

CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY
Fourteenth meeting
Sharm el-Sheikh, Egypt, 17-29 November 2018
Agenda item 18

DIGITAL SEQUENCE INFORMATION ON GENETIC RESOURCES

Draft decision submitted by the Chair of Working Group I

The Conference of the Parties,

Mindful of the three objectives of the Convention,

Recalling Articles 12, 15, 16, 17 and 18 of the Convention,

Mindful of the increasing generation and use of digital sequence information on genetic resources, its publication in both public and private databases and advances in data analytics,

Noting that the term “digital sequence information” may not be the most appropriate term and that it is used as a placeholder until an alternative term is agreed,

Recognizing the importance of new technologies for the current and future utilization of genetic resources, and noting that the media in which information is stored and shared is continuously evolving,

Considering that the post-2020 biodiversity framework will provide guidance on the long-term strategic directions to the 2050 Vision for Biodiversity,

Noting the relevant discussions on digital sequence information on genetic resources and related issues in other United Nations bodies and instruments, such as the Food and Agriculture Organization of the United Nations, the International Treaty on Plant Genetic Resources for Food and Agriculture, the World Health Organization, the World Intellectual Property Organization and the United Nations General Assembly,

1. *Recognizes* the importance of digital sequence information on genetic resources for the three objectives of the Convention which are mutually supportive, although further work is needed to provide conceptual clarity on digital sequence information on genetic resources;

2. *Recognizes* that [open][public] access to and use of digital sequence information on genetic resources contributes to scientific research as well as to other non-commercial and commercial activities in areas such as biological diversity, food security and human, animal and plant health;

3. *Recognizes* also that further capacity to access, use, generate and analyse digital sequence information on genetic resources is needed in many countries and *encourages* Parties, other Governments and relevant organizations to support capacity-building and technology transfer, as appropriate, to assist in the access, use, generation and analysis of digital sequence information on genetic resources for the conservation and sustainable use of biodiversity and benefit-sharing;

4. *Notes* that the generation of digital sequence information on genetic resources in most cases requires access to a genetic resource, although in some cases linking the digital sequence information to the genetic resource from which it was generated may be difficult;

[and therefore *urges* Parties to take that into account to ensure fair and equitable benefit-sharing arrangements of the commercial use of digital sequence information on genetic resources through a global benefit-sharing fund in the case of unknown origin and with the countries of origin of the genetic resource when the origin is known];

5. *Notes* that some Parties have adopted domestic measures that regulate the access to and use of digital sequence information on genetic resources as part of their access and benefit-sharing frameworks;

6.

Option A: *Notes* that further work is scheduled to explore conceptual clarity on digital sequence information on genetic resources, and *notes also* that there is a divergence of views among Parties regarding the sharing of benefits when digital sequence information on genetic resources is utilized, with some Parties requiring the sharing of benefits when digital sequence information on genetic resources is utilized while other Parties do not agree with the requirement for any such benefit-sharing and *recognizes* the commitment by Parties to resolve this divergence and finally *notes* the need for an approach that provides for [open][public] access to digital sequence information on genetic resources as well as the need to explore modalities for sharing benefits arising from the commercial use of digital sequence information on genetic resources with the country of origin or the Party that has acquired the genetic resources in accordance with the Convention.

Option B: Parties endeavour to resolve the differences of interpretation on benefit-sharing from the use of digital sequence information on genetic resources through the process established in this decision with the aim of strengthening the third objective of the Convention.

7. *Notes* that, when genetic resources are accessed for their utilization, mutually agreed terms can cover benefits arising from the commercial and/or non-commercial use of digital sequence information on these genetic resources, in accordance with applicable domestic measures;

8. *Decides* to establish a science and policy based process on digital sequence information on genetic resources as set out in paragraphs 9 to 12 below;

9. *Invites* Parties, other Governments, indigenous peoples and local communities, relevant stakeholders and organizations to submit their views and information:

(a) To clarify the concept, including relevant terminology and scope, of digital sequence information on genetic resources and if and how domestic measures on access and benefit sharing consider digital sequence information on genetic resources;

(b) On benefit-sharing arrangements from commercial and non-commercial use of digital sequence information on genetic resources;

10. *Invites* Parties, other Governments and indigenous peoples and local communities to submit information on their capacity-building needs regarding the access, use, generation and analysis of digital sequence information on genetic resources, in particular for the three objectives of the Convention;

11. *Decides* to establish an extended Ad Hoc Technical Expert Group,¹ including the participation of indigenous peoples and local communities, and *requests* the Executive Secretary, subject to the availability of resources:

(a) To compile and synthesize the views and information submitted pursuant to paragraphs 9 and 10 above;

(b) To commission a science based peer-reviewed fact-finding study on the concept and scope of digital sequence information on genetic resources and how digital sequence information on genetic resources is currently used building on the fact-finding and scoping study;²

¹ The Ad Hoc Technical Expert Group will be convened in accordance with the modus operandi of the Subsidiary Body on Scientific, Technical and Technological Advice, except that there will be five experts nominated by each of the five regions.

(c) To commission a peer-reviewed study on ongoing developments in the field of traceability [of digital information], including how traceability is addressed by databases, and how these could inform discussions on digital sequence information on genetic resources [including but not limited to the benefit-sharing arising from the commercial and non-commercial use of this information for countries of origin];

(d) To commission a peer reviewed study on public and, [to the extent possible], private databases of digital sequence information on genetic resources, including the terms and conditions on which access is granted or controlled, the biological scope and the size of the databases, numbers of accessions and their origin, governing policies, and the providers and users of the digital sequence information on genetic resources and *encourages* the owners of private databases to provide the necessary information;

[(e) To commission a peer reviewed study on how domestic measures address benefit-sharing arising from commercial and non-commercial use of digital sequence information on genetic resources and address the use of digital sequence information on genetic resources for research and development, taking into account the submissions provided in paragraph 9.]

(f) To convene a meeting of the extended ad hoc technical expert group to:

- (i) Consider the compilation and synthesis of views and information and the peer-reviewed studies referred to above;
- (ii) Develop options for operational terms and their implications to provide conceptual clarity on digital sequence information on genetic resources, considering in particular the study referred to in paragraph 11(b);
- (iii) Identify key areas for capacity-building;
- [(iv) Suggest potential modalities to facilitate access to digital sequence information on genetic resources for non-commercial and commercial purposes;
- (v) Suggest potential modalities for fair and equitable sharing of benefits arising from commercial use of digital sequence information;] and
- (vi) Submit its outcomes for consideration by a meeting of ... to be held prior to the fifteenth meeting of the COP.

12. *Requests* [the open-ended working group established [to work on digital sequence information on genetic resources][under COP decision 14/--³]/SBSTTA/SBI, in accordance with their respective mandates,] to consider the outcomes of the extended AHTEG and to make recommendations to COP 15 [[on how] to address digital sequence information on genetic resources in the context of the post 2020 global biodiversity framework].

² Fact-Finding and Scoping Study on Digital Sequence Information on Genetic Resources in the Context of the Convention on Biological Diversity and the Nagoya Protocol, CBD/DSI/AHTEG/2018/1/3.

³ Decision on the preparation of the post-2020 global biodiversity framework (item 17).