



## Convention on Biological Diversity

Distr.  
GENERAL

CBD/NP/MOP/DEC/2/4  
13 December 2016

ORIGINAL: ENGLISH

CONFERENCE OF THE PARTIES TO THE CONVENTION  
ON BIOLOGICAL DIVERSITY SERVING AS THE  
MEETING OF THE PARTIES TO THE NAGOYA  
PROTOCOL ON ACCESS TO GENETIC RESOURCES  
AND THE FAIR AND EQUITABLE SHARING OF  
BENEFITS ARISING FROM THEIR UTILIZATION

Second meeting

Cancun, Mexico, 4-17 December 2016

Agenda item 13

### DECISION ADOPTED BY THE PARTIES TO THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING

#### 2/4 Assessment and review of the effectiveness of the Protocol (Article 31)

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol,*

*Recalling* Article 31 of the Nagoya Protocol,

*Recalling also* the monitoring and reporting obligations in Article 29 of the Protocol and decision NP-1/3,

1. *Decides* to conduct the first assessment and review of the Protocol on the basis of the elements in the annex to the present decision;
2. *Urges* Parties and *invites* other Governments to submit interim national reports no later than 12 months before the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;
3. *Requests* the Executive Secretary to: (a) assess any needs for additional information, including consideration of a targeted survey of access and benefit-sharing national focal points and/or users; (b) prepare an analysis and synthesis of relevant information as the basis for the first assessment and review of the effectiveness of the Protocol; and (c) make available to the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting information on experiences from the assessment and review process under the Cartagena Protocol on Biosafety;
4. *Further requests* the Executive Secretary to prepare a framework of indicators as a basis for measuring, in the second assessment and review and thereafter, progress in achieving the objective of the Protocol while taking into account the preparation of elements included in the first assessment;

5. *Requests* the Compliance Committee to provide inputs to the first assessment and review of the Protocol in the form of information and findings on general issues of compliance and recommendations to assist in addressing challenges to the implementation of the Protocol;

6. *Requests* the Subsidiary Body on Implementation at its second meeting to review the analysis and synthesis of information as well as the draft framework of indicators submitted by the Executive Secretary, taking into account the inputs from the Compliance Committee, and submit its finding and recommendations for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its third meeting;

7. *Urges* Parties and *encourages* other Governments, relevant organizations and indigenous peoples and local communities to publish information in the Access and Benefit-sharing Clearing-House so that this information is available for the first assessment and review of the Protocol.

### *Annex*

#### **Elements to be included in the first assessment and review of the Protocol and sources of information**

<i>Element</i>	<i>Source of information</i>
(a) Extent of implementation of the provisions of the Protocol and related obligations of Parties, including assessment of progress by Parties in establishing institutional structures and access and benefit-sharing measures to implement the Protocol	Interim national reports Access and Benefit-sharing Clearing-House National reports under the Convention National biodiversity strategies and action plans Possible targeted survey of focal points and/or users
(b) Establishment of a reference point to measure effectiveness	Interim national reports (questions 13, 15, 16, 18, 24, 35, 46 <sup>1</sup> ) Access and Benefit-sharing Clearing-House
(c) Establishment of a reference point on support available for implementation	Interim national reports (questions 56, 57, 61, 62, 63 <sup>2</sup> ) Access and Benefit-sharing Clearing-House Information on capacity-building projects and resources
(d) Assessment of effectiveness of Article 18 (extent of implementation)	Interim national reports (questions 31-34 <sup>3</sup> )
(e) Assessment of implementation of Article 16 in light of developments in other relevant international organizations, including, inter alia, the World Intellectual Property Organization (WIPO)	Interim national reports (question 25 <sup>4</sup> ) Reports of, inter alia, the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore
(f) Stock-taking of the use of model contractual clauses, codes of conduct, guidelines, best practices and standards as well as indigenous peoples and local communities' customary laws, community protocols and procedures	Interim national reports (questions 42 and 51-53 <sup>5</sup> ) Access and Benefit-sharing Clearing-House Possible targeted survey of focal points and/or users

<sup>1</sup> See Conference of the Parties serving as the meeting of the Parties decision NP-1/3 on monitoring and reporting (Article 29), annex II.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<i>Element</i>	<i>Source of information</i>
(g) Review of implementation and operation of the Access and Benefit-sharing Clearing-House, including number of access and benefit-sharing measures made available; number of countries that have published information on their competent national authorities; number of internationally recognized certificates of compliance that have been constituted and number of checkpoint communiqués published	Interim national reports (question 3 <sup>6</sup> ) Access and Benefit-sharing Clearing-House, including information on the use of the help function/dialogue box Reports of meetings of the informal advisory committee on the Access and Benefit-sharing Clearing-House Possible targeted survey of focal points and/or users

---

<sup>6</sup> Ibid.