



## CONVENTION ON BIOLOGICAL DIVERSITY

Distr.  
GENERAL

UNEP/CBD/EP-ABS/2/1/Add.1  
17 January 2001

ORIGINAL: ENGLISH

### PANEL OF EXPERTS ON ACCESS AND BENEFIT-SHARING

Second meeting

Montreal, 19-22 March 2001

Item 2.2 of the provisional agenda\*

### ORGANIZATIONAL MATTERS: ADOPTION OF THE AGENDA

*Annotated provisional agenda*

#### INTRODUCTION

1. The Panel of Experts on Access and Benefit-Sharing was established pursuant to paragraph 3 of decision IV/8, in which the Conference of the Parties to the Convention on Biological Diversity decided “to 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”.

2. The Panel held its first meeting in San José, Costa Rica, in October 1999. The report of that meeting (UNEP/CBD/COP/5/8) was considered by the Conference of the Parties at its fifth meeting, held in Nairobi in May 2000. Having considered that report, the Conference of the Parties decided, *inter alia*, in decision V/26 A:

“[T]o reconvene the Panel of Experts on Access and Benefit-sharing with a concrete mandate and agenda. The Panel will conduct further work on outstanding issues from its first meeting, especially:

(a) Assessment of user and provider experience in access to genetic resources and benefit-sharing and study of complementary options;

(b) Identification of approaches to involvement of stakeholders in access to genetic resources and benefit-sharing processes;

and will include additional expertise. The Panel will submit its report to the Ad Hoc Working Group on Access and Benefit-Sharing referred to in paragraph 11 [of the decision];”

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\* UNEP/CBD/EP-ABS/2/1.

3. In paragraph 15 of the same decision, the Conference of the Parties noted that the Panel of Experts was not able to come to any conclusions about the role of intellectual property rights in the implementation of access and benefit-sharing. The Conference invited Parties and relevant organizations to submit to the Executive Secretary information on these issues by 31 December 2000. It further requested the Executive Secretary, on the basis of these submissions and other relevant material, to make available for the second meeting of the Panel *or* the first meeting of the Ad Hoc Open-ended Working Group, a report on these specific issues. The Executive Secretary had received no contributions at the time the present document was being finalized.

4. Since decision V/26 A provides that the Panel of Experts is being “reconvened”, the government-nominated experts from the private and the public sectors, as well as from indigenous and local communities who participated in the first meeting were invited to participate in the second meeting of the Panel. In accordance with decision V/26 A, additional experts were added to the composition of the Panel on the basis of nominations received from Governments. The Executive Secretary selected the additional experts for the meeting of the Panel, using the same set of criteria that were used for the selection of the first meeting with a view to achieving, to the extent possible, a balanced regional as well as sectoral distribution.

5. In accordance with practice established at the first meeting of the Panel on the basis of recommendation 2 of the Inter-Sessional Meeting on the Operations of the Convention, representatives of competent intergovernmental organizations, including regional organizations, are invited to the meeting as observers.

6. A list of documents for the meeting is contained in section A of the annex to the present note. 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>>.

7. The second meeting of the Panel of Experts on Access and Benefit-sharing will be held at the headquarters of the International Civil Aviation Organization (ICAO) in Montreal, from 19 to 22 March 2001. Registration of participants will take place at ICAO headquarters as of 3 p.m. on Sunday, 18 March 2001.

8. 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.

## **ITEM 1. OPENING OF THE MEETING**

9. The meeting will be opened by the co-chairs of the Panel at its first meeting, at 10 a.m. on Monday, 19 March 2001. The Executive Secretary will make introductory remarks.

## **ITEM 2. ORGANIZATIONAL MATTERS**

### *2.1. Officers*

10. Participants will be invited to elect the Chair and Rapporteur for the meeting on the basis of proposals from the floor.

### *2.2. Adoption of the agenda*

11. The Panel may wish to adopt its agenda on the basis of the provisional agenda proposed in document UNEP/CBD/EP-ABS/2/1, which has been prepared by the Executive Secretary on the basis of the relevant provisions of decision V/26 A.

### 2.3. Organization of work

12. The languages of the meeting will be English, French and Spanish.
13. The Panel may wish to carry out its work in plenary.

#### **ITEM 3. ASSESSMENT OF USER AND PROVIDER EXPERIENCE, IDENTIFICATION OF APPROACHES TO INVOLVEMENT OF STAKEHOLDERS, AND COMPLEMENTARY OPTIONS**

14. Item 3 of the provisional agenda has three sub-items:
  - (a) Assessment of user and provider experience in access to genetic resources and benefit-sharing;
  - (b) Identification of approaches to involvement of stakeholders in access to genetic resources and benefit-sharing processes; and
  - (c) Study of complementary options to address access and benefit-sharing in the framework of the Convention.
15. These three elements are considered in the note by the Executive Secretary (UNEP/CBD/EP-ABS/2/2), which is the main working document for the meeting.
16. In addressing the main substantive items for this meeting, members of the Panel may wish to consider how their discussions, and the conclusions they reach, could facilitate the work of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, established by decision V/26 A, to which the Panel's report will be submitted. In this connection, it is worth noting that the Ad Hoc Open-ended Working Group is mandated to develop guidelines and other approaches for submission to the Conference of the Parties and to assist Parties and stakeholders in addressing the following elements as relevant to access to genetic resources and benefit-sharing, *inter alia*:
  - (a) Terms for prior informed consent and mutually agreed terms;
  - (b) Roles, responsibilities and participation of stakeholders;
  - (c) Relevant aspects relating to *in situ* and *ex situ* conservation and sustainable use;
  - (d) Mechanisms for benefit-sharing, for example through technology transfer and joint research and development; and
  - (e) Means to ensure the respect, preservation and maintenance of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity, taking into account, *inter alia*, work by the World Intellectual Property Organization (WIPO) on intellectual property rights issues.

#### *3.1. Assessment of user and provider experience in access to genetic resources and benefit-sharing*

17. Under this item, the Panel is invited to assess user and provider experience in access to genetic resources and benefit-sharing. Building on the outcome of its first meeting, the Panel may wish to identify elements that could serve as a basis for the development of international guidelines and/or other approaches on access and benefit sharing and could facilitate the work of the Ad Hoc Open-ended Working Group. To help focus the discussions, experts from both user and provider countries will be invited to make presentations on certain aspects of their access and benefit-sharing experience.

3.2. *Identification of approaches to involvement of stakeholders in access to genetic resources and benefit-sharing processes*

18. Under this item, the Panel is invited to identify different approaches to the involvement of stakeholders in access to genetic resources and benefit-sharing processes. In order to assist the Panel in this task, several experts will be invited to share their national experience in this field. The Panel will also examine some of the particular interests or concerns of stakeholders.

3.3. *Study of complementary options to address access and benefit-sharing in the framework of the Convention on Biological Diversity*

19. Under this item, based on the assessment of user and provider experience and on approaches identified for the involvement of stakeholders, the Panel is to consider complementary options or measures which could assist Parties to the Convention in developing and implementing fair and equitable access and benefit-sharing arrangements. The Panel will be invited to consider whether such approaches could be part of an international framework, in the form of guidelines, codes of conduct, indicators, model agreements, information exchange mechanisms and capacity building. On this basis, the Panel may wish to consider which type of guidelines and other approaches would be best suited to achieve the objectives of the Convention with respect to access and benefit-sharing arrangements, and identify elements for international guidelines and other approaches, with a view to facilitating the work of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing.

#### **ITEM 4. OTHER MATTERS**

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

#### **ITEM 5. ADOPTION OF THE REPORT**

21. The Panel will consider and adopt its report, on the basis of the draft report of the meeting to be prepared and presented by the Rapporteur.

22. The final report of the meeting will be presented by the Chairperson of the Panel of Experts for the consideration of the Ad Hoc Open-ended Working Group at its meeting to be held in Bonn, Germany, from 22 to 26 October 2001.

#### **ITEM 6. CLOSURE OF THE MEETING**

23. The meeting will be closed at 1 p.m. on Thursday, 22 March 2001.

*Annex***DOCUMENTATION FOR THE SECOND MEETING OF THE PANEL OF EXPERTS ON ACCESS AND BENEFIT-SHARING**

<i>Symbol</i>	<i>Title</i>
<i>A. Documents distributed for the meeting</i>	
UNEP/CBD/EP-ABS/2/1	Provisional agenda
UNEP/CBD/EP-ABS/2/1/Add.1	Annotated provisional agenda
UNEP/CBD/EP-ABS/2/2	Assessment of user and provider experience, identification of approaches to involvement of stakeholders, and complementary options
UNEP/CBD/COP/5/8	Report of the Panel of Experts on Access and Benefit-sharing on the work of its first meeting
UNEP/CBD/EP-ABS/2/INF/1	Building a New Partnership: The Draft Guidelines on Access and Benefit-sharing Regarding the Utilisation of Genetic Resources
<i>B. List of previous documents regarding access and benefit-sharing</i>	
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
No symbol	Compilation of case-studies on benefit-sharing (prepared for the fourth meeting of the Conference of the Parties)
UNEP/CBD/ISOC/3	Review of options for access and benefit-sharing mechanisms

<i>Symbol</i>	<i>Title</i>
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
UNEP/CBD/COP/5/21	Access to genetic resources
UNEP/CBD/COP/5/INF/21	Swiss Draft Guidelines On Access And Benefit-sharing Regarding The Utilization Of Genetic Resources
UNEP/CBD/COP/5/INF/25	Abstract of the international scientific conference on "Guidelines for Access and Benefit-sharing — Initiatives and Perspectives for Implementing the Convention on Biological Diversity"
UNEP/CBD/EP-ABS/2	Options for access and benefit-sharing arrangements (note by the Executive Secretary prepared for the first meeting of the Panel of Experts)

*C. Decisions/recommendations of Convention bodies*

Decisions V/26 A-C	“Access to genetic resources”, adopted by the Conference of the Parties at its fifth meeting
Decision V/19	“National reporting”, adopted by the Conference of the Parties at its fifth meeting
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
Decision IV/8	“Access and benefit-sharing”, adopted by the Conference of the Parties at its fourth meeting
Decision III/11	“Conservation and sustainable use of agricultural biological diversity”, adopted by the Conference of the Parties at its third meeting
Decision III/15	“Access to genetic resources”, adopted by the Conference of the Parties at its third meeting
Decision II/15	“FAO Global System for the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture” adopted by the Conference of the Parties at its second meeting