizes the potential value of exploring proportionate pathways that could complement the sectoral approach established in decision 16/2 by addressing potential asymmetries affecting users making limited or initial use of digital sequence information on genetic resources, particularly in developing countries, whose remaining portfolio complies with applicable national access and benefit-sharing requirements, if applicable, while avoiding unintended barriers to the responsible adoption and use of digital sequence information;*
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[1.bis *OPTION A. Requests the Executive Secretary, subject to the availability of resources, to compile relevant information on potential additional modalities to allow entities to calculate their contributions to the Cali Fund on the basis of the products or services in their portfolio developed [directly or indirectly] using digital sequence information on genetic resources, including on potential interaction with national ABS frameworks, and to analyze and evaluate their feasibility, practicality, efficiency and legal and technical challenges, including an assessment of the potential impact of the total level of contributions to the Cali Fund, equity implications, and the interests of developing country Parties in particular least developing countries, small island developing States and Parties with economies in transition;*
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[1.bis *OPTION B. Establishes, subject to the availability of resources, [an ad hoc open-ended working group on benefit-sharing from the use of digital sequence information on genetic resources] to further develop the multilateral mechanism through [options for] a products- and services-based modality providing a proportionate pathway for companies with limited use of digital sequence information, complementary to the sectoral approach, according to the terms of reference contained in Annex X, and to make recommendations to the Conference of the Parties at its eighteenth meeting;*]

[1.ter *Considers, at its [eighteenth][nineteenth] meeting, without prejudging the outcome of the first review of the effectiveness of the multilateral mechanism and in light of*

the outcomes and recommendations resulting from the first review of effectiveness of the Multilateral Mechanism, including the Cali Fund, potential additional modalities as referenced in paragraph 1bis;]

2. [Urges][Calls upon] Parties, other Governments, relevant organizations and stakeholders, including the private sector, to organize participatory activities to encourage private sector engagement and contributions to the Cali Fund;

3. [Requests][Strongly encourages] Parties, other Governments, and relevant organizations to support the work of the Steering Committee of the Multilateral Mechanism, including the Cali Fund, and the Secretariat of the Convention on Biological Diversity¹ acting as the interim Secretariat of the Mechanism, through financial support and [formal and] informal activities, such as workshops on the operationalization of the Mechanism, including the Cali Fund, and related items;

4. *Invites*, with the aim to make digital sequence information on genetic resources publicly available and accessible in a transparent and accountable manner:

(a) Indigenous peoples and local communities, including women and youth within those communities, with the support of and, where relevant, in collaboration with Parties; and, as appropriate, relevant organizations and initiatives; to develop their self-led educational material for the use of database operators, scientific and research institutions, the Secretariat and other stakeholders, as relevant, on the management and governance of data linked to indigenous peoples and local communities, including women and youth within those communities and their traditional knowledge, providing guidance for scientific publications on research using digital sequence information on genetic resources;

(b) Database managers and users to develop and progressively implement:

(i) Standardized metadata and good practices that support improved accessibility, transparency and accountability in databases hosting digital sequence information on genetic resources, including as appropriate; provenance information;

(ii) Declarations relating to lawful submission of digital sequence information, where applicable;

(iii) Standardized rights and permissions information, including free prior and informed consent;

(iv) Interoperable metadata standards;

(v) Alignment with the CARE (collective benefits, authority to control, responsibility and ethics), FAIR (findability, accessibility, interoperability and reusability) and TRUST (transparency, responsibility, user-focus, sustainability and technology) principles as well as the recommendations set out in section III of the United Nations Educational, Scientific and Cultural Organization Recommendation on Open Science.

(c) [To explore practical approaches for improving transparency regarding the submission and use of digital sequence information on genetic resources, while maintaining open access and taking into account existing database practices.]

5. *Invites* Parties and relevant organizations to provide capacity-building and financial support for the work outlined in subparagraph 4 (a) above;

6. *Invites* the various actors referenced in paragraph 4 above to inform the Secretariat of relevant work undertaken and its results;

¹ United Nations, *Treaty Series*, vol. 1760, No. 30619.

6bis. *Requests* the Executive Secretary, subject to the availability of resources, to ensure that the findings and recommendations arising from the study examining options for making digital sequence information on genetic resources are subject to peer review, allowing Parties, indigenous peoples and local communities, database operators and relevant experts to provide comments before informing future policy development;

7. *Request* the Executive Secretary, subject to the availability of resources:

(a) To develop educational material on the Convention on its access and benefit-sharing obligations and expectations for use by database operators, scientific and research institutions and other stakeholders, as relevant;

(b) To request and collect the information mentioned in paragraph 6 as well as materials pursuant to paragraph 7(a) to disseminate through the clearing-house mechanism as well as relevant tools resulting from the work in paragraph 7(a);

(c) To issue a call for information on other platforms and clearing houses outside of the Convention and its protocols to collaborate on the dissemination of these education materials;

8. *Adopts* the review methodology contained in the annex to document CBD/SBI/7/5/Add.2;

9. *Requests* the Executive Secretary, in consultation with the Steering Committee, and in line with the review methodology and subject to the availability of resources:

(a) To develop and disseminate a survey available in all United Nations languages to collect relevant data and information from Parties, other Governments, indigenous peoples and local communities, women and youth organizations and other relevant stakeholders and organizations, including the scientific community, database managers, and the private sector, in order to inform the first review of the effectiveness of the Multilateral Mechanism and inform the development of surveys for future reviews, and invites the actors concerned to respond to the survey;

(b) To commission a review report that will contain an analysis of data and information pursuant to subparagraph 9 (a) above and in line with the pillars and governance assessment collected, information from the global report on collective progress in the implementation of the Kunming-Montreal Global Biodiversity Framework² and other readily available sources, as relevant, and recommendations for improving the effectiveness of the Multilateral Mechanism, including the Cali Fund;

(c) To submit the review report to the Steering Committee to give it the opportunity to share its views on the report and recommendations that it may have, prior to submitting the report and any recommendations of the Steering Committee to the Subsidiary Body on Implementation;

10. *Requests* that, at a meeting held before the eighteenth meeting of the Conference of the Parties, the Subsidiary Body on Implementation review the views and recommendations of the Steering Committee on the review report, if any, and, as relevant, submit a recommendation for consideration by the Conference of the Parties at its eighteenth meeting.

[PLACEHOLDER: ANNEX OF CBD/SBI/7/5/Add.2 – FIRST REVIEW METHODOLOGY]

² Decision [15/4](#), annex.