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INFORMAL ADVISORY COMMITTEE TO THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE

Third meeting
Montreal, Canada, 14-16 November 2017

REPORT OF THE INFORMAL ADVISORY COMMITTEE TO THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE ON ITS THIRD MEETING

INTRODUCTION

A. Background

1. At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol established an Informal Advisory Committee to assist the Executive Secretary with the implementation of the [Access and Benefit-sharing \(ABS\) Clearing-House](#) and to provide technical guidance with respect to the resolution of technical and practical issues arising from its ongoing development (see [decision NP 1/2](#), para. 2).
2. At their second meeting the Parties expressed appreciation for the work done and decided that the Informal Advisory Committee would continue its work and hold at least one meeting during the intersessional period, as well as informal online discussions as needed, and report on the outcomes of its work to the Parties at their third meeting ([decision NP-2/2](#), para. 7).
3. Pursuant to the above decision, a meeting of the Informal Advisory Committee was held in Montreal, Canada, from 14 to 16 November 2017.

B. Attendance

4. Taking into account that a number of countries had become Parties to the Nagoya Protocol since the Informal Advisory Committee had first been established, there was a need to renew the composition of the Committee for this intersessional period on the basis of new nominations from Parties to the Protocol. Accordingly, the Secretariat issued notification [2017-029](#) dated 27 March 2017 inviting Parties to the Nagoya Protocol to nominate an expert for the Committee.
5. From the 21 nominations received, 15 experts were selected on the basis of their experience and involvement with the ABS Clearing-House and with due regard for regional and gender balance. The new composition of the Informal Advisory Committee was announced in notification [2017-060](#) dated 30 June 2017.
6. The meeting was attended by experts nominated by Argentina, Belarus, Cambodia, Cuba, the European Union, Hungary, India, Kenya, Mexico, Switzerland and the United Kingdom of Great Britain and Northern Ireland. The experts nominated by Albania, Ethiopia, the Philippines and Sao Tomé and Príncipe, who had been selected and invited, were unable to attend the meeting.

ITEM 1. OPENING OF THE MEETING

7. The meeting was opened at 9:30 a.m. on Tuesday, 14 November 2017, by Valérie Normand, Senior Programme Officer at the Secretariat of the Convention on Biological Diversity. Welcoming the participants to the meeting, she informed them that the Nagoya Protocol had entered into force exactly three years and one month before and that 104 Parties to the Convention had ratified the Protocol. She stated that Parties counted on the ABS Clearing-House to be able to fulfil its key role as the central platform for facilitating the exchange of information relevant to the implementation of the Protocol and underlined that the ABS Clearing-House had grown and improved tremendously since the entry into force of the Protocol. She pointed out that the work of the Informal Advisory Committee had played and continued to play an important role in guiding the evolution of the ABS Clearing-House. She also made reference to [decision NP-2/2](#), in which Parties to the Protocol had expressed their appreciation for the technical guidance provided by the Committee.

8. Ms. Normand reported that the focus of the Secretariat's work on the ABS Clearing-House in 2017 was to encourage the use and population of the ABS Clearing-House and that progress had been achieved in that regard, especially during the preceding few months. She also pointed out that outreach to Parties and stakeholders would continue to be a focus of the Secretariat's work during the coming year with a view to having all relevant information available on the ABS Clearing-House by the third meeting of the Parties.

9. She underlined the Secretariat's commitment to continuing its work to ensure that the ABS Clearing-House would be administered and managed to the highest quality and standards. In concluding, she thanked the participants and encouraged their active participation in the meeting.

ITEM 2. ORGANIZATIONAL MATTERS

10. Mr. Christopher Lyal (nominated by the United Kingdom of Great Britain and Northern Ireland) was elected Chair of the meeting.

11. On the basis of the provisional agenda ([CBD/ABS/CH-IAC/2017/1/1](#)) prepared by the Secretariat, the Informal Advisory Committee adopted the following agenda:

1. Opening of the meeting.
2. Organizational matters.
3. Report on progress in the implementation and administration of the Access and Benefit-sharing Clearing-House.
4. Technical issues related to the internationally recognized certificate of compliance and the checkpoint communiqué.
5. Joint modalities of operation: enhancing integration of the Access and Benefit-sharing Clearing-House with the central clearing-house mechanism of the Convention.
6. Review of the implementation and operation of the Access and Benefit-sharing Clearing-House as part of the assessment and review of the effectiveness of the Protocol (Article 31).
7. Priorities for future implementation and administration of the Access and Benefit-sharing Clearing-House.
8. Other matters.
9. Adoption of the report.
10. Closure of the meeting.

12. The meeting agreed on the organization of its work as proposed in annex II to the annotated provisional agenda ([CBD/ABS/CH-IAC/2017/1/1/Add.1](#)).

ITEM 3. REPORT ON PROGRESS IN THE IMPLEMENTATION AND ADMINISTRATION OF THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE

13. Under this agenda item, the Secretariat presented the progress made on the implementation and administration of the ABS Clearing-House¹ since the second meeting of Parties. The presentation provided an update on the performance of the website, and progress made in relation to the indicative list of goals and priorities for future developments, referred to in [decision NP-2/2](#).

A. Progress made in population and increased use of the ABS Clearing-House (Goal 1)

14. The Secretariat presented the work done on capacity-building for the ABS Clearing-House including an overview of the outreach and engagement campaign, on-demand technical support and training as well as the capacity-building material developed.

15. The experts discussed and shared experiences in relation to the progress made, including the various approaches to the designation of publishing authorities and national authorized users.

16. In discussing capacity-building on the ABS Clearing-House, experts highlighted the importance of making the capacity-building materials developed by the Secretariat available in the six official languages of the United Nations on the ABS Clearing-House and pointed out the need for specific capacity-building for checkpoints. They highlighted the need to build the capacity and raise the awareness of indigenous peoples and local communities, as well as other stakeholders, such as the business and scientific communities, in addition to Governments, regarding the use and key role of the ABS Clearing-House in the implementation of the Protocol.

17. In the light of the discussion on capacity-building, the Secretariat informed the Committee on the capacity-building activities planned or under way during the current biennium (2017-2018).

B. Progress made in translation and functionality for operationalizing the ABS Clearing-House in the six official languages of the United Nations (Goal 2)

18. The Secretariat reported on the progress made in the translation of the ABS Clearing-House into the six official languages of the United Nations as well as the progress made on the development of the automated translation mechanism. The status of translation of the different web pages of the ABS Clearing-House was presented, and the Committee reiterated the importance and urgency of completing the translation and making the ABS Clearing-House website available in the six official languages of the United Nations as soon as possible.

C. Progress made in maintaining and improving functionality (Goal 3)

19. The Secretariat reported on the ongoing work of maintaining and improving functionality, including optimizing the website loading speed and browser compatibility.

20. Among the new features implemented, the Secretariat presented the interim national report analyser, based on the Biosafety Clearing-House report analyser, which provides an interface to explore the breakdown of the information submitted for each question of the interim national report on the implementation of the Nagoya Protocol. Experts expressed appreciation for the new feature. Some experts expressed concern that users attempting to view the breakdown of progress by CBD regions would be unable to see the progress reported by European Union member States belonging to the Central and Eastern European (CEE) region, as CBD considered the European Union to be part of the Western European and Others Group (WEOG). In addition, it was noted that, when analysing by region the information provided in the interim national reports, the Secretariat should give due consideration to the fact that European Union member States include members of both the Western European and Others Group and the Central and Eastern European regional group.

¹ For more information, see section II of the note by the Executive Secretary on progress and priorities for future implementation and administration of the Access and Benefit-sharing Clearing-House ([CBD/ABS/CH-IAC/2017/1/2](#)).

21. Furthermore, the Secretariat presented some of the common feedback received from users of the ABS Clearing-House, including feedback received through the ABS Clearing-House survey and the help desk, for improving the functionality and implementing new features for the consideration of the Informal Advisory Committee.

22. One of the issues raised was that, in the current system model, contractual clauses could be submitted as a reference record in the common format on model contractual clauses, codes of conduct, guidelines, best practices and/or standards or as a national record forming part of an ABS measure. However, countries have submitted model contractual clauses as reference records expecting that they would be displayed as part of their national records. Experts agreed that model contractual clauses submitted as reference records and national records should be clearly differentiated. In that regard, the Committee advised the Secretariat that model contractual clauses developed by countries should be clearly visible in their country profile and recommended that a separate common format for the submission of that information as a national record should be made available.

23. In addition, feedback received by Parties and users of genetic resources had highlighted the need to make information available on national ABS procedures for access to genetic resources and traditional knowledge associated with genetic resources. In response to that need, the Secretariat presented a draft common format on ABS procedures for consideration by the Informal Advisory Committee. The Committee recognized that a common format would be useful not only for users but also for Governments. However, it emphasized that the common format was primarily aimed at guiding users in determining how to apply for access rather than describing internal country procedures.

24. The Committee agreed that a common format should be as simple as possible, easy to fill in and understand and be applicable to all national circumstances, while providing sufficient information for users to identify the main entry point and understand the basic steps to follow in order to apply for access. That information would be available as national records in the search and in the country profile.

25. Even though a common format would be voluntary, given the value of the information, all Parties regulating access would be encouraged to make such information available in the ABS Clearing-House.

26. The discussions illustrated the diversity of the ABS procedures established by different countries. The experts agreed that the format should enable countries to identify different procedures to apply for access, as appropriate, given that ABS procedures might differ depending on the intended use (e.g. commercial or non-commercial, use inside or outside the country), the type of genetic resources (e.g. plants, animals, microorganisms), the area of access (e.g. ex situ, protected areas, public or private lands), the type of user (e.g. foreign or national users), and/or the type of provider of genetic resources and/or traditional knowledge associated with genetic resources (e.g. indigenous peoples and local communities).

27. The experts provided advice on developing a common format on the basis of the table contained in annex, which reflects the common understanding reached by the experts during the meeting. The Committee agreed to provide further guidance on the revised format through the online discussion forum, including commenting on a mock-up version of the submission form and the display of the record to be prepared by the Secretariat.

D. Progress made in integration with the clearing-house mechanism of the Convention (Goal 4)

28. The Secretariat presented the progress made on improvements to the shared infrastructure and integration with the related clearing-house mechanisms of the Convention and its Protocols. Furthermore, the Secretariat provided details on several related projects which it had carried out and which were of relevance to the development of the ABS Clearing-House, such as the CBD website and implementation of the web strategy (see [UNEP/CBD/COP/13/14/Add.1](#)), the redesign of the Biosafety Clearing-House, the CBD capacity-building portal, and the Bio-Bridge Initiative. The Secretariat pointed out that the implementation of those projects would provide the opportunity to leverage benefits and improvements from the development of common functionalities, such as improved search, improved interoperability and documentation of the Application Programming Interface (API), and the collection and display of capacity-building information.

29. In discussing the integration of the clearing-house mechanisms of the Convention and its Protocols, experts pointed out that, while integration and development of those platforms were being carried out, the requirements and functionalities specific to the ABS Clearing-House should be preserved and maintained.

30. During the discussion on the CBD capacity-building portal, the Committee noted that the capacity-building resources related to ABS were currently being submitted through the ABS Clearing-House virtual library and that, in order to increase the visibility of those resources, appropriate tagging might be required. It was also noted that information related to ABS is available on both the CBD capacity-building portal and the ABS Clearing-House.

ITEM 4. TECHNICAL ISSUES RELATED TO THE INTERNATIONALLY RECOGNIZED CERTIFICATE OF COMPLIANCE AND THE CHECKPOINT COMMUNIQUÉ

31. The Secretariat presented a brief analysis of the internationally recognized certificates of compliance (IRCC) that had theretofore been made available to the ABS Clearing-House, and some of the planned activities for raising awareness of the system for monitoring the utilization of genetic resources facilitated through the ABS Clearing-House.

32. The experts discussed some of the feedback received from Parties on the use of the IRCC and checkpoint communiqué. As part of the discussion, Ms. Alicja Kozłowska shared experiences with the implementation of the European Union's [DECLARE system](#) as it related to the ABS Clearing-House. She was followed by Mr. T. Rabikumar, who shared practical suggestions from the Indian experience gained in submitting IRCCs to the ABS Clearing-House.

33. The Committee also discussed issues related to the confidentiality of the information contained in some of the fields of the checkpoint communiqué. It was agreed that including information on the source of genetic resources is essential for monitoring the utilization of genetic resources through the ABS Clearing-House. However, the Committee noted that, if no IRCC was available and the source of the genetic resource was confidential, the country in which the checkpoint was located could still exchange information bilaterally with the authorities of the provider country.

34. In order to facilitate monitoring the utilization of genetic resources, experts took the view that sharing information and minimizing unnecessary confidentiality should be encouraged. The Committee highlighted the importance of issuing IRCCs as the unique identifier would allow the IRCC to be linked to the national permit and would enable the provider country to locate all necessary information for monitoring.

35. During the discussion, experts noted that third-party transfers were common practice. They stressed the need to explore third-party transfers further once more experience with the checkpoint communiqué had been gathered. Furthermore, the Committee highlighted the importance of raising awareness and understanding among Parties and other stakeholders regarding the system established to monitor the utilization of genetic resources through the ABS Clearing-House.

36. Following the discussion, the experts agreed on the following concrete suggestions:

(a) Allowing the addition of new contact records while submitting information in a different common format;

(b) Improving the search and display of contact records when submitting information;

(c) Including a function to collapse the display of IRCCs listed per country in the search;

(d) Including the possibility of adding published Competent National Authorities (CNAs) from other countries as options to select for the question “person or entity who granted prior informed consent” in the checkpoint communiqué.

ITEM 5. JOINT MODALITIES OF OPERATION: ENHANCING INTEGRATION OF THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE WITH THE CENTRAL CLEARING-HOUSE MECHANISM OF THE CONVENTION

37. The Secretariat provided background information on this agenda item and reminded the experts that, at its second meeting, in [decision NP-2/2](#), the Conference of the Parties serving as the meeting of the Parties requested the Executive Secretary to further refine the modalities of operation of the ABS Clearing-House adopted at the first meeting of the Parties and, as part of that exercise, to develop joint modalities of operation for the clearing-house mechanism of the Convention, the Biosafety Clearing-House and the ABS Clearing-House. The Secretariat explained that the joint modalities of operation would complement the modalities of operation adopted for the ABS Clearing-House.

38. With regard to the modalities of operation of the ABS Clearing-House, the Committee agreed that the progress made in the operation and implementation of the ABS Clearing-House and feedback received did not suggest a need to further refine the modalities at the current stage.

39. The Committee discussed the proposed elements for joint modalities of operation of the clearing-house mechanism of the Convention, the Biosafety Clearing-House and the ABS Clearing-House. The experts pointed out the importance of avoiding duplicate submissions of records through the different information exchange mechanisms, particularly for the virtual library. Furthermore, the experts advised the Secretariat to develop a system to inform those publishing information in the clearing-houses that they should not publish confidential data or infringe on any intellectual property rights associated with the information published.

40. The experts advised the Secretariat to consider the following when revising the joint modalities of operation:

- (a) Including reference to other stakeholders and indigenous peoples and local communities (para. 2(a));
- (b) Highlighting the importance of preserving the specific functionalities unique to each clearing-house (para. 2(e));
- (c) Clarifying the language in paragraph 3(g) related to the “owner” of the published information.

41. With respect to the process for moving forward, the Secretariat informed the experts that the joint modalities, taking into account comments provided by the Committee, would be made available to the informal advisory committees of the clearing-house mechanism and the Biosafety Clearing-House at their upcoming meetings prior to consideration by the Conference of the Parties at its fourteenth meeting, the Parties to the Nagoya Protocol at their third meeting and the Parties to the Cartagena Protocol at their eighth meeting.

ITEM 6. REVIEW OF THE IMPLEMENTATION AND OPERATION OF THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE AS PART OF THE ASSESSMENT AND REVIEW OF THE EFFECTIVENESS OF THE PROTOCOL (ARTICLE 31)

42. The Secretariat provided background information on the targeted survey which it had developed to solicit feedback on the operation and implementation of the ABS Clearing-House as part of the assessment and review of the effectiveness of the Protocol.

43. The Secretariat presented preliminary responses received theretofore highlighting relevant feedback on design, functionality and infrastructure. The Committee welcomed the survey and provided comments on the survey questions and initial results. The experts also emphasized the importance of giving it wide distribution, including to indigenous peoples and local communities and relevant stakeholders, and recommended extending the deadline for responding to the survey.

ITEM 7. PRIORITIES FOR FUTURE IMPLEMENTATION AND ADMINISTRATION OF THE ACCESS AND BENEFIT SHARING CLEARING-HOUSE

44. Taking into account the list of goals and activities for future implementation and administration of the ABS Clearing-House referred to in [decision NP-2/2](#), the experts agreed that the following activities should be carried out under the respective goals:

Goal 1: Population and increase use of the ABS Clearing-House

Outreach and engagement

- (a) Ensure that each Party has designated its publishing authority;
- (b) Assist with the publication of available national information, in particular CNAs, ABS measures and IRCCs, with a view to having all available national information on the ABS Clearing-House by the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;
- (c) Assist with the publication of the interim national report, for those which were not submitted by the deadline;
- (d) Engage with indigenous peoples and local communities and other relevant stakeholders and organizations to encourage submissions of reference records.

Capacity-building

- (e) Continue to disseminate and promote the use of the ABS Clearing-House e-learning module and step-by-step guides;
- (f) Translate capacity-building resources, such as the step-by-step guides, in the other official languages of the United Nations;
- (g) Continue to support training, as needed;
- (h) Work and collaborate with partners developing capacity-building projects to ensure they include relevant activities to support and promote the use of the ABS Clearing-House;
- (i) Raise awareness of the ABS Clearing-House among indigenous peoples and local communities and other relevant stakeholders, such as the business and scientific communities, including at relevant meetings (e.g. UEFT Conference, Working Group on Article 8(j));
- (j) Raise awareness of the ABS Clearing-House in relevant international forums dealing with ABS related issues (e.g. WIPO IGC, ITPGRFA, CGRFA).

Interoperability and collaboration

- (k) Continue to raise awareness regarding the use of the API;
- (l) Facilitate the exchange of information with national databases or systems;
- (m) Continue to explore collaboration with relevant instruments and initiatives (such as ITPGRFA, InforMEA, WFCC).

Goal 2: Translation and functionality for operationalizing the ABS Clearing-House in the six official languages of the United Nations

- (a) Translation of the content of the ABS Clearing-House will continue to be implemented as a top priority.

Goal 3: Maintain and improve functionality

- (a) Continue to maintain and improve functionalities and finalize any remaining issues;
- (b) Finalize the development and implementation of a new common format on ABS procedures in the ABS Clearing-House;

- (c) Implement a national common format to submit information on model contractual clauses;
- (d) Increase the visibility of capacity-building resources submitted as virtual library records;
- (e) Implement a feature on the ABS Clearing-House to provide information about new developments implemented in the ABS Clearing-House;
- (f) Enhance website analytics to include tracking downloads and views of individual records and the files attached to them and provide national users with that information.

Goal 4: Integration with the clearing-house mechanism

- (a) Continue supporting the implementation of web strategy ([UNEP/CBD/COP/13/14/Add.1](#)) in order to ensure a coordinated approach to the development of the new CBD website, the CBD capacity-building portal and the migration of the Biosafety Clearing-House website.

ITEM 8. OTHER MATTERS

45. The Chair invited the experts to raise any relevant issues that were not addressed during the previous discussions.
46. With regard to the display of information on the interim national report, it was suggested that the date of submission of the report and the date of the latest update should be differentiated.

ITEM 9. ADOPTION OF THE REPORT

47. The Chair introduced the draft report of the meeting, which was adopted as orally amended.

ITEM 10. CLOSURE OF THE MEETING

48. In his closing remarks, the Chair thanked the experts for their work and high spirits during the meeting and remarked about the wide range of insights and experience shared among the experts. He congratulated the Secretariat for the work undertaken to improve the operation and implementation of the ABS Clearing-House and to prepare for the meeting. He pointed out that work done by the Committee and the Secretariat had helped the ABS Clearing-House to attain the stability required by all its users.
49. Following the customary exchange of courtesies, the meeting was closed at 1:20 pm on Thursday, 16 November 2017.

Annex

BASIS FOR A COMMON FORMAT ON ABS PROCEDURES

Guiding questions to help to identify the steps required for access to genetic resources and/or traditional knowledge associated with genetic resources in your country	ABS Procedures
1. *Where can a potential user apply for access?	<p>ABS procedure for*: <Text entry> [This column is repeatable for each procedure required by a country]</p> <p>Contact: <ABS Clearing-House record number></p> <p><i>Please enter the ABS Clearing-House record number containing this information or, if not registered, attach a “contact details” common format.²</i></p> <p>and/or</p> <p>Online application system : <URL></p>
2. Are there any conditions or requirements a potential user needs to fulfil before applying for access?	<p><input type="checkbox"/> Yes or <input type="checkbox"/> No</p> <p><i>If yes selected, please provide further details:</i></p> <p><Text entry></p>
3. Please provide a step-by step description of the ABS procedures (e.g. flow charts/visuals, timelines)	<p><Text entry></p> <p>and/or</p> <p><File upload or link></p>
4. *Are there application forms or documents that a potential user needs to complete?	<p><input type="checkbox"/> Yes or <input type="checkbox"/> No</p> <p><i>If yes is selected</i></p> <p>↳ Please attach relevant documents or provide a link to a website:</p> <p><File upload or link></p> <p>and/or</p> <p><Text entry></p> <p>↳ Please provide information on to whom the application should be sent to:</p> <p><ABS Clearing-House record number></p> <p><i>Please enter the ABS Clearing-House record number containing this information or, if not registered, attach a “contact details” common format.²</i></p>
5. Are there application fees?	<p><input type="checkbox"/> Yes or <input type="checkbox"/> No</p> <p><Text entry></p>
6. Relevant ABS measure(s):	<p><i>Please enter the ABS Clearing-House record number containing relevant information</i></p> <p><ABS Clearing-House record number></p>

² All ABS Clearing-House common formats are available at <https://absch.cbd.int/help/common-formats>

Guiding questions to help to identify the steps required for access to genetic resources and/or traditional knowledge associated with genetic resources in your country	ABS Procedures
	7. Additional information:
	<Text entry>
	and/or
	<File upload or link>
	and/or
	Please enter the ABS Clearing-House record number containing relevant information <ABS Clearing-House record number>

Note: An asterisk (*) denotes a required field.
