



COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Item 2.3 of the Provisional Agenda

Sixteenth Regular Session

Rome, 30 January - 3 February 2017

REPORT OF THE THIRD SESSION OF THE TEAM OF TECHNICAL AND LEGAL EXPERTS ON ACCESS AND BENEFIT-SHARING

The Commission, at its Fifteenth Regular Session, requested its intergovernmental technical working groups to continue elaborating, with the assistance of the Secretary, subsector-specific ABS Elements including consideration of the role of traditional knowledge associated with genetic resources for food and agriculture and their customary use, and bearing in mind the on-going activities or processes under the Treaty, for consideration by the Team of Technical and Legal Experts on Access and Benefit-Sharing (ABS Expert Team). The Commission requested the ABS Expert Team to reconvene to consolidate the outputs of the meetings of the intergovernmental technical working groups and any additional information from thematic studies to be commissioned by the Secretary on sectors not covered by the working groups, and to report to the Commission to this session. The report of the Third Session of the ABS Expert Team is contained in this document, for consideration by the Commission.

*This document can be accessed using the Quick Response Code on this page;
an FAO initiative to minimize its environmental impact and promote greener communications.
Other documents can be consulted at www.fao.org*



mr402

**COMMISSION ON GENETIC RESOURCES FOR
FOOD AND AGRICULTURE**

Third Session of the Team of Technical and Legal Experts on Access and Benefit- Sharing

Rome, Italy, 13 – 15 September 2016



**Food and Agriculture Organization
of the United Nations**

**REPORT OF THE TEAM OF TECHNICAL AND LEGAL EXPERTS ON
ACCESS AND BENEFIT-SHARING**

Third Session

Rome, Italy, 13 – 15 September 2016

The documents of the Third Session of the
Team of Technical and Legal Experts on Access and Benefit-Sharing
are to be found on the internet at:
<http://www.fao.org/nr/cgrfa/cgrfa-meetings/abs/en/>

They may also be obtained from:

The Secretary
Commission on Genetic Resources for Food and Agriculture
Food and Agriculture Organization of the United Nations
Viale delle Terme di Caracalla
00153 Rome, Italy
E-mail: cgrfa@fao.org

The designations employed and the presentation of material in this publication do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

CONTENTS

	<i>Paragraphs</i>
I. Opening of the session	1 - 3
II. Election of the Chair, Vice-Chair and <i>Rapporteur</i>	4
III. Adoption of the agenda	5
IV. Consideration of outputs of the meetings of the intergovernmental technical working groups and other matters related to access and benefit-sharing for genetic resources for food and agriculture	6 - 10
i. “Utilization” of genetic resources for food and agriculture	11 - 20
ii. “Country of origin” of genetic resources for food and agriculture	21 - 24
iii. Obtaining prior informed consent or approval and involvement of indigenous and local communities and sharing benefits with them	25 - 29
iv. Benefit-sharing	30 - 32
v. Scope of subsector-specific ABS elements	33 - 34
V. Future work	35 - 42

Appendices

- A. Agenda of the Third Session of the Team of Technical and Legal Experts on Access and Benefit-Sharing
- B. List of experts and observers
- C. List of documents

I. OPENING OF THE SESSION

1. The Third Session of the Team of Technical and Legal Experts on Access and Benefit-Sharing (ABS Expert Team) was held in Rome from 13 to 15 September 2016. The list of experts and observers is given in *Appendix B* to this report.
2. The Chair of the First and Second Sessions of the ABS Expert Team, Mr Javad Mozafari Hashjin (Near East), welcomed the members and called for a continuation of the constructive spirit that had characterized previous sessions of the ABS Expert Team.
3. The Secretary of the Commission on Genetic Resources for Food and Agriculture (Commission), Ms Irene Hoffmann, welcomed the members of the ABS Expert Team, stressed the importance of working as a team and recalled that the task of the ABS Expert Team was to consolidate the outputs of the meetings of the intergovernmental technical working groups (Working Groups). She commended the ABS Expert Team on the finalization of the *Elements to Facilitate Domestic Implementation of Access and Benefit-Sharing for Different Subsectors of Genetic Resources for Food and Agriculture (ABS Elements)* which had been welcomed by the Commission and the FAO Conference at their last sessions. She noted that the *ABS Elements* provide a clear message to policy-makers, stressing the importance of taking into account the important role of genetic resources for food and agriculture (GRFA), their special role for food security and the distinctive features of the different subsectors of genetic resources.

II. ELECTION OF THE CHAIR, VICE-CHAIR AND *RAPPORTEUR*

4. The ABS Expert Team re-elected Mr Javad Mozafari Hashjin (Near East) as its Chair. Mr Brad Fraleigh (North America) was elected Vice-Chair. Ms Tashi Yangzome Dorji (Asia) was elected *Rapporteur*.

III. ADOPTION OF THE AGENDA

5. The ABS Expert Team adopted the Agenda, as given in *Appendix A* to this report.

IV. CONSIDERATION OF OUTPUTS OF THE MEETINGS OF THE INTERGOVERNMENTAL TECHNICAL WORKING GROUPS AND OTHER MATTERS RELATED TO ACCESS AND BENEFIT-SHARING FOR GENETIC RESOURCES FOR FOOD AND AGRICULTURE

6. The ABS Expert Team considered the document *Consideration of subsector-specific elements for access and benefit-sharing for genetic resources for food and agriculture*.¹ The ABS Expert Team noted that the Commission and the Conference, at their last sessions, had welcomed the *ABS Elements* and invited Members to consider and, as appropriate, make use of them.² The FAO Conference had also noted the complementarity between the work of the Commission and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol) in regard to access and benefit-sharing (ABS) for genetic resources.³ The ABS Expert Team also took note of the recommendation of the Subsidiary Body on Implementation of the Convention on Biological Diversity (CBD) that the Conference of the Parties to the CBD, at its thirteenth meeting, invite Parties and other Governments to take note of and apply, as appropriate, the *ABS Elements*.

¹ CGRFA/TTLE-ABS-3/16/2.

² CGRFA-15/15/Report, paragraph 22.i; C 2015/REP, paragraph 52c.

³ C 2015/REP, paragraph 52d.

7. The ABS Expert Team noted that the Commission, at its last session, requested its Working Groups to continue elaborating, with the assistance of the Secretary, subsector-specific ABS elements including consideration of the role of traditional knowledge associated with GRFA and their customary use, and bearing in mind ongoing activities or processes under the International Treaty on Plant Genetic Resources for Food and Agriculture (Treaty), for consideration and consolidation by the ABS Expert Team. The ABS Expert Team took note of the reports of the meetings of the Working Groups held during the current⁴ and the preceding biennia.⁵

8. The ABS Expert Team noted that in many countries most subsectors of GRFA might still lack practical experience with the implementation of more recent ABS legislative, administrative or policy measures. It considered the Commission's request to continue elaborating subsector-specific ABS elements to be timely, as many countries are in the process of adopting, revising or implementing domestic ABS measures.

9. The ABS Expert Team recalled that the Commission, at its last session, had "requested the ABS Expert Team to reconvene to consolidate the outputs of the meetings of the Working Groups and any additional information from thematic studies to be commissioned by the Secretary on sectors not covered by the Working Groups, and to report to the Commission at its next session."⁶ The ABS Expert Team considered that more input is needed from the four Working Groups to further elaborate subsector specific ABS elements and noted that no new thematic studies had been made available at the time of the meeting.

10. Given its mandate, which was limited to the consolidation of the outputs of the Working Groups, the ABS Expert Team, in an effort to further facilitate productive work in this area, discussed the topics presented in subsections (i) to (v) of this section and recommended with regard to the scope of future work, as presented in Section V, a process that would provide the Working Groups with the information needed to further elaborate subsector-specific ABS elements as requested of the Working Groups by the Commission.

(i) "Utilization" of genetic resources for food and agriculture

11. The ABS Expert Team noted that the Working Groups on animal and plant genetic resources had recommended, with regard to the utilization and distinctive features and properties of genetic resources in their respective subsectors, that the ABS Expert Team review and analyse the existing use and exchange practices typical of these subsectors under existing frameworks.⁷

12. The Nagoya Protocol provides that "access to genetic resources for their utilization shall be subject to prior informed consent by the country providing such resources that is the country of origin of such resources or that has acquired the genetic resources in accordance with the Convention, unless otherwise determined by that Party."⁸ Benefits "arising from the utilization of genetic resources as well as subsequent applications and commercialization shall be shared in a fair and equitable way with the Party providing such resources that is the country of origin of such resources or a Party that has acquired genetic resources in accordance with the Convention."⁹ "Utilization of genetic resources" is defined in the Nagoya Protocol as meaning "to conduct

⁴ CGRFA/TTLE-ABS-3/16/Inf.2; CGRFA/TTLE-ABS-3/16/Inf.3; CGRFA/TTLE-ABS-3/16/Inf.4; CGRFA/TTLE-ABS-3/16/Inf.5.

⁵ CGRFA-15/15/9; CGRFA-15/15/12; CGRFA-15/15/14.

⁶ CGRFA-15/15/Report, paragraph 22.ix.

⁷ CGRFA/TTLE-ABS-3/16/Inf.3, paragraph 24, CGRFA/TTLE-ABS-3/16/Inf.5, paragraph 26.

⁸ Nagoya Protocol, Article 6.1. "Convention" is defined by Article 2(b) of the Nagoya Protocol to mean the Convention on Biological Diversity.

⁹ Nagoya Protocol, Article 5.1.

research and development on the genetic and/or biochemical composition of genetic resources, including through the application of biotechnology as defined in Article 2 of the Convention.”¹⁰

13. The *ABS Elements* note that utilization, as defined by the Nagoya Protocol, does not include “certain typical uses of GRFA, for example the growing of seeds in order subsequently to use the harvested products for human consumption.”¹¹ However, the *ABS Elements* also stress that for other activities regularly performed with respect to GRFA it is more difficult to determine whether they qualify as “utilization.”¹²

14. The *ABS Elements* conclude that “many GRFA are being shaped, developed and improved through their continued use in agricultural production. Where ‘research and development’ and agricultural production occur in tandem, it may be difficult to distinguish ‘utilization’ from activities related to the production of agricultural products for sale and human consumption. ABS measures could provide guidance as to the treatment of these cases, for example by listing examples of activities/purposes of use that fall under ‘utilization’ and other examples that fall outside the definition of ‘utilization’. Further technical guidance will be important to facilitate the implementation of national ABS measures.”¹³

15. In considering the scope of activities covered by the term “utilization”, the ABS Expert Team noted the broad definition of “biotechnology”, which Article 2 of the Nagoya Protocol refers to as an example of “research and development on the genetic and/or biochemical composition of genetic resources”. “Biotechnology”, as defined in Article 2 of the CBD, means “any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use.”¹⁴

16. The ABS Expert Team noted that the Nagoya Protocol does not provide any specific guidance as to the nature or type of research and development activities covered by the term “utilization.” The ABS Expert Team noted that it was clearly beyond its mandate to make any recommendations as to which activities should be considered as “utilization” and which not. However, it expressed the view that the concept of “utilization” leaves ample room for interpretation by countries, each of which, in the view of the ABS Expert Team, would ultimately need to decide which activities it considers as “utilization” triggering any potential ABS obligations. The ABS Expert Team noted that gathering existing practices with regard to “utilization” and related country experiences would be useful.

17. The ABS Expert Team noted exceptions contained in existing national ABS measures, including the exclusion of, for example, domestic, hobby breeding or breeders’ association breeding activities from the definition of “utilization”. It also noted that some ABS measures exempt or privilege certain user groups (e.g. domestic/foreign users or researchers), utilizations (e.g. research or commercial) or types of genetic resources (e.g. plant or animal genetic resources).

18. The ABS Expert Team noted that, on the basis of existing practices, including practices for granting prior informed consent (PIC), and examples, general criteria could be developed to assist countries in applying the concept of “utilization” coherently. For example, recipients of genetic resources may find, under certain circumstances, that when buying the resources they are free to use them for further breeding purposes. It reiterated that ABS measures should be considered in the wider context of sustainable agriculture and food security.¹⁵

¹¹ *ABS Elements*, paragraph 46.

¹² *ABS Elements*, paragraph 47.

¹³ *ABS Elements*, paragraph 48.

¹⁴ Nagoya Protocol, Article 2.d.

¹⁵ *ABS Elements*, paragraph 15.III.

19. Recognizing the importance of legal certainty with respect to ABS for GRFA, the ABS Expert Team observed that potential users of genetic resources should study in detail, prior to the use of genetic resources, the relevant legislation and legal practice under the applicable jurisdiction.

20. The ABS Expert Team noted that whoever wishes to “utilize” a genetic resource previously generated through “utilization” with PIC, may require separate PIC from the country that granted the first PIC. The ABS Expert Team noted that this could in the future create “permit pyramids” and complicate the “utilization” of GRFA. Breeders could choose to avoid, rather than use, conserve and further improve GRFA. The ABS Expert Team recalled its suggestion that governments consider distinctive solutions to this issue, including through supporting the development of subsectoral standards building on current best practices, such as the breeders’ exemption, or putting in place multilateral solutions.¹⁶

(ii) “Country of origin” of genetic resources for food and agriculture

21. The ABS Expert Team noted the relevance of the application of the definition of country of origin in the context of GRFA. As defined in the CBD, the “country of origin of genetic resources” means “the country which possesses those genetic resources in *in situ* conditions.” “*In situ* conditions” means “conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.” “Domesticated or cultivated species” means “species in which the evolutionary process has been influenced by humans to meet their needs.”¹⁷ Neither the CBD, nor the Nagoya Protocol defines the term “distinctive properties”.

22. The ABS Expert Team noted that, as stated in the *ABS Elements*, “the innovation process for many GRFA, in particular plant and animal genetic resources, is usually of incremental nature and based on contributions made by many different people in different places at different points of time. Most products are not developed out of an individual genetic resource, but with the contributions of several genetic resources at different stages in the innovation process.”¹⁸

23. The ABS Expert Team noted that under the Nagoya Protocol “access to genetic resources for their utilization shall be subject to prior informed consent by the country providing such resources that is the country of origin of such resources or that has acquired the genetic resources in accordance with the Convention, unless otherwise determined by that Party.”¹⁹ Benefits arising from the utilization of genetic resources, as well as subsequent applications and commercialization, “shall be shared in a fair and equitable way with the Party providing such resources that is the country of origin of such resources or a Party that has acquired genetic resources in accordance with the Convention.”²⁰

24. The ABS Expert Team noted that it is important for users of genetic resources to have certainty, where possible, as to whether or not a country providing a genetic resource is the country of origin or acquired the genetic resource in accordance with the CBD, and may therefore require PIC and mutually agreed terms (MAT). The ABS Expert Team reiterated that “ABS measures need to be clear as to which GRFA are covered by the relevant access provisions”²¹ and recommended that further information regarding country experiences and practices be collected.

¹⁶ *ABS Elements*, paragraph 77.

¹⁷ CBD, Article 2.

¹⁸ *ABS Elements*, paragraphs 69-70.

¹⁹ Nagoya Protocol, Article 6.1.

²⁰ Nagoya Protocol, Article 5.1

²¹ *ABS Elements*, paragraph 36.

(iii) Obtaining prior informed consent or approval and involvement of indigenous and local communities and sharing benefits with them

25. The ABS Expert Team noted that, under the Nagoya Protocol, in accordance with domestic law, each Party “shall take measures, as appropriate, with the aim of ensuring that traditional knowledge associated with genetic resources that is held by indigenous and local communities is accessed with the prior informed consent or approval and involvement of the indigenous and local communities, and that mutually agreed terms have been established”.²² Each Party shall also take measures, as appropriate, “in order that the benefits arising from the utilization of traditional knowledge associated with genetic resources are shared in a fair and equitable way with indigenous and local communities holding such knowledge. Such sharing shall be upon mutually agreed terms”.²³ The *ABS Elements* point out that these requirements apply irrespective of whether genetic resources are being made available at the same time.²⁴

26. The ABS Expert Team also noted that, in accordance with domestic law, each Party of the Nagoya Protocol shall take measures, as appropriate, “with the aim of ensuring that the prior informed consent or approval and involvement of indigenous and local communities is obtained for access to genetic resources where they have the established right to grant access to such resources.”²⁵ Each Party shall also take measures, as appropriate, “with the aim of ensuring that benefits arising from the utilization of genetic resources that are held by indigenous and local communities, in accordance with domestic legislation regarding the established rights of these indigenous and local communities over these genetic resources, are shared in a fair and equitable way with the communities concerned, based on mutually agreed terms.”²⁶

27. The ABS Expert Team noted that, in the context of GRFA, the *ABS Elements* recognize that there may be a need for further guidance as to how PIC or approval and involvement of indigenous and local communities may be obtained.²⁷

28. The ABS Expert Team took note of the work being done on “Draft Voluntary guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the [free,] prior informed consent [or approval and involvement] of indigenous peoples and local communities for accessing their knowledge, innovations and practices, the fair and equitable sharing of benefits arising from the use and application of such knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity and for reporting and preventing unlawful appropriation of traditional knowledge”, which the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the CBD has recommended for finalization and adoption by the Conference of the Parties to the CBD at its thirteenth meeting, to be held in December 2016.²⁸

29. The ABS Expert Team highlighted the importance of indigenous and local communities for the conservation and sustainable use of GRFA. It recommended that the Commission invite countries to report on how PIC or approval and involvement of indigenous and local communities is obtained under their jurisdictions and on experiences with the implementation of any relevant ABS measures in the case of GRFA. Considering the diversity of local practices which are often informed by customary laws, community protocols, and procedures, the Commission should also invite relevant indigenous and local communities and other stakeholders to report on their experiences and to provide views regarding how countries can consider approaching PIC or approval and involvement of indigenous and local communities in the case of GRFA and

²² Nagoya Protocol, Article 7.

²³ Nagoya Protocol, Article 5.5.

²⁴ *ABS Elements*, paragraph 63.

²⁵ Nagoya Protocol, Article 6.2

²⁶ Nagoya Protocol, Article 5.2.

²⁷ *ABS Elements*, paragraph 64.

²⁸ UNEP/CBD/WG8J/REC/9/1.

associated traditional knowledge. The ABS Expert Team recommended that the need for guidance, including subsector-specific guidance, as to how PIC or approval and involvement of indigenous and local communities may be obtained before GRFA held by indigenous and local communities or traditional knowledge associated with genetic resources may be accessed and utilized, should be considered in the light of the above information.

(iv) Benefit-sharing

30. The ABS Expert Team noted that the fair and equitable sharing of benefits arising from the utilization of genetic resources and associated traditional knowledge is a key component of ABS measures and may provide an incentive for sustainable use and conservation, especially at local level. Benefits may include monetary and non-monetary benefits. Examples of non-monetary and monetary benefits are listed in the Annex to the Nagoya Protocol.

31. The ABS Expert Team recalled Article 13.1 of the Treaty and noted that access to all GRFA constitutes a benefit in itself and is essential for the achievement of food security.

32. The ABS Expert Team noted that the Commission may at some point wish to explore the extent to which existing benefit-sharing options accommodate the distinctive features of each subsector and develop, as appropriate, additional benefit-sharing options for countries to consider.

(v) Scope of subsector-specific ABS elements

33. The ABS Expert Team stressed the importance of clearly defining the different groups of GRFA for which subsector-specific ABS elements are to be developed. It noted that some communities of practice may overlap subsectors. It also noted that within each subsector different communities of practice may have different use and exchange practices that subsector-specific ABS elements could reflect. It noted that from an ABS perspective, the type of utilization of a genetic resource may sometimes be more important than its allocation to a specific subsector.

34. The ABS Expert Team also noted that subsector-specific ABS elements should clarify whether they apply only to uses which are of direct relevance to food and agriculture and food security.

V. FUTURE WORK

35. The ABS Expert Team recommended that the Commission continue working on ABS for GRFA with the aim of raising the awareness of Members, their diverse authorities involved in ABS and other stakeholders, to assist Members in reflecting in their ABS measures the importance of GRFA, their special role for food security and the distinctive features of the different subsectors, to contribute to the achievement of Sustainable Development Goal (SDG) Targets 2.5²⁹ and 15.6,³⁰ and to enable the subsectors to engage in a meaningful way and promote communication in relevant processes at local, national, regional, and international levels.

36. The ABS Expert Team recommended that during the forthcoming intersessional period the Commission's work on ABS for GRFA focus on:

²⁹ 2.5 By 2020 maintain genetic diversity of seeds, cultivated plants, farmed and domesticated animals and their related wild species, including through soundly managed and diversified seed and plant banks at national, regional and international levels, and ensure access to and fair and equitable sharing of benefits arising from the utilization of genetic resources and associated traditional knowledge as internationally agreed.

³⁰ 15.6 Promote fair and equitable sharing of the benefits arising from the utilization of genetic resources and promote appropriate access to such resources, as internationally agreed.

- improving awareness of Members, their diverse authorities involved in ABS, and other stakeholders of ABS for GRFA;
- identifying and characterizing relevant communities of practice;
- developing subsector-specific ABS elements for the different subsectors of GRFA, including, on the basis of existing practices, general criteria to assist countries in applying the concept of “utilization”, taking into account the distinctive features of GRFA;
- gathering information from countries, indigenous and local communities and stakeholders on use and exchange practices, relevant voluntary codes of conduct, guidelines and best practices, and/ or standards and community protocols as well as model contractual clauses on ABS specifically addressing GRFA;
- gathering information from countries on how PIC or approval and involvement of indigenous and local communities is obtained under their jurisdictions and on experiences with the implementation of any relevant ABS measures in the case of GRFA
- gathering from relevant indigenous and local communities and other stakeholders information on their experiences as well as views regarding how countries can consider approaching PIC or approval and involvement of indigenous and local communities in the case of GRFA and associated traditional knowledge; and
- gathering information from countries on their experiences with the use of the *ABS Elements*.

37. The ABS Expert Team noted that the scope of the Treaty is defined in its Article 3 and the coverage of the Multilateral System for Access and Benefit-sharing (MLS) in its Article 11. It further noted that the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System, established by the Governing Body of the Treaty, was *inter alia* requested to elaborate options for adapting the coverage of the MLS. The ABS Expert Team recommended that:

- the Secretaries of the Commission and the Governing Body of the Treaty continue strengthening collaboration to promote coherence in the development and implementation of the respective programmes of work of the two bodies with regard to access and benefit sharing;
- the Commission invite the Governing Body of the Treaty, in its continued governance of plant GRFA according to Article 3 of the Treaty, to continue to closely coordinate with the Commission, in order to address in a complementary way the distinctive features and specific uses of plant GRFA, bearing in mind the ongoing activities and processes under the Treaty, including the current process to enhance the functioning of the MLS and the on-going cooperation to support the harmonious implementation of the Treaty, the CBD and the Nagoya Protocol; and
- the Commission invite the Governing Body to exchange information at regular intervals on the process to enhance the MLS with a view to avoiding duplication of efforts.

38. The ABS Expert Team discussed the access to and utilization of genetic information (variously characterized as ‘in silico utilization’, ‘dematerialisation’, and/ or ‘genetic sequence data’). The Commission may consider whether to proceed with this discussion.

39. The ABS Expert Team recommended that the Commission convene an international workshop on *Access and benefit-sharing for genetic resources for food and agriculture*, to be jointly organized, as soon as practicable after the 16th Regular Session of the Commission, by the Secretariats of the Treaty and the Commission, possibly in collaboration with or supported by the Secretariat of the CBD. The international workshop should aim to raise the awareness of Commission Members and observers as well as other stakeholders and communities of practice of

the issue of ABS and its relevance to GRFA and provide a forum for participants, including the Bureaus of the Working Groups, experts on micro-organism and invertebrate GRFA and the ABS Expert Team, to exchange information, experiences and views, including on the work listed in paragraph 37 above. The ABS Expert Team recommended that the Commission invite Members to provide relevant inputs to the workshop. In the view of the ABS Expert Team, the international workshop would also be valuable for the Bureaus and their Working Groups with respect to the development of subsector-specific ABS elements.

40. The ABS Expert Team recommended that the Commission request the Bureaus of its Working Groups to develop, on the basis of the distinctive features of their subsectors and taking into account the work listed in paragraph 37 above, a first draft of subsector-specific ABS elements, for review by their Working Groups prior to the Commission's Seventeenth Regular Session. For the subsectors of micro-organism and invertebrate GRFA, the ABS Expert Team recommended that seven regionally representative experts to be nominated by the Bureau of the Commission develop draft subsector-specific ABS elements.

41. The ABS Expert Team recommended that the Bureaus of the Working Groups and the seven experts for micro-organism and invertebrate GRFA meet once for three days immediately following the international workshop on *Access and benefit-sharing for genetic resources for food and agriculture*. The ABS Expert Team recommended that the Bureaus and the seven experts be encouraged to work electronically throughout the process.

42. Upon review of draft subsector-specific ABS elements by the Working Groups, the ABS Expert Team recommends that it be reconvened to consolidate draft subsector-specific ABS elements, including draft ABS elements for micro-organism and invertebrate GRFA, for consideration by the Commission at its Seventeenth Regular Session.

APPENDIX A**AGENDA OF THE THIRD SESSION OF THE TEAM OF TECHNICAL AND LEGAL EXPERTS ON ACCESS AND BENEFIT-SHARING**

1. Election of the Chair, Vice-Chair(s) and *Rapporteur*
2. Adoption of the agenda and time-table
3. Consideration of outputs of the meetings of the intergovernmental technical working groups and other matters related to access and benefit-sharing for genetic resources for food and agriculture
4. Any other matters
5. Adoption of the Report

APPENDIX B**LIST OF EXPERTS AND OBSERVERS**

EXPERTS**Africa**

Mr Gemedo DALLE TUSSIE
Director-General
Institute of Biodiversity Conservation
P.O.Box 30726
Addis Ababa
Ethiopia
Phone: +251 911887041
Email: gemedod@ibc.gov.et;
gemedod@yahoo.com

Mr Pierre DU PLESSIS
Senior Consultant
Ministry of Environment and Tourism
CRIAA SA-DC
P.O.Box 23778
Windhoek
Namibia
Email: pierre.sadc@gmail.com

Asia

Mr Akio YAMAMOTO
Researcher
Genetic Resources Center
National Agriculture and Food Research
Organization
2-1-2 Kannondai
Tsukuba, Ibaraki 305-8602
Japan
Phone: +81 29 838 8707
Email: yamaaki@affrc.go.jp

Ms Tashi YANGZOME DORJI
Program Director
National Biodiversity Centre
Ministry of Agriculture and Forests
Thimpu
Phone: +975 2351416
Fax: +975 2351219
Email: tyangzome@moaf.gov.bt

Ms Ayako TAKADA*)
Deputy Director
Environment Policy Office
Policy Planning Division
Minister's Secretariat
Ministry of Agriculture, Forestry
and Fisheries
1-2-1 Kasumigaseki, Chiyoda-ku
Tokyo 100-8950
Japan
Phone number: +81 3 6744 2017
Fax: +81 3 3591 6640
Email: ayako_takada550@maff.go.jp

*) Attended the Third Session of the ABS Expert Team as observer.

Europe

Ms Elzbieta MARTYNIUK
National Research Institute of Animal
Production
30, Wspolna Street
00-930 Warsaw
Poland
Phone: +48 226231714
Fax: +48 226231056
Email: elzbieta_martyniuk@sggw.pl

Mr Alwin KOPŠE
Responsible
International Sustainable Agriculture
Unit
Federal Office for Agriculture
Mattenhofstrasse 5
CH-3003 Berne
Switzerland
Phone: +41 31 323 4445
Fax: +41 31 322 2634
Email: alwin.kopse@blw.admin.ch

**Latin America and
the Caribbean**

Sra. Teresa AGÜERO TEARE
Encargada ambiental, bioseguridad y
recursos genéticos
Oficina de Estudios y Políticas Agrarias -
ODEPA
Ministerio de Agricultura
Teatinos 40, piso 8
Santiago
Chile
Phone: +56 223973039
Fax: +56 223973044
Email: taguero@odepa.gob.cl

Sr Jorge CABRERA
Professor
University of Costa Rica/ INBio
PO Box: 317-3015
San Rafael de Heredia
Costa Rica
Phone: +506 22677594
Email: jcabrera@cisdl.org;
jorgecmedaglia@hotmail.com

Near East

Ms Lamis CHALAK
Biotechnology and Plant Genetic
Resources
Faculty of Agricultural Sciences
Lebanese University
Beirut
Lebanon
Phone: +961 3211855
Email: lamis.chalak@gmail.com

Mr Javad MOZAFARI HASHJIN
Head - National Plant Gene Bank
Seed and Plant Improvement Institute
(SPII)
Mahdasht Avenue
4119 Karaj
Islamic Republic of Iran
Phone: +98 2612701260
Fax: +98 2612716793
Email: jmozafar@yahoo.com

North America

Mr Brad FRALEIGH
Director, Multilateral S&T Relations
Agriculture and Agri-Food Canada
1341 Baseline Road, Tower 5-5, Room
133
Ottawa, Ontario
Canada K1A 0C6
Phone: +613 773 1838
Email: brad.fraleigh@agr.gc.ca

Ms Hannah LOBEL
Attorney-Adviser
Office of the Legal Adviser U.S.
Department of State
2201 C Street NW, Suite 6420
Washington, DC 20520
Phone: +1 202 647-7147
Email: LobelHJ@state.gov

Southwest Pacific

Mr Seuseu TAUATI
Consultant
Crops Division
Ministry of Agriculture and Fisheries
P.O.Box 1874
Apia, Samoa
Email: seuseu.tauati@maf.gov.ws

Mr Brad SHERMAN**)
Affiliated Professor
Centre for Plant Science
The University of Queensland
Brisbane
Australia
Phone: +61 7 336 53319
Email: b.sherman@uq.edu.au

OBSERVERS**Convention on Biological Diversity (CBD)**

Ms Kathryn GARFORTH
Programme Officer - Nagoya Protocol Unit
Secretariat of the Convention on Biological
Diversity
United Nations Environment Programme
413 St. Jacques Street West, Suite 800
Montreal, QC, H2Y 1N9
Canada
Phone: +1 5142877030
Fax: +1 5142886588
Email: kathryn.garforth@cbd.int

International Treaty on Plant Genetic Resources for Food and Agriculture

Mr Álvaro TOLEDO
Technical Officer
Secretariat of the International Treaty on Plant
Genetic Resources for Food and Agriculture
Food and Agriculture Organization of the
United Nations
Phone: 39.06.57054997
Email: Alvaro.toldeo@fao.org

***) Did not attend the Third Session of the ABS Expert Team.

Biodiversity International

Mr Michael HALEWOOD
Head of Policy Unit
Biodiversity International
Via dei Tre Denari, 472/a 00057
Maccarese Rome
Phone: +39 066118208
Email: m.halewood@cgiar.org

APPENDIX C

LIST OF DOCUMENTS

Working Documents

CGRFA/TTLE-ABS-3/16/1 Rev.1	Provisional agenda and time-table
CGRFA/TTLE-ABS-3/16/2	Consideration of subsector-specific elements for access and benefit-sharing for genetic resources for food and agriculture

Information Documents

CGRFA/TTLE-ABS-3/16/Inf.1	List of experts and observers
CGRFA/TTLE-ABS-3/16/Inf.2	Report of the Fourth Session of the Intergovernmental Technical Working Group on Forest Genetic Resources
CGRFA/TTLE-ABS-3/16/Inf.3	Report of the Eight Session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture
CGRFA/TTLE-ABS-3/16/Inf.4	Report of the First Session of the Ad hoc Intergovernmental Technical Working Group on Aquatic Genetic Resources for Food and Agriculture
CGRFA/TTLE-ABS-3/16/Inf.5	Report of the Ninth Session of the Intergovernmental Technical Working Group on Animal Genetic Resources for Food and Agriculture
CGRFA/TTLE-ABS-3/16/Inf.6	List of documents

Other documents

CGRFA-15/15/9	Report of the Eighth Session of the Intergovernmental Technical Working Group on Animal Genetic Resources for Food and Agriculture
CGRFA-15/15/12	Report of the Third Session of the Intergovernmental Technical Working Group on Forest Genetic Resources
CGRFA-15/15/14	Report of the Seventh Session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture