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

Second meeting

Montreal, Canada, 20-22 June 2016

Items 3, 4, 5 and 6 of the provisional agenda\*

### **PROGRESS AND PRIORITIES FOR FUTURE IMPLEMENTATION AND ADMINISTRATION OF THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE**

*Note by the Executive Secretary*

#### **I. INTRODUCTION**

1. Article 14 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization establishes an Access and Benefit-sharing Clearing-House (ABS Clearing-House) as part of the clearing-house mechanism of the Convention on Biological Diversity (CBD) under Article 18, paragraph 3, of the Convention on Biological Diversity.
2. The Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) at its first meeting considered the progress made and experience gained during the pilot phase of the ABS Clearing-House and subsequently adopted decision NP-1/2. In paragraph 7 of that decision, the COP-MOP requested the Executive Secretary to implement the ABS Clearing-House, in line with available resources, and in accordance with the modalities of operation (decision NP-1/2, annex) and feedback received, in particular that of Parties.
3. COP-MOP established an informal advisory committee to assist the Executive Secretary with the implementation of the ABS Clearing-House and to provide technical guidance with respect to the resolution of technical and practical issues arising from the ongoing development of the ABS Clearing-House.
4. COP-MOP also decided that the Informal Advisory Committee would hold at least one meeting in the coming intersessional period, as well as informal online discussions, as needed, and address technical issues related to feedback received, including issues related to the internationally recognized certificate of compliance and the checkpoint communiqué, and report on the outcomes of its work to the second meeting of the COP-MOP (decision NP-1/2, para. 3).
5. Pursuant to the above decision, the first meeting of the Informal Advisory Committee was held in Montreal, Canada, from 28 to 30 October 2015, including a joint session with the Informal Advisory Committee to the CBD clearing-house mechanism for consideration of issues of common interest to both informal advisory committees. Following the meeting of the Informal Advisory Committee, online discussions were held from 20 November 2015 to 15 January 2016.
6. The second meeting of the Informal Advisory Committee will be held in Montreal from 20 to 22 June 2016.

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\* UNEP/CBD/ABS/CH-IAC/2016/1/1.

7. The present document has been prepared to assist the Informal Advisory Committee to the ABS Clearing-House in its deliberations. Section II takes stock of progress made in the implementation and administration of the ABS Clearing-House. Section III provides an overview of the main features and functionalities that have been implemented in the ABS Clearing-House for the constitution of the internationally recognized certificate of compliance and the checkpoint communiqué. Section IV proposes a possible way forward for refining the modalities of operation and reviewing the implementation and operation of the ABS Clearing-House. Finally, section V proposes priority activities for future implementation and administration of the ABS Clearing-House.

## **II. PROGRESS REPORT ON THE IMPLEMENTATION AND ADMINISTRATION OF THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE**

8. This section takes stock of progress made by the Secretariat of the Convention in the implementation and administration of the ABS Clearing-House since the first meeting of the Informal Advisory Committee on the basis of (a) the functions assigned to it in accordance with the modalities of operation; (b) feedback received, in particular that of Parties; and (c) technical guidance provided by the Informal Advisory Committee.

9. Since the first meeting of the Informal Advisory Committee in October 2015, efforts in the implementation of the ABS Clearing-House have focused on improving the central portal and databases of the ABS Clearing-House with a view to making it more intuitive and user-friendly. The latest improvements have been released in the new version of the ABS Clearing-House launched on 22 April 2015.

### **A. Progress made in the central portal and databases of the ABS Clearing-House**

10. Following technical guidance and feedback received and with a view to enhance integration and improve performance of the CBD clearing-house mechanism, the ABS Clearing-House and the Biosafety Clearing-House, improvements have been made to the ABS Clearing-House in the following areas.

#### *Modifications to address compatibility issues for the most used modern browsers*

11. Ideally the ABS Clearing-House should be compatible with as many browsers as possible, however, since each browser can behave slightly differently, adjustments need to be made in order to ensure the web pages are rendered cleanly and display in consistent way. It is almost impossible to completely support all browsers, but the Secretariat endeavours to be compliant with modern versions of the three most used web browsers: Google Chrome, Internet Explorer and Mozilla Firefox.

#### *Optimization of website loading speed*

12. The following actions have been taken to optimize the website and improve loading speed, in particular for users with slower internet connections:

(a) The functionality of large website elements (e.g. map or forms) is disabled while they are being loaded. This provides users of the ABS Clearing-House with feedback when connections are slow and prevents users from interacting with a partially loaded element, which can cause errors;

(b) The ABS Clearing-House now saves information and calculations frequently used (e.g. a list of countries or numbers of records) over multiple web pages in your browser's temporary local storage. This helps pages load faster and more efficiently;

(c) Websockets have been setup to provide better communication between the web server and your browser. In the past, for example, if your browser wanted to know when a request (e.g. publishing or saving a record) was completed it would have to freeze the page and repeatedly check with the server until it received the answer indicating the process was completed. Websockets allow the user to continue browsing normally and be notified by the server when their requests are completed. This is especially helpful to the user for time consuming or complex requests (e.g. downloading large portable document format (PDF) files or publishing workflows);

(d) The use and delivery of required files have been optimized. Whenever possible, files are loaded on demand only when the specific functionality contained in the file is needed. Required files are also compressed to reduce file size and improve loading speed; and

(e) Data is loaded in order of priority. The top of the web page, the part of the screen a user sees first, loads faster than the bottom of the page. In the search, for example, the results lower down on the page and outside of the screen's view, only load when the user scrolls down the page.

#### *Introduction of responsive design*

13. In recognition of the increasing popularity of mobile technology, work has been undertaken to ensure that the website responds more intelligently to such devices as tablets and smart phones and that web pages of the ABS Clearing-House adapt to smaller screen sizes.

#### *Improvements in webpage design*

14. The new version of the ABS Clearing-House includes many changes in terms of design with a view to make it more user-friendly. This includes, among other things:

(a) Changes to the layout, branding elements, and navigation with a view to enhance visual integration, ensure consistency and improve the user experience across CBD websites;

(b) Improved visibility and display of country profiles, and changes to the record overview and country information in the homepage, including by incorporating a new map and providing a direct link to country profiles;

(c) Pop-ups and help: Text for frequently used definitions of technical terms and additional information has been replaced by pop-ups. To reduce clutter and repetition information is only revealed when the user's mouse hovers over or clicks on pop-up information icons; and

(d) New "About us" page: An informational page explaining key aspects of the ABS Clearing-House and important information for users.

#### *New search functions*

15. Changes have been made to the search function with a view to make it faster and more efficient. In the coming months the ABS Clearing-House will be moving to a more powerful search engine. This search engine will bring a more intelligent way of organizing and searching for information, including the information inside files attached to records such as PDF and Word documents. The search layout has been updated to accommodate the more powerful search engine and is intended to put more emphasis on the user's input (like google) rather than only rely on a list of predefined filters or keywords.

#### *Changes to display of search results and filters*

16. The layout of the search page has been updated to retrieve results from national, reference and SCBD record categories simultaneously while maintaining visual distinction between the different categories of records. The flexible searching style of selecting filters to narrow down results allows the user to decide if they wish to retrieve a wide or very specific set of results. To achieve their desired queries the user can combine a variety of filters, such as: free text, record type, Party status, keywords, countries, regions and date of publishing of the record.

#### *Implementation of a user notification system*

17. The user notification system has been developed to help users stay informed on the status of their records with a view to keep information in the ABS Clearing-House up-to-date. The user's notifications are available in the Record Management Centre by clicking on the tab "Requests & Notifications".

18. Requests or notifications are triggered by events in the ABS Clearing-House, such as: a new request for publication, an approval of a request, a recalled or cancelled request, rejected requests, as well as various other reminders and alerts. For example, a reminder notification has been setup to inform publishing authorities (PA), at 21-day intervals, when they have outstanding requests for publishing.

19. The notification system also acts as a back-up for the automated emails sent by the ABS Clearing-House (e.g. courtesy copies of the internationally recognized certificate of compliance and the checkpoint communiqué), since the ABS Clearing-House cannot guarantee that automated emails are received or read.

20. In order to help ensure that records are up-to-date and are reliable, the Secretariat will also send the following notifications to PAs:

(a) Two years from the date of submission of information on the national focal point or competent national authority, the PA will be asked to confirm or update the record within 3 months. After this period, if no confirmation has been received, a warning will appear along with the record indicating it as being “not confirmed”;

(b) Two months before the date of expiry of the permit or its equivalent, when applicable, the PA will receive a notification, noting that once the date of expiry is reached the internationally recognized certificate of compliance will be marked as no longer valid;

(c) When the information submitted about the ABS measures includes the date when the measure is no longer in force or applicable, two months before that date the PA will receive notification advising that if no changes are made to the record, a warning will appear along with the record indicating it as being “no longer in force or applicable”;

(d) One year after draft ABS measures have been registered in the ABS Clearing-House, the PA will receive a notification asking them to confirm whether the measure is still a draft or otherwise invite the PA to review the form to reflect the changes in its status;

*Online designation of publishing authorities and national authorized users*

21. The NFP can login to the ABS Clearing-House and directly designate the PA and one or more national authorized users (NAUs). This functionality is available in the Record Management Centre (submit page) in the user management page. The PA can also assign and make changes to the NAUs for their country.

*Functionality to report problems with records*

22. This feature allows any user of the ABS Clearing-House to alert the Secretariat when they notice a problem in a published record. Possible reasons for reporting a record may be when the record contains: a broken link or outdated information, a copyright infringement, or incorrect or inappropriate information. When the Secretariat receives a reported record it can review the record and take the appropriate course of action to ensure that the ABS Clearing-House is up-to-date and includes accurate information.

*Record versioning*

23. A system of tracking record versions has been introduced for all ABS Clearing-House records. This feature is necessary to maintain the integrity of records in the ABS Clearing-House when records link to or reference other records.

24. For example, the interim national report (a type of ABS Clearing-House record) may include references to other existing ABS Clearing-House records such as ABS measures or national contacts. When a record is linked in the ABS Clearing-House, the link includes a reference to the most recent version of that record. When a modification is done to the linked record (for example, when national contact details are updated) a new version is created. In the example of the interim national report, the report remains unchanged despite changes done to the linked records. When an older version of a record is displayed, a warning will appear advising the user that there is a more recent version of that record available.

25. The new system of tracking record versions is more efficient and provides added certainty to users by maintaining the integrity of all records but also providing a link to the latest version of the

information published. This level of certainty and traceability is particularly important for the IRCC and the checkpoint communiqué.

*Developments in the creation of two working environments and three separate websites for the ABS Clearing-House*

26. There are three separate ABS Clearing-House websites (a) the official website (absch.cbd.int) hosted in the production environment; (b) the training website (training-absch.cbd.int) also hosted in the production environment; and (c) the development website hosted in the development environment. Work is still underway to have two completely separate but identical environments for production and development. The implementation of a complete development environment is key to allow programmers to fix bugs and fully test out new features before introducing any changes to the official website of the ABS Clearing-House.

*Server infrastructure improvements*

27. Improvements have been made to the IT infrastructure of the Secretariat in order to provide faster loading speed, better stability and improved scalability of the clearing-houses and web applications. In particular, a system for automated testing and monitoring of web application, servers and databases has been set up to ensure the IT infrastructure critical for the ABS Clearing-House is functioning properly at all times.

**B. Progress made in enhancing integration of the ABS Clearing-House as part of the CBD clearing-house mechanism**

28. Improving integration of all the components of the central CBD clearing-house mechanism (CBD clearing-house mechanism, the ABS Clearing-House and the Biosafety Clearing-House) and enhancing linkages among all CBD websites have been an important area of work of the Secretariat since the first meeting of COP-MOP and have informed many of the changes made to the central portal and databases of the ABS Clearing-House.

29. Since the last meeting of the Informal Advisory Committee in October 2015, and as explained in the section above, work has been undertaken to improve the infrastructure and services for the central CBD clearing-house mechanism, improve visual integration and include branding elements, and enhance uniformity and consistency of the user experience for all CBD websites and clearing-houses.

30. In decision XII/2 B, paragraph 19, the Conference of the Parties requested the Executive Secretary to develop a web strategy to ensure that all information common or relevant to the clearing-house mechanism, the ABS Clearing-House and the Biosafety Clearing-House, as well as other platforms developed under the Convention, can be accessed centrally to avoid duplication of efforts. The draft web strategy for the Convention and its Protocols was considered by the Subsidiary Body on Implementation (SBI), at its first meeting held in Montreal, Canada, from 2 to 6 May and made available as document UNEP/CBD/SBI/1/6/Add.2.

31. Additionally, the Secretariat is working on the development of an internal corporate communication strategy which includes branding and visual identity guidelines for Secretariat products, including its website.

32. The SBI took note of the draft web strategy for the Convention and its Protocols prepared by the Executive Secretary and requested the Executive Secretary to align it with the communication strategy that is being prepared for consideration by the Conference of the Parties at its thirteenth meeting (recommendation 1/5, paragraph 4).

33. Looking forward, and in line with the draft web strategy, open source code libraries (github.com/scbd) have been created for common programming elements and services to reduce the duplication of functionalities frequently used in all CBD websites and clearing-houses. This will help ensure that common elements are consistently used, maintained, and are managed more efficiently. Shared code libraries and services include: centralized system for CBD accounts (accounts.cbd.int), map

service, branding and design related libraries and services, services to support multiple languages, controlled vocabularies, form controls, the application programme interface (API) (api.cbd.int), search engines and the user notification system.

34. The website strategy as well as the corporate communications strategy will impact the design and future operation of the ABS Clearing-House and inform future developments and priorities.

**C. Progress made in providing common formats for submitting information to the ABS Clearing-House, reviewing existing common formats and developing further common formats**

35. Following technical guidance received during the last meeting of the Informal Advisory Committee and the online discussions, the Secretariat has been working on the online implementation of the following formats and information:

(a) A new category of records was created to identify SCBD records (meetings, notifications, press releases, statements and news).

(b) The virtual library has been extended to accommodate the common format for the submission of capacity-building resources;

(c) The common format for the submission of capacity-building initiatives (activity/project/programme);

(d) The common format for the submission of the interim national report for the Nagoya Protocol as reflected in annex II to decision NP-1/3;

(e) Changes to the common format for submission of policy, administrative or legal measures and the development of an ABS measures country matrix for displaying information on national legal frameworks in the country profile;

(f) Changes to the common formats for the submission of the internationally recognized certificate of compliance (IRCC), the checkpoint communiqué (CPC); and

(g) Changes have been made to the way national contacts (organizations or individual persons) are managed and referenced in other records.

36. Changes to the common formats for submission of model contractual clauses, codes of conduct, guidelines, and best practices and/or standards, as well as community protocols and procedures and customary laws have been implemented as well. However, a number of challenges and issues were identified with the implementation of the endorsement function for the formats for registering model contractual clauses, codes of conduct, guidelines, and best practices and/or standards, and community protocols, and customary laws and procedures.

37. The purpose of the endorsement function in the context of the ABS Clearing-House should be clarified with a view to informing its implementation. In order to implement such a function, a common understanding is needed with respect to its meaning and the possible implications of having certain records endorsed. Endorsement could mean different things for different countries and for different ABS Clearing-House users. Having only some reference records endorsed by a country and others not could raise questions from users of the ABS Clearing-House on the level of support given by countries to different information published. For example, the fact that a community protocol registered by an indigenous and local community has not been endorsed by a country could be interpreted as lack of support from the country, when the reason for not endorsing it may be the absence of a national process for such endorsement.

38. The Informal Advisory Committee may wish to provide technical guidance regarding the implementation of the endorsement function with a view to provide clarity on the purpose, meaning and status of endorsed records.

**D. Progress made in promoting the use of the ABS Clearing-House for supporting capacity-building for the implementation of the Protocol**

39. Following the advice of the Informal Advisory Committee on Capacity-building emanating from its first meeting, held in Montreal, Canada, from 15 to 17 September 2015,<sup>1</sup> and the joint session of the informal advisory committees to the CBD clearing-house mechanism and the ABS Clearing-House held on 30 October 2015, the Secretariat finalized the implementation of the common format for capacity-building initiatives and the incorporation of capacity-building resources in the Virtual Library format, which are available online through the ABS Clearing-House. Relevant organizations responsible for the initiatives presented in document UNEP/CBD/ABS/CB-IAC/2015/1/2 were invited to register and publish them in the ABS Clearing-House.

40. As of 6 of May 2016, a total of 31 records on capacity-building initiatives have been published in the ABS Clearing-House.

**E. Progress made in providing timely technical assistance and receiving feedback**

41. With a view to strengthening and increasing participation in the ABS Clearing-House, the Secretariat has continued its work by:

(a) Encouraging Parties to the Convention, and, in particular, Parties to the Protocol, to designate their publishing authority and national focal points on ABS;

(b) Raising awareness of the ABS Clearing-House and of the obligation of Parties to share the information in accordance with Article 14, paragraph 2, of the Protocol;

(c) Encouraging the submission by Parties of the national information required in accordance with the Protocol, including by building the capacity of the publishing authorities to make existing national information available in the ABS Clearing-House;

42. The Informal Advisory Committee may wish to take into account the results of the outreach and engagement campaign since its last meeting (October 2015) and as summarized below in order to provide guidance regarding priorities for the next phase.

*Designation of publishing authorities, ABS national focal points and awareness-raising*

43. Since November 2015, 68 national focal points and publishing authorities were contacted in order to promote the publication of national records in the ABS Clearing-House and, when applicable, advance the designation of publishing authorities and NAUs. As of 6 May 2016, the Executive Secretary has received 75 designations of publishing authorities, 51 of which came from Parties to the Protocol. At the same date, a total of 167 NAUs had been designated for the ABS Clearing-House.

*Capacity-building for the ABS Clearing-House*

44. Based on feedback received and identified difficulties in using the ABS Clearing-House, several online help functions have been developed as part of the latest release of the ABS Clearing-House. A new webpage has been added which includes information on the ABS Clearing-House and frequently asked questions ([absch.cbd.int/about](http://absch.cbd.int/about)). In order to provide immediate technical support, a live chat help desk service has been installed on the website that allows interaction with Secretariat staff for technical help and guidance.

45. The Secretariat has provided continuous support through Skype, e-mails or telephone calls to provide guidance on how to use the ABS Clearing-House and publish national records; and introductory webinars have been carried out.

46. The Secretariat organized a full day live training on the ABS Clearing-House on 1 May 2016 with the participation of publishing authorities and NAUs of 13 different countries. The Secretariat also

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<sup>1</sup> For the report of the meeting, see [UNEP/CBD/ABS/CB-IAC/2015/1/3](http://unep.org/cbd/abs/cb-iac/2015/1/3).

presented the new functions and improvements of the ABS Clearing-House during a side event at the margins of the first meeting of SBI.

47. The Secretariat is preparing step-by-step guides on how to publish records and use various features of the ABS Clearing-House. With the support of the Japan Biodiversity Fund, the Secretariat is currently working on an e-learning module on the ABS Clearing-House that will be made available in the six official languages of the United Nations.

48. All these materials will help build capacity for the ABS Clearing-House, including for training the trainers. The goal is to make available resources to enable capacity-building actors and partners to easily include a component on the ABS Clearing-House in their capacity-building activities and initiatives with the technical support from the Secretariat.

49. Opportunities for raising awareness and building capacity on the ABS Clearing-House will also be identified in relevant meetings or workshops organized by the Secretariat and other partners. Examples of these include the following:

(a) Following the example of the workshop held in Saint John's, Antigua and Barbuda, in December 2015 a component on the ABS Clearing-House will be included in the regional capacity-building workshops organized by the Secretariat on traditional knowledge and customary sustainable use planned for 2016, which targets indigenous and local communities and government representatives working on traditional knowledge;

(b) A session on the ABS Clearing-House was included in the regional workshop for the CBD clearing-house mechanism organized by Belgium and Benin in February 2016 with participants of 12 countries from the African region;

(c) A workshop on the ABS Clearing-House is also planned in the context of the IUCN project "Advancing the Nagoya Protocol in Countries of the Caribbean Region Project" with participants from 9 Caribbean countries.

#### *Use and publication of information in the ABS Clearing-House*

50. A total of 9,482 users visited the ABS Clearing-House since November 2015, out of which 3,653 were new users (approximately 40%).

51. As of 6 May 2016, a total of 244 records have been published in the ABS Clearing-House which includes: 146 national records (135 from Parties and 12 from non-Parties), and 98 reference records submitted by ABS Clearing-House users.

52. The table below details the total number of national records published and the number of Parties and non-Parties to the Protocol that have contributed different types of national records to the ABS Clearing-House.



**Table. Number of national records published and number of Parties to the Nagoya Protocol and other Governments that have published national records in the ABS Clearing-House (as of 6 May 2016)**

Type of information	Number of records published	Number of records published since November 2015	Number of Parties to the Protocol that published records	Number of non-Parties that published records
National focal points	181	60	70	111
Competent national authorities	35	15	21	4
ABS measures	66	14	19	3
Checkpoints	6	0	4	0
Permits or their equivalent constituting an internationally recognized certificate of compliance	27	26	3	0
Checkpoint communiqués	0	0	0	0
National websites or databases	12	1	6	4

53. As of 6 May 2016, a total of 98 reference records were available in the ABS Clearing-House: 65 as virtual library records; 31 capacity-building initiatives; and two under model contractual clauses, codes of conduct, guidelines, best practices and/or standards.

**F. Summary of expected technical guidance by the Informal Advisory Committee from the ongoing development of the ABS Clearing-House**

54. In addition to providing general feedback on the progress made in the implementation of the ABS Clearing-House as addressed in subsections A to E above, the IAC may wish to provide technical guidance on some outstanding issues: (a) the user notification system and possible ways of using the notifications to help ensuring that information is up-to-date and reliable (para. 20 above); (b) the endorsement function for model contractual clauses, codes of conduct, guidelines, and best practices and/or standards, and community protocols, and customary laws and procedures (paras. 36-38).

**III. TECHNICAL ISSUES RELATED TO THE INTERNATIONALLY RECOGNIZED CERTIFICATE OF COMPLIANCE AND CHECKPOINT COMMUNIQUÉ**

55. As of 6 May 2016, three Parties had published information on the permit or its equivalent for constitution of an internationally recognized certificate of compliance (IRCC): Guatemala, South Africa and India. 25 permits were made available by India. Two of the IRCCs cover access to traditional knowledge associated with genetic resources.

56. Parties and non-Parties are also making progress in establishing checkpoints; however, no checkpoint communiqués have been published. Four Parties have already published information on checkpoints in the ABS Clearing-House (as of 6 May 2016), and many others have designated one or

more checkpoints but have not yet made this information available to the ABS Clearing-House.<sup>2</sup> For example, further to the establishment of checkpoints by European Union regulation 511/2014 of the European Parliament and of the Council on compliance measures for users from the Nagoya Protocol in the Union,<sup>3</sup> a number of European Union Member States have designated competent authorities to operationalize the checkpoints in their country.

57. The following summarizes the main features and functionalities that have been implemented in the ABS Clearing-House for the constitution of the IRCC and the checkpoint communiqué for the consideration of the Informal Advisory Committee.

#### **A. The internationally recognized certificate of compliance**

58. Parties requiring prior informed consent (PIC) are to provide for the issuance of a permit or its equivalent at the time of access as evidence of the decision to grant PIC and of the establishment of mutually agreed terms (MAT) (Article 6, paragraph 3(e)). This information is to be made available to the ABS Clearing-House in accordance with Article 14, paragraph 2(c).

59. Article 17, paragraph 2, provides that a permit or its equivalent issued in accordance with Article 6, paragraph 3(e), and made available to the ABS Clearing-House, shall constitute an internationally recognized certificate of compliance.

60. Article 17, paragraph 3, further establishes that the internationally recognized certificate of compliance shall serve as evidence that the genetic resource which it covers has been accessed in accordance with PIC and that MAT have been established, as required by the domestic access and benefit-sharing legislation or regulatory requirements of the Party providing prior informed consent.

#### *Confidentiality*

61. The ABS Clearing-House does not host confidential information. Article 17, paragraph 4, provides that the internationally recognized certificate of compliance shall contain some minimum information when it is not confidential. Technically, in the ABS Clearing-House, that has been implemented by making the fields included in Article 17, paragraph 4, mandatory but allowing the possibility to identify the following fields as confidential: the provider; the person or entity to whom PIC was granted; the subject-matter or genetic resources covered by the permit or its equivalent; and the indication whether the permit or its equivalent covers commercial and/or non-commercial use.

#### *Transmission of information*

62. Once the information on the permit or its equivalent is published in the ABS Clearing-House, an internationally recognized certificate of compliance is constituted. The ABS Clearing-House will then send a courtesy copy of the IRCC by electronic means to: (a) the national focal point and the competent national authority or authorities of the country responsible for issuing the permits or its equivalent; (b) The provider, if this information is not confidential; and (c) the person or entity to whom prior informed consent was granted, if this information is not confidential.

#### *Updating, amending or revoking the IRCC*

63. The IRCC plays an important role in securing legal certainty about the utilization of the genetic resources along the value chain. Therefore, special conditions apply for updating, amending or revoking the IRCC in the ABS Clearing-House.

64. A variety of circumstances can be conceived whereby it would be in the interest of the issuer and holder of a permit or its equivalent to modify an IRCC. For example, access could be granted for soil or

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<sup>2</sup> See document UNEP/CBD/SBI/1/3 on progress towards Aichi Biodiversity Target 16 on the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from its Utilization.

<sup>3</sup> Regulation 511/2014 is complemented by Commission Implementing Regulation (EU) 2015/1866 of 13 October 2015 laying down detailed rules for its implementation as regards the register of collections, monitoring user compliance and best practices.

water samples or other situations where the genetic resource or species has not yet been identified. Depending on the national legislation, a new permit could be issued or the previous permit could be amended in order to include the species once identified. Also, a permit could be issued for a limited period of time. After that time, the country could decide not to renew the permit or to renew it by extending the validity of the previous permit or by issuing a new one, depending on the circumstances.

65. In such cases, the ABS Clearing-House provides the following options:

(a) Submitting information on a new permit, including the possibility of linking to the previous IRCC so they can be displayed together;

(b) Submitting information to replace an existing IRCC. Therefore a new IRCC will be constituted and the old one will no longer be valid;

(c) Revoking an existing IRCC so it is no longer valid;

66. In order to provide for legal certainty and traceability, the reason for the update of the record is required.

#### *Document authenticity and security*

67. Each IRCC will include a link referring to the online record on the ABS Clearing-House. In order to have certainty about the latest valid version of an IRCC, a user of the ABS Clearing-House can follow the link provided in the certificate and compare the information. With a view to ensuring transparency and traceability, the ABS Clearing-House displays previous records on the permit or its equivalent in archived form and its status will be reflected in the record as well as information outlining the reason for the update of the record on the permit or its equivalent.

### **B. The checkpoint communiqué**

68. Checkpoints are to collect and receive relevant information related to PIC, to the source of the genetic resource, to the establishment of MAT, and/or to the utilization of genetic resources, as appropriate (Article 17, paragraph 1 (a) (i)), including from the internationally recognized certificate of compliance, when such a certificate is available. In accordance with Article 17, paragraph 1 (a) (iii), such information collected or received by the checkpoint is to be provided to relevant national authorities in the country where the checkpoint is located, to the Party providing PIC and to the ABS Clearing-House, as appropriate.

69. The ABS Clearing-House, through the checkpoint communiqué, provides a tool to facilitate the transmission of information to all actors involved. It enables the collection of the following information:

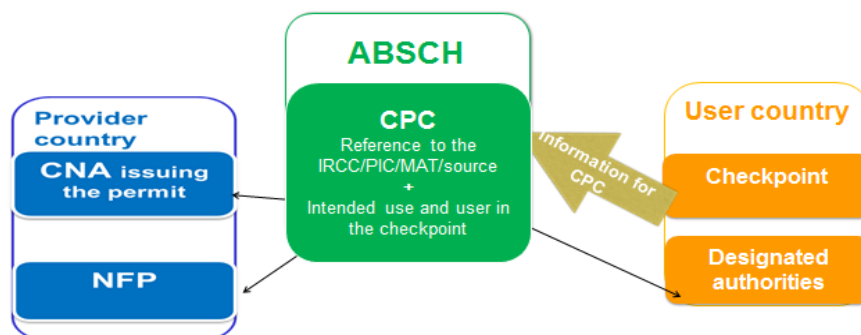
(a) The IRCC (or when there is no IRCC, information made available on PIC, MAT or the source of the genetic resources) as provided by the user;

(b) The intended use of the genetic resource, including the type of use (commercial, non-commercial), and the person or entity making information available to the checkpoint on the utilization of the genetic resource.

#### *Transmission of information*

70. The checkpoint can collect the information mentioned above through the checkpoint communiqué and send a draft of the record to the publishing authority of its country for its publication in the ABS Clearing-House. When the checkpoint communiqué is published in the ABS Clearing-House, a courtesy copy is automatically sent by electronic means to the following entities, as appropriate: (a) the designated national authority/ies as determined in the common format on checkpoints; (b) the national focal and the competent national authority/ies of the country providing of the genetic resource; and (c) the person or entity to whom prior informed consent was granted, if this information is not confidential. The following graphic describes the flow of transmission of information through the checkpoint communiqué.

*Graphic 1: Transmitting the information collected or received by the checkpoint through the checkpoint communiqué*



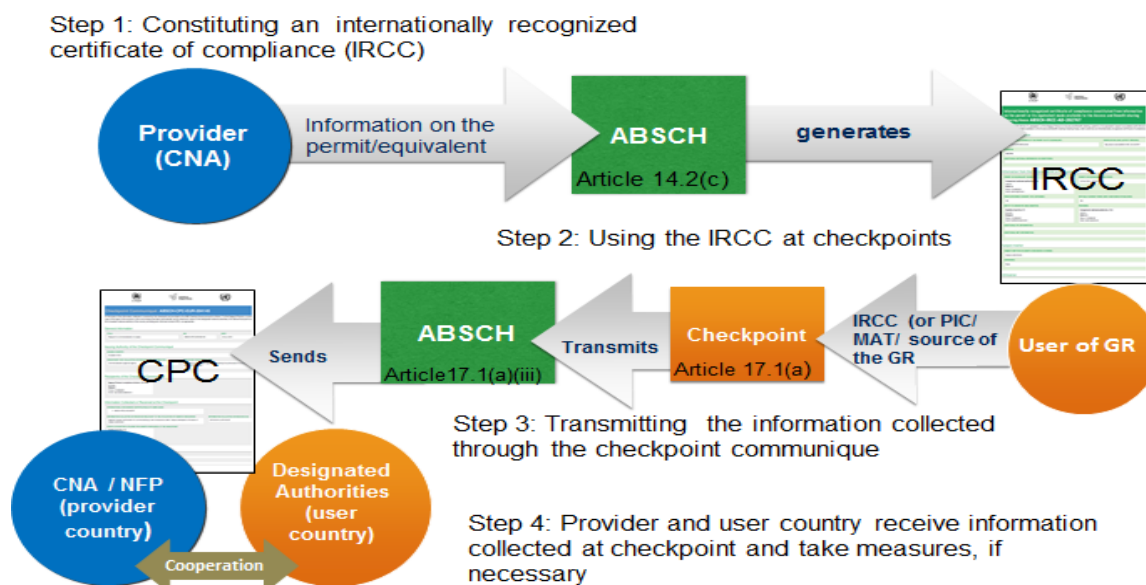
### C. Monitoring the utilization of genetic resources

71. For the monitoring system to work the country providing the genetic resource and that has issued the permit, should receive the information collected or received by the checkpoints. Without prejudice to the protection of confidential information, the checkpoint is to collect the information provided by the user and transmit this information to relevant authorities as foreseen by Article 17.1 (a) (iii) of the Protocol.

72. The provider country is the best placed to assess whether access to the genetic resource was obtained in accordance with the ABS measures and whether the genetic resource is being used in accordance with PIC and MAT. The provider country, once it receives the reference to the IRCC and the information on how the genetic resource is being used, will be able to consult the original national permit containing all confidential information and compare this information against the information provided by the checkpoint communiqué and decide to take appropriate measures or contact the user in case of doubt or discrepancy.

73. Designated authorities of the user countries will also receive the information coming from their own checkpoints about how genetic resources are being used within their jurisdiction. This allows provider countries and user countries to establish a channel of communication that will help all involved to ensure compliance with ABS measures and to cooperate in cases of alleged violation.

74. The following graphic summarizes the different steps in monitoring the utilization of genetic resources.



*Graphic 2: Steps in monitoring the utilization of genetic resources through the internationally recognized certificate of compliance and the checkpoint communiqué*

**D. Using the Application Programme Interface (API) to support monitoring the utilization of genetic resources at domestic level**

75. The Secretariat has developed an application programming interface (API) for the ABS Clearing-House. The API is the main tool to facilitate interoperability and the exchange of information with other databases and systems, in particular for national databases and systems as well as, the databases and systems of other instruments and organizations. The API provides a standard interface described by a set of standard protocols to facilitate interaction with computer systems.

76. Parties can make use of the API to avoid duplication in the submission of information to the ABS Clearing-House and, at the same time, create domestic information systems that are fully compatible with the ABS Clearing-House. This can be particularly useful for domestic information systems containing information on permits or their equivalent or information collected or received to implement Article 17 of the Protocol.

77. For example, whenever a permit is granted at national level, subset information required to constitute an IRCC could be automatically transmitted and made available in the ABS Clearing-House through the API for its publication by the publishing authority.

**IV. MODALITIES OF OPERATION AND INTERVALS TO REVIEW THE IMPLEMENTATION AND OPERATION OF THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE**

78. In decision NP-1/2, the first meeting of the COP-MOP adopted the modalities of operation of the ABS Clearing-House (annex to the decision) and requested the Executive Secretary to further refine the modalities of operation, taking into account progress made, the advice given by the informal advisory committee, and feedback received on the implementation and operation of the ABS Clearing-House, in particular that of Parties, for the consideration by the second meeting of the COP-MOP (decision NP-1/2, para. 5). It also decided that it would consider the intervals to review the implementation and operation of the ABS Clearing-House at its second meeting (paragraph 6).

79. The Conference of the Parties at its twelfth meeting called for enhancing the integration among the Convention and its Protocols, and decided to include an item on the agenda of its future meetings on

integrated approaches to the Convention and its Protocols (decision XII/27, para. 2). It also mandated the Subsidiary Body on Implementation, among its other functions, to identify ways and means that increase efficiencies, including an integrated approach to the implementation of the Convention and its Protocols, especially in common cross-cutting areas, such as the clearing-house mechanism.

80. As explained in section II, subsection B, of the present document, adopting an integrated approach to the development of the clearing-house mechanism has been an important area of work of the Secretariat during this biennium, and a number of relevant documents that will guide the further development of the ABS Clearing-House will be considered by COP 13, such as the communication strategy and the web strategy for the Convention and its Protocols. It is expected that, during the biennium 2017-2018, integration among all the components of the central CBD clearing-house mechanism will be enhanced, and the way each information exchange mechanism can assist Parties in their implementation of each treaty, as well as how to integrate the common components, will become more evident.

81. Against this background, and with a view to enhancing coherence in the implementation and operation of all the components of the central CBD clearing-house mechanism, joint modalities of operation for the CBD clearing-house mechanism, the ABS Clearing-House and the Biosafety Clearing-House could be developed and jointly considered by the fourteenth meeting of the Conference of the Parties, the ninth meeting of the Parties to the Cartagena Protocol on Biosafety and the third meeting of the Parties to the Nagoya Protocol.

82. The joint modalities of operation could take into account: (a) the experience gained in the implementation of the modalities of operation for the Biosafety Clearing-House and the ABS Clearing-House; (b) progress made in the development and implementation of the CBD clearing-house mechanism, the ABS Clearing-House and the Biosafety Clearing-House; and (c) common and specific elements of each of the information-exchange mechanisms, in order to adequately respond to the different needs of Parties for the implementation of each treaty.

83. Progress made in the operation and implementation of the ABS Clearing-House and feedback received since the adoption of the modalities of operation at COP-MOP 1 do not suggest a need to further refine the modalities in preparation for the second meeting of the COP-MOP. The Informal Advisory Committee may therefore wish to provide advice on whether the way forward proposed in paragraphs 81 and 82 above could inform future work on the modalities of operation.

84. The review of the implementation and operation of the ABS Clearing-House could be part of the assessment and review process to evaluate the effectiveness of the Protocol established by Article 31 of the Protocol. The Informal Advisory Committee may wish to consider this proposal and provide technical advice, as appropriate.

#### **IV. PRIORITIES FOR FUTURE IMPLEMENTATION AND ADMINISTRATION OF THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE**

85. In the light of the progress made, the Informal Advisory Committee is invited to provide technical advice on the future implementation and administration of the ABS Clearing-House and may wish to take into consideration the resource implications as well as the capacity-building needs of developing country Parties, Parties with economies in transition and indigenous peoples and local communities for active participation in the ABS Clearing-House.

86. As reported in section II, subsection A above, since the first meeting of the Informal Advisory Committee in October 2015, efforts in the implementation of ABS Clearing-House focused on responding to feedback and improving the central portal and databases of the ABS Clearing-House which were reflected in the new version of the ABS Clearing-House released on 22 April 2015. The expectation is to stabilize, maintain and improve existing functionalities and finalize remaining outstanding issues until the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. In

this regard the Secretariat will continue to work on the priorities identified in the report of the last meeting of the Informal Advisory Committee (UNEP/CBD/ABS/CH-IAC/2015/1/3) and outstanding pending work, in particular:

- (a) Completing the implementation of the improved search engine;
- (b) Refining and improving the new features and functionalities recently developed;
- (c) Translating the web pages of the ABS Clearing-House and common formats, and manually inputting the translation following the stepwise approach included in paragraph 66 of the report;
- (d) Providing technical assistance and capacity-building for the ABS Clearing-House following the priorities identified in paragraph 63 of the report;
- (e) Implementing, in coordination with the Biosafety Clearing-House and CBD clearing-house mechanism, tools for viewing and analysing the interim national reports and capacity-building initiatives in the ABS Clearing-House, including through incorporation of maps;
- (f) Promoting interoperability and the use of the API and collaborating with relevant instruments and organizations for the exchange of relevant data.

87. As the implementation of the Nagoya Protocol advances and the number of Parties to the Protocol increases, the ABS Clearing-House will need to evolve and adapt to the needs of Parties, in particular, as well as of other users, in an iterative process. Also, as Parties start operationalising the provisions of the Protocol related to monitoring the utilization of genetic resources, the understanding of the role ABS Clearing-House in the process may evolve and new needs may arise.

88. Bearing this in mind, the following takes note of the main considerations and needs that may inform the future priorities for implementation and administration of the ABS Clearing-House during the next biennium (2017-2018):

*Central portal and databases and integration of the ABS Clearing-House as part of the CBD clearing-house mechanism*

89. The Secretariat will continue working on the integration of all CBD online platforms, both in terms of design, operative rules, common formats, and information technology infrastructure. This process will require substantial effort in terms of human resources and may involve changes in controlled vocabulary, design and the modalities of operation.

90. In addition to performing general maintenance and bug fixes and related services, work planned in the central portal and database includes:

- (a) Further work on browser compatibility, performance improvements and optimization of website loading speed, in particular for users with slow internet connections;
- (b) Further work on the implementation of a complete development environment to allow programmers to fully test features before introducing changes to the official website;
- (c) Continued development of integrated and automated testing and monitoring of web applications and their related services to ensure the IT infrastructure is functioning properly;
- (d) Back-end integration, including work to create efficiencies in the reuse of programming code and optimization of required work for developing and maintaining all components of the central CBD clearing-house mechanism;
- (e) Improvements in existing functionalities and implementation of new ones, in accordance with feedback and guidance received and with a view to making the ABS Clearing-House more intuitive and user friendly.

91. The web strategy as well as the corporate communications strategy will also impact the design and future operation of the ABS Clearing-House and inform future developments and priorities. Some of the future work identified includes:

- (a) Improvements in the management of common vocabularies and keywords;
- (b) Development of joint modalities of operation for the CBD clearing-house mechanism, the ABS Clearing-House and the Biosafety Clearing-House; and
- (c) Further exploring how records submitted through the CBD clearing-house mechanism are made available in the ABS Clearing-House and vice versa.

*Operationalization of the ABS Clearing-House in the six official languages of the United Nations*

92. Bearing in mind the urgency of making the ABS Clearing-House operational in the six official languages of the United Nations, a manual system for inputting translations has been implemented. However, in order to ensure appropriate and timely translation of all websites in all six languages, the development of a long-term automated mechanism to support the translation of the CBD website and clearing-houses is required.

*Technical assistance and capacity-building for the ABS Clearing-House*

93. For the ABS Clearing-House to be a key tool to support implementation of the Protocol it requires the participation of Parties, non-Parties and others to publish information and to use the ABS Clearing-House to find information. Continued engagement and outreach to Parties, non-Parties and others is essential to populate the ABS Clearing-House but also to help ensure that information provided is up-to-date and reliable.

94. As the number of Parties to the Protocol increases and more users become aware of the ABS Clearing-House, the need for timely technical and support will increase. Adequate technical support and capacity-building for using the ABS Clearing-House also needs to be provided for non-English speaking countries and users.

95. In this regard, there is a need for having continued support and technical assistance through Skype, e-mails, telephone and the online live chat help desk service. Training and capacity-building materials are to be improved, expanded and translated, as needed, and incorporate feedback received and possible changes to the ABS Clearing-House. Training trainers for building capacity about the ABS Clearing-House and providing support and resources to ensure the quality of trainings will be important priorities over the next biennium.

*Implementation and display of common formats*

96. As experience advances in the implementation of the Nagoya Protocol and more information is published in the ABS Clearing-House, submission and display of common formats will evolve and improve. During the next biennium, the Secretariat is planning to develop a new common format to support the registration of capacity-building opportunities in accordance with decision NP-1/8.

*Exchange of information with other databases or systems and collaboration with relevant instruments and organizations for the exchange of related data*

97. As implementation of the Nagoya Protocol advances the need to enhance the exchange of information with other databases or systems will increase. General awareness-raising and technical support to facilitate and promote the use of API, including for the development of national clearing-houses, is needed. The Secretariat will continue to explore interoperability and collaboration between other instruments and relevant databases and systems, including the International Treaty on Plant Genetic Resources for Food and Agriculture, the United Nations Information Platform on Multilateral Environmental Agreements (InforMEA), and Global Catalogue of Microorganisms and the World Federation for Culture Collections (WFCC).