



CONVENTION ON BIOLOGICAL DIVERSITY

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PANEL OF EXPERTS ON ACCESS
AND BENEFIT-SHARING
First meeting
San José, 4-8 October 1999
Item 2.2 of the provisional agenda*

ORGANIZATIONAL MATTERS: ADOPTION OF THE AGENDA

Annotated provisional agenda

INTRODUCTION

1. The first meeting of the Panel of Experts on Access and Benefit-sharing is being convened pursuant to decision IV/8 of the Conference of the Parties, on access and benefit-sharing, in which the Conference decided:

"[T]o establish a regionally balanced panel of experts appointed by Governments, composed of representatives from the private and public sectors, as well as representatives of indigenous and local communities operating in accordance with decisions II/15, III/11 and III/15, under the Conference of the Parties and reporting to its next meeting. The mandate of this panel would be to draw upon all relevant sources, including legislative, policy and administrative measures, best practices and case-studies on access to genetic resources and benefit-sharing arising from the use of those genetic resources, including the whole range of biotechnology, in the development of a common understanding of basic concepts and to explore all options for access and benefit-sharing on mutually agreed terms including guiding principles, guidelines, and codes of best practices for access and benefit-sharing arrangements."

2. In same decision, the Conference of the Parties requested the Inter-Sessional Meeting on the Operations of the Convention referred to in its decision IV/16, paragraph 2, inter alia, to explore options for access and benefit-sharing mechanisms. Accordingly, the Inter-Sessional Meeting, which was held in Montreal from 28 to 30 June 1999, considered the modalities of the meeting of expert panel and, in paragraph 3 of its recommendation 2, made specific recommendations regarding the preparations for the meeting of the Panel, the composition of the Panel, and the items to be included in the agenda

* UNEP/CBD/EP-ABS/1.

for the meeting. The current provisional agenda and the proposals for the organization of the meeting outlined below therefore draw on recommendation 2 of the Inter-Sessional Meeting.

3. The meeting will be held from 4 to 8 October 1999 at Hotel Meliá Confort Corobicí in San José, Costa Rica. It will be co-hosted by the Governments of Costa Rica and Switzerland, with additional financial support provided by the Government of Norway. Registration of participants will commence at the venue of the meeting at 3 p.m. on Sunday, 3 October 1999.

4. The Secretariat has distributed an information note containing details of registration and logistical arrangements for the meeting, including information on travel, visa requirements, accommodation and other matters.

5. In accordance with decision IV/8 of the Conference of the Parties and recommendation 2 of the Inter-Sessional Meeting, the Panel of Experts is to consist of government-nominated experts from the private and the public sectors, as well as from indigenous and local communities. On the basis of nominations received from Governments, the Executive Secretary selected the experts for the meeting of the Panel, using a set of criteria to achieve, to the extent possible, balanced regional as well as sectoral distribution.

6. In accordance with recommendation 2 of the Inter-Sessional Meeting, representatives of competent intergovernmental organizations, including regional organizations, are invited to the meeting as observers.

7. A list of documents for the meetings is provided in annex I below. In addition to normal distribution, documents are available on the Secretariat's World Wide Web site at the following Internet address: <<http://www.biodiv.org>>.

ITEM 1. OPENING OF THE MEETING

8. The meeting will be opened at 10 a.m. on Monday, 4 October 1999.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. Election of officers

9. The meeting is invited to elect the Chairperson and the Rapporteur for the meeting. Proposals will be made from the floor.

2.2. Adoption of the agenda

10. The meeting may wish to adopt its agenda on the basis of the provisional agenda as contained in document UNEP/CBD/EP-ABS/1, which has been prepared by the Executive Secretary in conformity with decision IV/8 of the Conference of the Parties and recommendation 2 of the Inter-Sessional Meeting.

2.3. Organization of work

11. The languages of the meeting will be English, French and Spanish.

12. The Panel may wish to establish two working groups, each with the mandate to consider two of the sub-items under item 3. Should it

decide to do so, it is proposed that the chairs of the two groups should be elected at the first plenary session of the meeting.

13. A provisional organization of work for the meeting, including the proposed division of items between plenary and the Working Groups, is contained in annex II below.

ITEM 3. OPTIONS FOR ACCESS AND BENEFIT-SHARING ON
MUTUALLY AGREED TERMS

14. In line with the recommendation of the Inter-Sessional Meeting on the Operations of the Convention, item 3 of the agenda is divided into four sub-items: access and benefit-sharing arrangements for scientific and commercial purposes; review of legislative, administrative and policy measures at national and regional levels; review of regulatory procedures and incentive measures; and capacity-building. These four elements are all considered in the note by the Executive Secretary on options for access and benefit-sharing (UNEP/CBD/EP-ABS/2), which is the main working document before the meeting.

15. As recommended by the Inter-Sessional Meeting (recommendation 2, para. 3 (a)), the documentation for the meeting also includes a synthesis of case-studies on benefit-sharing (UNEP/CBD/COP/4/Inf.7), which was originally prepared for the fourth meeting of the Conference of the Parties to the Convention on Biological Diversity.

16. In considering these items, the Panel of Experts may wish to take into account paragraph 3 (d) of recommendation 2 of the Inter-Sessional Meeting, which states that the following issues should be considered by the Panel during its discussions:

- (a) Identification of benefits arising out of the use of genetic resources in different sectors;
- (b) Identification and review of mechanisms currently used to share benefits;
- (c) The need for new and improved measures for the sharing of benefits and the implementation of such measures; and
- (d) The facilitation of access.

3.1. Access and benefit-sharing arrangements for
scientific and commercial purposes

17. Under this item, the Panel is invited to consider various options for access and benefit-sharing arrangements for scientific and commercial purposes. As suggested in paragraph 3 (c) (i) of recommendation 2 of the Inter-Sessional Meeting on the Operations of the Convention, the Panel may wish to focus on drawing up possible guiding principles or voluntary codes of conduct addressing prior informed consent, mutually agreed terms and ways to promote the disclosure of the country of origin. The Panel is also invited to review and evaluate examples of existing contractual arrangements for access to genetic resources, including consideration of the benefits to be shared and the mechanisms by which they are shared, for example directly with indigenous and local communities in accordance with national legislation.

3.2. Review of legislative, administrative and policy measures at national and regional levels

18. Under this agenda item, the Panel may wish to identify elements of legislative guidelines, and administrative and policy measures for access and benefit-sharing at national and regional levels. Paragraph 3 (c) (ii) of recommendation 2 of the Inter-Sessional Meeting on the Operations of the Convention lists the following matters for the consideration of the Panel under this item:

(a) How to address prior informed consent when providing access to genetic resources for research and development;

(b) Consideration of legal and policy measures for fair and equitable benefit-sharing in countries which are using or receiving genetic resources;

(c) How to address mutually agreed terms for benefit-sharing arrangements, intellectual property rights and technology transfer, where appropriate; and

(d) Consideration of legislation related to intellectual property rights and sui generis systems.

19. The Panel may further wish to propose to the Conference of the Parties the need for a second meeting to develop legislative guidelines on access and benefit-sharing.

3.3. Review of regulatory procedures and incentive measures

20. The Panel is invited to consider various options available as regulatory procedures and incentive measures, and identify elements of principles on regulatory procedures and incentive measures that would facilitate access and benefit-sharing arrangements on mutually agreed terms. The Inter-Sessional Meeting on the Operations of the Convention recommended, in paragraph 3 (c) (iii) of its recommendation 2, that the Panel should address the following under this item:

(a) Efficient mechanisms that avoid burdensome procedures involving high transaction costs;

(b) Incentive measures to encourage contractual partnerships;

(c) Other measures to promote fair and equitable sharing of benefits; and

(d) Identification of basic steps to achieve economic valuation of genetic resources.

3.4. Capacity-building

21. As indicated in paragraph 3 (c) (i) of recommendation 2 of the Inter-Sessional Meeting on the Operations of the Convention, under this item, the Panel is invited to consider modalities for, and identify principles and elements in capacity-building and training to enable developing countries to identify, assess and add value to genetic resources, as well as to enhance capacity for the negotiation of access and benefit-sharing arrangements. This should include consideration of access to and transfer of relevant technology.

ITEM 4. OTHER MATTERS

22. Under this item, the members of the Panel may wish to raise other matters related to subject-matter of the meeting.

ITEM 5. ADOPTION OF THE REPORT

23. The Panel will consider and adopt its report, on the basis of the draft report of the meeting to be presented by the Rapporteur and the draft recommendations agreed by the two Working Groups, which will be introduced by their respective chairs.

24. The final report of the meeting will be presented by the Chairperson of the Panel of Experts for its consideration of the Conference of the Parties at its fifth meeting, to be held in Nairobi from 15 to 26 May 2000.

ITEM 6. CLOSURE OF THE MEETING

25. The meeting is expected to be closed at 6 p.m. on Friday, 8 October 1999.

Annex I

DOCUMENTATION FOR THE MEETING OF THE EXPERT PANEL
ON ACCESS AND BENEFIT-SHARING

Symbol

Title

A. Working documents

UNEP/CBD/EP-ABS/1	Provisional agenda
UNEP/CBD/EP-ABS/1/Add.1	Annotated provisional agenda
UNEP/CBD/EP-ABS/2	Options for access and benefit-sharing arrangements

B. Background/information documents

UNEP/CBD/COP/2/13	Access to genetic resources and benefit-sharing: legislation, administrative and policy information
UNEP/CBD/COP/3/20	Access to genetic resources
UNEP/CBD/COP/3/22	The impact of intellectual property rights systems on the conservation and sustainable use of biological diversity and the equitable sharing of benefits from its use
UNEP/CBD/COP/3/Inf.53	Fair and equitable sharing of benefits arising from the use of genetic resources
UNEP/CBD/COP/4/21	Measures to promote and advance the distribution of benefits from biotechnology in accordance with Article 19
UNEP/CBD/COP/4/22	Addressing the fair and equitable sharing of the benefits arising out of genetic resources: options for assistance to developing country Parties to the Convention on Biological Diversity
UNEP/CBD/COP/4/23	Review of national, regional and sectoral measures and guidelines on access to genetic resources
UNEP/CBD/COP/4/Inf.7	Synthesis of case-studies on benefit-sharing
UNEP/CBD/COP/4/Inf.10	Best practices for access to genetic resources, International Workshop, Cordoba, 16-17 January 1998
UNEP/CBD/COP/4/Inf.16	Access to genetic resources and means for fair and equitable benefit sharing: case-study submitted by Switzerland, April 1998
UNEP/CBD/COP/4/Inf.30	Patents using biological source material and mention of the country of origin in patents using biological source material: submission by the Government of Spain

<u>Symbol</u>	<u>Title</u>
No symbol	Compilation of case-studies on benefit-sharing (prepared for the fourth meeting of the Conference of the Parties to the Convention on Biological Diversity)
UNEP/CBD/ISOC/3	Review of options for access and benefit-sharing mechanisms
UNEP/CBD/ISOC/Inf.1	Submissions received by the Executive Secretary concerning decision IV/8, paragraph 2
UNEP/CBD/ISOC/Inf.2	Submission by the Government of the United Kingdom: common policy guidelines for participating botanic gardens on access to genetic resources and benefit-sharing
UNEP/CBD/ISOC/Inf.3	Final report of the International Conference on Trade Related Aspects of Intellectual Property Rights and the Convention on Biological Diversity: submission by the United Nations Environment Programme
UNEP/CBD/ISOC/Inf.4	The commercial use of biodiversity: access to genetic resources and benefit-sharing: submission by the European Community
UNEP/CBD/ISOC/Inf.5	Report of the European Workshop on Genetic Resources Issues and Related Aspects: submission by Germany

C. Decisions/recommendations of Convention bodies

UNEP/CBD/COP/2/19 (extract)	Decision II/15 ("FAO Global System for the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture") of the Conference of the Parties to the Convention, as contained on page 26 of the report of its second meeting
UNEP/CBD/COP/3/38 (extract)	Decision III/11 ("Conservation and sustainable use of agricultural biological diversity") of the Conference of the Parties to the Convention, as contained on pages 72-85 of the report of its third meeting
UNEP/CBD/COP/3/38 (extract)	Decision III/15 ("Access to genetic resources") of the Conference of the Parties to the Convention, as contained on pages 94-97 of the report of its third meeting
UNEP/CBD/COP/4/27 (extract)	Decision IV/8 ("Access and benefit-sharing") of the Conference of the Parties to the Convention, as contained on pages 109-110 of the report on its fourth meeting

<u>Symbol</u>	<u>Title</u>
UNEP/CBD/COP/5/4 (extract)	Recommendations 2, 3 and 4 of the Inter- Sessional Meeting on the Operations of the Convention, as contained on pages 28-35 of its report to the fifth meeting of the Conference of the Parties

Annex II

PROVISIONAL ORGANIZATION OF WORK FOR THE EXPERT PANEL ON ACCESS
AND BENEFIT-SHARING

	<u>Plenary</u>	<u>Working Group 1</u>	<u>Working Group 2</u>
<u>Monday</u> <u>4 October 1999</u> 10 a.m to 1 p.m.	Agenda items: 1. Opening of the meeting. 2. Organizational matters: 2.1 Election of officers; 2.2 Adoption of the agenda; 2.3 Organization of work.		
3-6 p.m.		Agenda item 3.1. Access and benefit-sharing arrangements for scientific and commercial purposes	Agenda item 3.2. Review of legislative, administrative and policy measures at national and regional levels
<u>Tuesday</u> <u>5 October 1999</u> 10 a.m to 1 p.m.		Agenda item 3.1. Access and benefit-sharing arrangements for scientific and commercial purposes (<u>continued</u>)	Agenda item 3.2. Review of legislative, administrative and policy measures at national and regional levels (<u>continued</u>)
3-6 p.m.		Agenda item 3.1. Access and benefit-sharing arrangements for scientific and commercial purposes (<u>continued</u>)	Agenda item 3.2. Review of legislative, administrative and policy measures at national and regional levels (<u>continued</u>)

	<u>Plenary</u>	<u>Working Group 1</u>	<u>Working Group 2</u>
			(<u>continued</u>)
<u>Wednesday</u> <u>6 October 1999</u>			
10 a.m to 1 p.m.		Agenda item 3.3. Review of regulatory procedures and incentive measures	Agenda item 3.4. Capacity-building
3-6 p.m.		Agenda item 3.3. Review of regulatory procedures and incentive measures (<u>continued</u>)	Agenda item 3.4. Capacity-building (<u>continued</u>)
<u>Thursday</u> <u>7 October 1999</u>			
10 a.m to 1 p.m.		Agenda item 3.3. Review of regulatory procedures and incentive measures (<u>continued</u>)	Agenda item 3.4. Capacity-building (<u>continued</u>)
3-6 p.m.	Agenda item 4. Other matters		
<u>Friday</u> <u>8 October 1999</u>			
10 a.m to 1 p.m.	Agenda item 5. Adoption of the report		
3-6 p.m.	Agenda item 6. Closure of the meeting		

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