



## Convention on Biological Diversity

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

First meeting

Pyeongchang, Republic of Korea, 13–17 October 2014

Agenda item 8

### THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE AND INFORMATION-SHARING (ARTICLE 14)

#### *Draft decision submitted by the Chair of Working Group I*

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

*Emphasizing* the crucial role that the Access and Benefit-sharing Clearing-house has in enabling information-sharing, and supporting legal certainty, clarity and transparency in the implementation of the Nagoya Protocol, in particular for accessing genetic resources and traditional knowledge associated with genetic resources, monitoring the utilization of genetic resources and facilitating compliance,

*Noting* the role of the Access and Benefit-sharing Clearing-house in supporting the exchange of information to assist Parties in building and developing capacity for implementing the Nagoya Protocol,

*Recalling* Article 14, paragraph 2, of the Nagoya Protocol, which specifies the type of information that each Party shall make available to the Access and Benefit-sharing Clearing-house, and *also recalling* Article 24, which encourages non-Parties to contribute appropriate information to the Access and Benefit-sharing Clearing-house,

*Also recalling* Article 12, paragraph 2, of the Nagoya Protocol, which provides that, in implementing their obligations under this Protocol, Parties shall, in accordance with domestic law, take into consideration indigenous and local communities' customary laws, community protocols and procedures, as applicable, with respect to traditional knowledge associated with genetic resources,

*Acknowledging* the importance of enabling the active participation of indigenous and local communities in the Access and Benefit-sharing Clearing-house for the exchange of information related to traditional knowledge associated with genetic resources, where applicable,

*Expressing appreciation* for the technical guidance provided by the informal advisory committee with respect to the resolution of technical issues arising during the pilot phase of the Access and Benefit-sharing Clearing-house,

1. *Welcomes* the progress made by the Executive Secretary and the experience gained during the implementation of the pilot phase and capacity-building activities for the Access and Benefit-sharing

Clearing-house, and *notes* that further efforts are required by the Executive Secretary and Parties to progress on outstanding issues and learn from the experience in the use of the Access and Benefit-sharing Clearing-house and implementation of the Protocol;

2. *Decides to establish* an informal advisory committee in order to assist the Executive Secretary with the implementation of the Access and Benefit-sharing Clearing-house and to provide technical guidance with respect to the resolution of technical and practical issues arising from the ongoing development of the Access and Benefit-sharing Clearing-house. The informal advisory committee shall be composed of 15 experts, primarily from Parties, and selected on the basis of nominations provided by Parties taking into account regional balance, relevant experience and engagement in the Access and Benefit-sharing Clearing-house;

3. *Decides* that the informal advisory committee will 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 checkpoint communiqué, and report on the outcomes of its work to the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

4. *Adopts* the modalities of operation of the Access and Benefit-sharing Clearing-house annexed to the present decision;

5. *Requests* 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 Access and Benefit-sharing Clearing-house, in particular that of Parties, for the consideration by the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

6. *Decides* to consider the intervals to review the implementation and operation of the Access and Benefit-sharing Clearing-house at the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

7. *Requests* the Executive Secretary to implement the Access and Benefit-sharing Clearing-house, in line with available resources, and in accordance with the modalities of operation and feedback received, in particular that of Parties;

8. *Calls* upon Parties and *invites* and non-Parties to designate a national focal point, one or more competent national authorities, one publishing authority nominated by the national focal point on access and benefit-sharing and, if needed, one or more national authorized users for the Access and Benefit-sharing Clearing-house designated by the publishing authority;

9. *Urges* Parties to make available to the Access and Benefit-sharing Clearing-house all mandatory information in accordance with the Nagoya Protocol as soon as possible and to continue providing feedback to the Executive Secretary on the implementation and operation of the Access and Benefit-sharing Clearing-house;

10. *Invites* non-Parties, international organizations, indigenous and local communities, and relevant stakeholders to provide relevant information to the Access and Benefit-sharing Clearing-house and to provide feedback to the Executive Secretary on the implementation and operation of the Clearing-house;

11. *Invites* Parties, and non-Parties, international organizations, regional development banks and other financial institutions to provide financial resources for enabling Parties to actively participate in the Access and Benefit-sharing Clearing-house;

12. *Requests* the Executive Secretary to promote the use of the Access and Benefit-sharing Clearing-house for supporting capacity-building for the implementation of the Protocol;

13. *Also requests* the Executive Secretary to prepare a report on progress on the implementation and operation of the Access and Benefit-sharing Clearing-house and to make available information on operational costs, including funding and additional resource requirements, as well as on

collaboration with relevant instruments and organizations for the exchange of relevant data for consideration by the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

*Annex*

**MODALITIES OF OPERATION OF THE ACCESS AND BENEFIT-SHARING  
CLEARING-HOUSE**

**A. Administration of the Access and Benefit-sharing Clearing-house by the Secretariat**

1. The Secretariat shall continue to implement and administer the Access and Benefit-sharing (ABS) Clearing-house, in accordance with Article 14 and other relevant provisions of the Nagoya Protocol, guided by the principles of inclusiveness, transparency and equity, as an Internet-based central portal and central database, with, *inter alia*, the following functions:

(a) Allow the submission of information in a simple, user-friendly, efficient, secure, flexible and functional manner;

(b) Provide access to information in an accessible, user-friendly, searchable and understandable manner, clearly indicating when records have been submitted by a Party or a non-Party, in order to ensure legal certainty, clarity and transparency;

(c) Design the ABS Clearing-house to be interoperable and facilitate the exchange of information with other databases and systems, in particular Parties' databases, as well as databases of other instruments and organisations;

(d) Ensure the security of the database and its contents;

(e) Provide common formats for submitting information to the ABS Clearing-house, as appropriate, while distinguishing between mandatory and optional information without prejudice to the protection of confidential information;

(f) Review existing and develop further common formats and user roles, as necessary while ensuring coherence and interoperability with entries submitted using existing common formats;

(g) Make the ABS Clearing-house operational in the six official languages of the United Nations;

(h) Make use, where appropriate, of controlled vocabularies which shall be translated into the official United Nations languages, to facilitate registration and retrieval of information, and to facilitate the ability to search for records in all languages;

(i) Make use of metadata about each record (i.e., descriptive identifiers such as name, date, author, etc.) to facilitate the registration and retrieval of information;

(j) Allow for a mechanism to amend or update information while preserving legal certainty, clarity and transparency, particularly in the case of a permit or its equivalent that constitutes an internationally recognized certificate of compliance. In such instances, the original permit or its equivalent constituting an internationally recognized certificate of compliance is to be retained in archived form and its status will be reflected in the record;

(k) Make use of unique identifiers generated through the ABS Clearing-house to search and retrieve information on internationally recognized certificates of compliance;

(l) Offer, upon request, an offline mechanism for Parties to register national information into the ABS Clearing-house, as well as to facilitate offline access to information held in the ABS Clearing-house;

(m) Provide timely technical assistance, on demand, to Parties for the registering and retrieving information as well as, as appropriate, to other Governments, indigenous and local communities and other stakeholders;

(n) Offer a mechanism to provide feedback and carry out targeted surveys on the implementation and operation of the ABS Clearing-house;

(o) Facilitate the exchange of other information pursuant to the decisions taken by the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(p) Perform other functions as requested by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

2. In carrying out the functions listed in the above paragraph, the Secretariat shall seek assistance from the informal advisory committee, constituted and coordinated by the Executive Secretary in a transparent manner, for technical and practical guidance with respect to the resolution of issues arising from the ongoing development of the ABS Clearing-house.

3. The ABS Clearing-house shall provide for the possibility of retrieval of information for the purpose of reporting on its activities as well as allowing Parties to refer to information relevant for their compliance with their obligation under Article 29 of the Nagoya Protocol, including:

(a) The number, regional distribution and type of records made available through the ABS Clearing-house, including the number of permits or their equivalent constituting internationally recognized certificates of compliance, as well as, the availability of information in the six official languages of the United Nations;

(b) Measurement and analytics based on the external use of the ABS Clearing-house, including the number of visitors, to help understand website performance and effectiveness.

***B. Role of Parties and non-Parties with respect to the exchange of information through the ABS Clearing-house***

4. When interacting with the ABS Clearing-house, Parties and non-Parties shall:

(a) Provide metadata which describes the primary data (e.g. the elements describing the content of a legislative measure chosen from a controlled vocabulary) to the ABS Clearing-house in an official language of the United Nations, while recognizing that the primary data, being the substantive content of the ABS Clearing-house (e.g. a legislative measure), may be submitted to the ABS Clearing-house in the original language, including those of indigenous and local communities;

(b) Endeavour to provide courtesy translations of the primary data submitted to the ABS Clearing-house in one of the official languages of the United Nations;

(c) Where applicable, enable the active participation of indigenous and local communities for the exchange of information related to traditional knowledge associated with genetic resources;

(d) Not include in their submissions confidential data, since all information published in the ABS Clearing-house is publicly available. Through the act of publishing information, the publishing authority confirms that the information published is not confidential;

5. The national focal point on access and benefit-sharing shall communicate to the Secretariat the designation of the publishing authority for the ABS Clearing-house. The functions of the publishing authority shall include the following:

(a) Authorizing the publication of all national records registered in the ABS Clearing-house, and preparing draft records, as appropriate;

(b) Ensuring that the information made available on the ABS Clearing-house is complete, non-confidential, relevant and up-to-date;

6. The publishing authority can designate one or more national authorized users as needed. The function of national authorized users shall be to assist the publishing authorities in the preparation of draft national records.

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