

**Non-paper**

**Co-Chairs of the contact group on digital sequence information on genetic resources**

**COP-14 agenda item 18**

**A. Draft decision for the Conference of the Parties to the Convention on Biological Diversity**

*The Conference of the Parties,*

*Mindful* of the three objectives of the Convention,

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

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

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

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

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

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

1.

**Option A:** *Recognizes* the importance of digital sequence information on genetic resources for the conservation of biological diversity and the sustainable use of its components [and for the fair and equitable sharing of the benefits arising out of the utilization of genetic resources with countries of origin of the genetic resources] [while *emphasizing* that these objectives and the [objective of] fair and equitable sharing of the benefits arising out of the utilization of genetic resources are interlinked and mutually supportive];

**Option B:** *Recognises* the importance of digital sequence information on genetic resources for the three objectives of the Convention;

2.

**Option A:** *[Notes]/[Recognises]* that the use of digital sequence information on genetic resources and [open][public] access to this information contributes to [scientific research [on biological diversity and to food security and [public][human, animal and plant] health]];

**Option B:** *Recognises* that access to and use of digital sequence information on genetic resources contributes to scientific research [as well as to commercial and non-commercial activities].

3.

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

4. *Notes* that the generation of digital sequence information on genetic resources [generally][often] requires access to a genetic resource [although in some cases it may not be possible to connect the digital sequence information to the genetic resource from which it was generated] [and therefore urges Parties to take that into account to ensure fair and equitable benefit-sharing arrangements of the commercial use of digital sequence information on genetic resources through a global benefit-sharing fund in the case of unknown origin and with the countries of origin of the genetic resource when the origin is known].

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

6. **Original text:** [Also recognizes the need for a balanced approach that provides for open access to digital sequence information on genetic resources for non-commercial research purposes while ensuring fair and equitable sharing of benefits with countries of origin and indigenous peoples and local communities providing the genetic resources from which the information was generated;]

**Alternative text:** [Also [recognises the need for] [encourages] an approach that provides for [open] access to DSI on GR for non-commercial research purposes and [where there is a commercial outcome,] [supports] the fair and equitable sharing of benefits with [countries of origin of such resources] [or by Parties that have acquired such genetic resources in accordance with the Convention] [the Party] and, where applicable, indigenous peoples and local communities providing the genetic resources from which the information was generated.]

7. *Notes* that, when genetic resources are accessed for their utilization, mutually agreed terms can cover benefits arising from the commercial and/or non-commercial use of digital sequence information on these genetic resources, in accordance with applicable domestic measures [of the country of origin of the genetic resources [or by the Parties that have acquired such genetic resources in accordance with the Convention]] [[of the Party providing such resources] [as per article 15 of the Convention]];

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

9. *Invites* Parties, other Governments, indigenous peoples and local communities, relevant stakeholders and organizations to submit their views and information to clarify the concept, including relevant terminology and scope, of digital sequence information on genetic resources and if and how domestic measures on access and benefit sharing consider digital sequence information on genetic resources];

9. bis) [Invites Parties, other Governments and indigenous peoples and local communities, relevant stakeholders and organizations to submit views and information on if and how to address benefit-sharing arrangements from commercial and non-commercial use of digital sequence information on genetic resources]

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

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

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

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

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

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

[d bis) To commission a peer reviewed study on how [effective] domestic measures have been [in] addressing benefit-sharing arising from the commercial use of digital sequence information on genetic resources and domestic measures to facilitate the use of digital sequence information on genetic resources for research and development taking into account the submissions provided in paragraph 9.]

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

(i) consider the compilation and synthesis of views and information and the peer-reviewed studies referred to above;

(ii) develop [an] operational term[s] to provide conceptual clarity considering in particular the study referred to in paragraph 11b); and

(iii) identify key areas for capacity-building;

[(iv) Suggest potential modalities to facilitate access to DSI on GR for non-commercial and commercial purposes;

(v) Suggest potential modalities for fair and equitable sharing of benefits arising from commercial use of DSI.]

[(iv) make recommendations and suggest a way forward.]

12. *Requests* [the open-ended working group established under COP decision 14/-- {post-2020 decision}/SBSTTA/SBI, in accordance with their respective mandates,] to consider the outcomes of the extended ad hoc technical expert group and to make recommendations to the fifteenth meeting of the

---

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

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

Conference of the Parties [on how digital sequence information on genetic resources should be addressed in the post-2020 global biodiversity framework].

**A. Draft decision for the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol**

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

*Mindful* of the objective of the Nagoya Protocol,

*Acknowledging* decision 14/-- of the Conference of the Parties,<sup>3</sup>

1. *Decides* that the ad hoc technical expert group referred to in paragraph x of decision 14/-- will also serve the Nagoya Protocol;
2. *Requests* the [open-ended working group/Subsidiary Body on Scientific, Technical and Technological Advice/SBI, in accordance with their respective mandates,] to consider the outcomes of the ad hoc technical expert group and to make a recommendation for the consideration of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its fourth meeting.

---

<sup>3</sup> COP-14 decision on digital sequence information on genetic resources.