

Convention on Biological Diversity

Distr.: General
7 May 2026

English only

Compliance Committee under the Nagoya Protocol on Access and Benefit-sharing Fifth meeting

Montreal, Canada, 27–29 May 2026

Item 4 of the provisional agenda*

Review of general issues of compliance

Review of general issues of compliance

Note by the Secretariat

I. Introduction

1. The mandate of the Compliance Committee under the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization includes examination of systemic issues of general non-compliance.
2. Section II of the present document contains information on follow-up undertaken by the Secretariat of the Convention on Biological Diversity pursuant to requests by the Committee, while section III contains information on the status of submission of the first national reports on the implementation of the Nagoya Protocol. Section IV examines general issues of compliance on the basis of information drawn from the second assessment and review of the effectiveness of the Protocol.

II. Follow-up pursuant to the request of the Compliance Committee at its fourth meeting

3. At its fourth meeting, in the context of reviewing general issues of compliance, the Compliance Committee considered information on the status of the adoption of measures, the establishment of institutional arrangements and the publication of information on the Access and Benefit-sharing Clearing-House by Parties.
4. Based on the information provided, the Committee requested the Secretariat to send letters to the Parties that had not yet adopted access and benefit-sharing measures, established the required institutional arrangements or published available information on the Access and Benefit-sharing Clearing-House. Letters were accordingly sent to 103 Parties in February 2025.
5. Of the 103 Parties concerned, 21 (about 20 per cent) acknowledged receipt, responded or took action following receipt of the original letter or the reminder.

* [CBD/NP/CC/5/1](#).

6. In their responses, some Parties asked for help with capacity-building or training. The Secretariat followed up with those Parties to share resources or arrange one-on-one support sessions. Other Parties provided information on implementation efforts being pursued at the national level.

7. Another Party explained that, according to its understanding of paragraph 2 of [Article 13 of the Nagoya Protocol](#), a country was not required to designate a competent national authority when it had decided not to put in place measures regulating access to its genetic resources.

8. As a result of those efforts:

(a) Two of the three Parties that had received a letter reminding them of their obligation to designate a national focal point did so;

(b) Six of the 63 Parties that had received a letter reminding them of their obligation to publish information on competent national authorities did so;

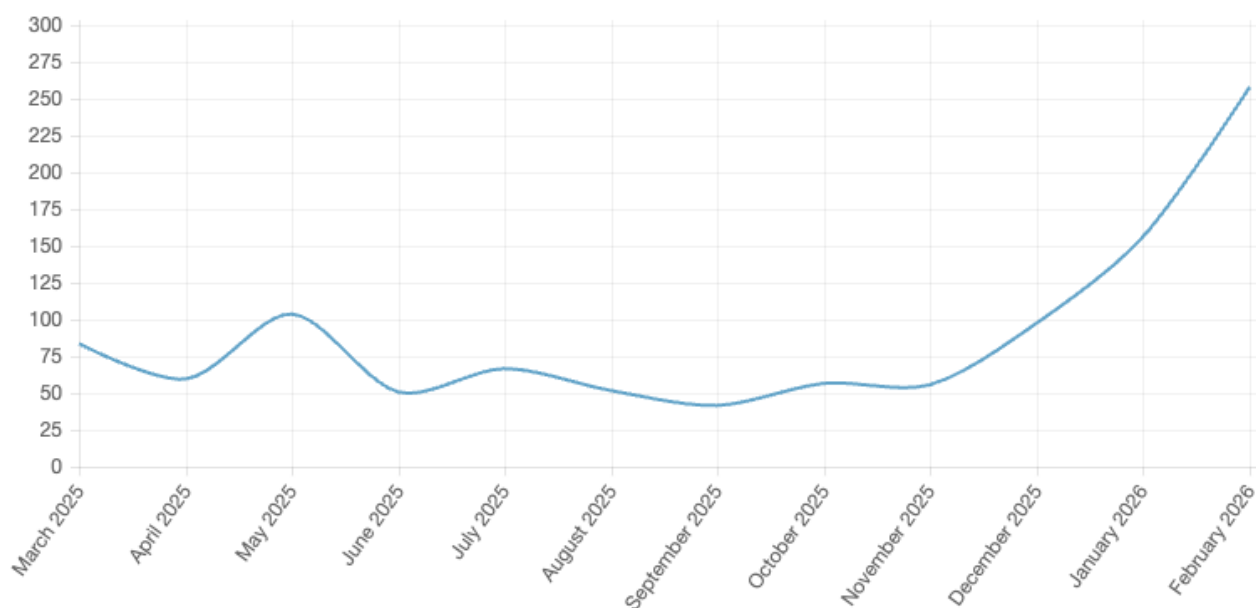
(c) Ten of the 70 Parties that had received a letter reminding them of their obligation to publish information on access and benefit-sharing measures on the Clearing-House did so;

(d) Eight of the 99 Parties that had received a letter reminding them of their obligation to publish information on checkpoints did so.

9. In addition to sending letters, the Secretariat continued to follow up with Parties as part of its outreach activities aimed at encouraging compliance with the obligation to publish information on the Clearing-House. The Secretariat conducted numerous webinars on the Clearing-House, which included information on how to publish information and why it was important to do so, and provided one-on-one support to Parties to assist them in publishing information.

10. Many Parties had been publishing new records or updating existing ones on the Clearing-House as part of their efforts directed towards preparing their first national report on the implementation of the Protocol. Between 1 January and 28 February 2026, more than 300 national records (including both new and updated records) were published (see figure below).

Number of national records published on the Access and Benefit-sharing Clearing-House, February 2025–February 2026



11. This may have been due in part to the impact of the workshops convened through the project to support the preparation and submission of the first national reports, as described further in section

III below. During the workshops, the importance of consistency was emphasized between information on the Clearing-House and responses provided in the national reports. It was also emphasized that the preparation of the national report offered an opportunity to review and update national records on the Clearing-House. The workshops provided training related to the roles played by publishing authorities and national authorized users with respect to how to publish and update records on the Clearing-House.

12. Moreover, questions in the reporting format may also have led Parties to review and update their records on the Clearing-House.

III. Status of submission of first national reports on the implementation of the Nagoya Protocol

A. Background

13. Under Article 29 of the Nagoya Protocol, each Party is required to monitor the implementation of its obligations under the Protocol and report to the Conference of the Parties serving as the meeting of the Parties to the Protocol on measures that it has taken to implement the Protocol.

14. In its decision [NP-4/3](#), the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted the guidelines and format for the first national report on the implementation of the Protocol as contained in the annex to that decision and requested Parties to submit a first national report on the implementation of their obligations under the Protocol by the same deadline as that for submission of seventh national reports under the Convention (that is to say, by 28 February 2026, the date set in decision 15/6 of the Conference of the Parties to the Convention).

15. The reporting format was made available on the Access and Benefit-sharing Clearing-House in July 2024 and the Secretariat issued notification [2024-074](#) of 19 July 2024 in which Parties and other Governments were invited to submit their first national report on the implementation of the Protocol. Reminder notification [2026-003](#) was issued on 7 January 2026.

16. The Secretariat developed materials to facilitate the preparation and submission of the first national reports, including instructional videos and an article on frequently asked questions, and held a webinar in September 2025 to allow for questions and answers regarding the first national report. Those materials, including a recording of the webinar, were made available through the Clearing-House.¹

17. In its decision [16/33](#), the Conference of the Parties requested the Global Environment Facility (GEF) to facilitate in a timely manner the relevant processes to ensure that support for the preparation of the first national reports was provided to Parties that submitted their letters of endorsement.

18. In the above-mentioned notification 2024-074, the Executive Secretary informed Parties that the United Nations Environment Programme (UNEP) was preparing a project for funding by GEF to assist eligible Parties in the preparation of their first national report and encouraged eligible Parties to submit a letter of endorsement to UNEP expressing their support for the project and signed by their GEF operational focal point.

19. Project 11908 entitled “Support to preparation of the first national report on implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization” was approved on 5 April 2025 with 96 eligible Parties participating.

20. The project included, inter alia, the convening of a global inception workshop held online in August 2025 as well as a series of in-person regional workshops to provide Parties with technical support in drafting their national reports. UNEP, the Secretariat of GEF and the Secretariat of the Convention on Biological Diversity collaborated on organizing and delivering the regional

¹ See <https://absch.cbd.int/en/kb/tags/nr1>.

workshops which were held between November 2025 and January 2026. A Secretariat staff member familiar with the Nagoya Protocol and the Clearing-House participated in each workshop. This was the first time that workshops were included as part of the activities in a project to support national reporting.

21. The project was supported by a consultant who provided help desk services to Parties to assist in responding to questions and followed up with Parties to remind and encourage them to submit their report.

B. Status of submission of first national reports

22. As at the reporting deadline of 28 February 2026, a total of 85 Parties (60 per cent) had submitted their first national report. Of those Parties, 82 had submitted their first national report through the Clearing-House and an additional 3 had submitted their first national report offline. (Those reports submitted offline were subsequently published on the Clearing-House.) One non-Party submitted a national report.

23. Additional first national reports were submitted after the reporting deadline and as at 5 May 2026, 100 Parties (70 per cent) had submitted their first national report through the Clearing-House.²

24. Table 1 below presents the regional breakdown of the reports submitted.

Table 1

Regional breakdown of first national reports submitted by Parties to the Nagoya Protocol

<i>Region</i>	<i>Parties that submitted their report by 28 February 2026</i>		<i>Parties that submitted their report by 5 May 2026</i>	
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>
African States	31	63	37	76
Asia-Pacific States	19	45	23	55
Latin American and Caribbean States	13	65	14	70
Eastern European States	8	32	11	85
Western Europe and other States	14	82	15	88
Total	85	60	100	70

C. Factors that may have affected the submission rate of first national reports

25. The regional workshops that were part of the GEF-funded project to support eligible Parties in the preparation and submission of their first national report included an overview of national reporting, a discussion of the importance of the reporting deadline and explanations of how the information from the national reports would be used and the potential benefits that could be offered at the national level through the preparation of national reports. The workshops included practical technical sessions in which participants, using the online common format on the Clearing-House, began work on entering their data.

26. Participants considered the workshops to be useful, in particular the sessions on technical assistance in using the Clearing-House and entering data in the reporting format and the peer-to-peer learning relating to data collection and the organization of national consultations. The workshops gave Secretariat staff the opportunity to interact directly with participants, which enabled them to provide information on the national reports and assistance with respect to the use of the Clearing-

² Currently, it is not possible for the Secretariat of the Convention to communicate with Afghanistan or Myanmar, nor is it possible for either of those Parties to submit a national report. In its report on the credentials of representatives to the General Assembly at its eightieth session (A/80/547), the Credentials Committee had agreed to postpone its consideration of the credentials pertaining to the representatives of Afghanistan and Myanmar. In its resolution 80/114, the Assembly approved the report of the Credentials Committee.

House. Furthermore, the relationships built between Secretariat staff and participants facilitated follow-up after the workshops ended in the form of support and reminders that the reports needed to be submitted by the deadline.

27. Although the project to support eligible Parties in preparing and submitting their national report was useful, the time required to develop and implement it meant that some activities were held close to the reporting deadline. Collecting letters of endorsement from Parties for a global project entailed a lengthy process. The collection of the letters of endorsement for the project was carried out over a period of at least seven months from July 2024 to March 2025. Project activities, including the administrative arrangements between UNEP and each participating Party to enable the disbursement of funds as well as the planning and convening of the workshops, could begin only after 5 April 2025, the date of the project's approval by the Chief Executive Officer of GEF—.

28. Given the time required to collect the letters of endorsement for the project, it may be beneficial in future to start the project development process earlier. This could enable project funds to reach participating countries further in advance of the reporting deadline so that countries would have sufficient time to use the funds to support the preparation of their reports. Moreover, regional workshops, if included in a future project, could be held further in advance of the reporting deadline.

29. Submission of the second national reports is already expected for 2029.³ It may therefore be useful to initiate the associated project development process in 2027 with the aim of securing GEF approval of the project by the end of 2027 and enabling project activities to be undertaken in 2028 and early 2029.

30. One factor that may have had both positive and negative impacts on the submission rate was the synchronized reporting cycle for the seventh national reports under the Convention, the fifth national reports under the Cartagena Protocol and the first national reports under the Nagoya Protocol. All three reports shared the same submission deadline.

31. For some Parties, in the cases where the same individuals were involved in the reporting process for the Convention and both Protocols, the factor of a common deadline for all three reports may have created workload challenges. In such situations, a Party may have needed to prioritize the timely submission of one of the reports over the submission of the others. For other Parties, in cases where various individuals were involved in the preparation of the different reports, the common reporting deadline may have fostered the cross-fertilization of information in the reports. This may have contributed to the integration of information on implementation of the Nagoya Protocol in the national reports on the implementation of the Convention and the inclusion of information collected in the context of reporting on Target 13 of the Kunming-Montreal Global Biodiversity Framework in the national reports on the implementation of the Nagoya Protocol. In some cases, the common reporting deadline may have led to an improvement in the consistency of the information provided across the reports.

D. Suggestions for consideration by the Compliance Committee

32. The first national reports on the implementation of the Nagoya Protocol are an important source of information for the Compliance Committee in the context of its work and constitute the first comprehensive source of official information on the status of implementation of the Protocol submitted by Parties since the interim national reports that had been due over eight years ago.

33. The Committee may wish to take note of the contribution of capacity-building activities in supporting Parties' understanding of the reporting requirements and facilitating the submission of the reports.

³ In its decision 15/6, the Conference of the Parties to the Convention decided that eighth national reports under the Convention would be due by 30 June 2029. Pursuant to the decisions to have synchronized reporting cycles for the Convention and the Protocols (see decisions 14/27 and NP-3/4, respectively), it is expected that second national reports on the implementation of the Nagoya Protocol would be due by a similar date.

34. The Committee may wish to request the Secretariat to send messages to Parties that have not yet submitted their first national report to remind them of their obligation to do so and urge them to submit their report as soon as possible. The Committee may also wish to request its Chair to send letters to the Parties concerned in the case where no response has been received to the messages sent by the Secretariat and no report has been submitted.

35. The Compliance Committee may consider recommending that, at its sixth meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol:

- (a) Welcome the first national reports submitted;
- (b) Urge Parties that have not yet submitted their first national report to do so as soon as possible;
- (c) Express its appreciation to GEF and UNEP for the support provided to eligible Parties in the preparation and submission of their first national reports
- (d) Welcome the efforts made by the Secretariat to assist Parties in submitting their first national report;
- (e) Recommend that, at its seventeenth meeting, the Conference of the Parties to the Convention, in its guidance to the financial mechanism, request GEF to make funds available in a timely manner to support eligible Parties in the preparation and submission of their second national report on the implementation of the Protocol.

IV. Review of general issues of compliance on the basis of information from the second assessment and review of the effectiveness of the Protocol

36. Under the Nagoya Protocol, it is required that Parties to the Protocol take legislative, administrative or policy measures to implement the Protocol, put in place certain institutional structures and publish certain categories of information on the Access and Benefit-sharing Clearing-House. While the Compliance Committee considered general issues of compliance in relation to those obligations at its fourth meeting, new information on the status of compliance with those obligations is available from the first national reports and the analysis for the second assessment and review of the effectiveness of the Protocol.

37. In the subsections below, that new information is used to examine areas where compliance with the obligations under the Protocol is generally positive and areas where further work is needed. Information on relevant indicators from the framework of indicators for the assessment and review of the Protocol is compiled in table 2 below.

Table 2

Indicators from the analysis for the second assessment and review of the effectiveness of the Protocol relevant to general issues of compliance

<i>Framework of indicators</i>	<i>Reference point (as at 22 February 2018)</i>	<i>Status as at 9 March 2026</i>
Number and percentage of Parties with legislative, administrative and policy measures on access and benefit-sharing	75 (71 per cent)	110 (78 per cent)
Number and percentage of Parties with access and benefit-sharing national focal points	103 (98 per cent)	138 (97 per cent)
Number and percentage of Parties with one or more competent national authorities	57 (54 per cent)	105 (74 per cent)
Number and percentage of Parties with one or more checkpoints	29 (27 per cent)	65 (46 per cent)
Number and percentage of Parties that have published information on legislative, administrative or policy measures on access and benefit sharing on the Access and Benefit-sharing Clearing-House	45 (43 per cent)	80 (56 per cent)

<i>Framework of indicators</i>	<i>Reference point (as at 22 February 2018)</i>	<i>Status as at 9 March 2026</i>
Number and percentage of Parties that have published information on competent national authorities on the Access and Benefit-sharing Clearing-House	45 (43 per cent)	83 (58 per cent)
Number and percentage of Parties that have published information on checkpoints on the Access and Benefit-sharing Clearing-House	20 (19 per cent)	48 (34 per cent)
Number and percentage of Parties that have published internationally recognized certificates of compliance on the Access and Benefit-sharing Clearing-House	12 (11 per cent)	34 (24 per cent)
Number and percentage of Parties that provide the information collected or received at a designated checkpoint to relevant national authorities, to the Party providing prior informed consent and to the Access and Benefit-sharing Clearing-House	9 (9 per cent)	15 (10 per cent)
Number and percentage of Parties that have information on competent national authorities, checkpoints, access and benefit-sharing measures and permits that has not yet been made available to the Access and Benefit-sharing Clearing-House	46 (44 per cent)	68 (48 per cent)

A. Compliance with establishing legislative, administrative or policy measures on access and benefit-sharing

38. As indicated in table 2 above, 110 Parties (78 per cent) have taken legislative, administrative or policy measures on access and benefit sharing. That figure combines information from the first national reports on the implementation of the Protocol, the seventh national reports on the implementation of the Convention, the Access and Benefit-sharing Clearing-House and national biodiversity strategies and action plans.

39. The percentage of Parties that reported having taken measures on access and benefit sharing was high at the time of the analysis for the first assessment and review of the effectiveness of the Protocol and further progress has been made since then, even with additional ratifications of the Protocol.

B. Compliance with putting in place institutional structures required under the Protocol

40. There are three institutional structures that Parties to the Protocol are required to put in place: a national focal point, one or more competent national authorities and one or more checkpoints.

41. As indicated in table 2 above, 138 Parties (97 per cent) have designated a national focal point on access and benefit sharing, which represents a very high rate of compliance with that obligation. Based on the experience of the Secretariat in maintaining and updating contact information for the various categories of national focal points under the Convention and its Protocols, changes in designated national focal points occur quite frequently. It is therefore not uncommon for Parties to be without a national focal point for brief periods, particularly during the transition from the departure of an outgoing national focal point to the designation of a successor.⁴

42. One hundred five Parties (74 per cent) reported having designated one or more competent national authorities, which represents an increase of 20 percentage points since the analysis for the first assessment and review of the Protocol.

⁴ It may be noted that of the four Parties currently without a national focal point, two of them are unable to designate a focal point. In its report on the credentials of representatives to the eightieth session of the General Assembly (A/80/547), the Credentials Committee had agreed to postpone its consideration of the credentials pertaining to the representatives of Afghanistan and Myanmar. In its resolution 80/114, the Assembly approved the report of the Credentials Committee

43. Less than 50 per cent of Parties (65, or 46 per cent) reported having designated one or more checkpoints. While there has been significant improvement since the analysis in 2018, Parties continue to face challenges implementing that obligation.

C. Compliance with publication of information on the Access and Benefit-sharing Clearing-House

44. Parties are required to publish certain information on the Access and Benefit-sharing Clearing-House. In particular, they are required to publish information on their:

- (a) Legislative, administrative and policy measures on access and benefit sharing;
- (b) Competent national authorities;
- (c) Checkpoints.

45. Over 50 per cent of Parties (80) have published information on their legislative, administrative or policy measures on access and benefit sharing on the Clearing-House. That represents 73 per cent of the 110 Parties that indicated that they had taken legislative, administrative or policy measures on access and benefit-sharing.

46. Similarly, over 50 per cent of Parties (83) have published information on their competent national authorities on the Clearing-House, which represents 79 per cent of the 105 Parties that indicated that they had established one or more competent national authorities.

47. Just over one third of Parties (48, or 34 per cent) have published information on checkpoints on the Clearing-House, which represents 74 per cent of the 65 Parties that indicated that they had established one or more checkpoints.

48. For each of those categories, the proportion of Parties that had information which they published on the Clearing-House was quite high (about three quarters in all instances).

49. Moreover, the following information, where that information exists, is to be published on the Clearing-House:

- (a) Information on permits or their equivalent issued at the time of access to genetic resources;
- (b) Information collected or received by checkpoints.

50. In question 12.2 of the first national report, countries were asked if they had published relevant information on permits or their equivalent as internationally recognized certificates of compliance on the Clearing-House.⁵ As at the time of the analysis for assessment and review, 70 Parties had responded to that question, with more than half (38, or 54 per cent) stating that they had not published relevant information on permits or their equivalent as internationally recognized certificates of compliance on the Clearing-House. Parties' response to question 12.2 was not dependent on their having granted access and issued permits or their equivalent, so that while some Parties that replied "no" to that question may have had information on permits or their equivalent that was missing from the Clearing-House, it is likely that other Parties replied "no" to question 12.2 because the information did not exist.

51. In question 21.1 of the first national report, countries were asked if their designated checkpoints had collected or received information from users during the reporting period, while in question 21.2, they were asked if the information collected or received had been published through the Clearing-House using the checkpoint communiqué common format.⁶ Of the 33 Parties that responded that their checkpoints had collected or received information from users during the reporting period, 16 (48 per cent) replied that they had not published the information collected or

⁵ Only Parties that replied that they provided for the issuance of a permit or its equivalent at the time of access were required to respond to question 12.2.

⁶ Only Parties that replied that they required users of genetic resources to provide the information referred to in Article 17 (1) (a) (i) of the Protocol to designated checkpoints were required to answer questions 21.1 and 21.2.

received by checkpoints through the Clearing-House using the checkpoint communiqué common format and an additional four (12 per cent) replied that they had done so to some extent. The free text responses suggested that there might have been some confusion generated by those questions. In certain cases, for example, Parties replied that they had received checkpoint communiqués concerning the utilization of their genetic resources, while in other cases, it was clear that information from checkpoints was available but had not yet been published.

52. More broadly, analysis of responses across multiple questions in the national reports indicated that nearly 50 per cent of Parties (68, or 48 per cent) had information available on measures, competent national authorities, checkpoints or permits that had not yet been published on the Clearing-House.

D. Suggestions for consideration by the Compliance Committee

53. The Compliance Committee may wish to review the information on general issues of compliance with obligations under the Protocol, as outlined above, and formulate conclusions or recommendations, as appropriate.

54. With regard to the publication of information on the Clearing-House and in view of the fact that nearly 50 per cent of Parties indicated that they had information that had not yet been published on the Clearing-House, the Committee may wish to discuss what actions could be taken to encourage or incentivize Parties to publish the necessary information.

55. The Committee may wish to request its Chair to send letters to Parties that had indicated that they had information that had not yet been published on the Clearing-House, reminding them of their obligation to publish such information.

56. The Committee may wish to request its Chair to send letters to Parties that had not yet taken measures to implement the Protocol or had not yet designated a national focal point, competent national authority or checkpoint, reminding them of their obligation to do so.

57. As the new information provided through the first national reports could enable the Committee to engage more actively in reviewing compliance with the Protocol, the Committee may wish to consider information in the first national reports in more detail at its next meeting. That could include reviewing consistency between the information in the national reports and information on the Clearing-House. Cross-checking answers in the first national reports against records published on the Clearing-House could help to identify specific gaps and follow-up actions could then be taken to communicate with Parties with a view to reminding them to publish any missing information. Such an exercise could help to improve the completeness and accuracy of the information on the Clearing-House.