



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



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**INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD
AND AGRICULTURE**

**FIRST MEETING OF THE EXPERT CONSULTATION ON THE GLOBAL
INFORMATION SYSTEM ON PLANT GENETIC RESOURCES FOR FOOD
AND AGRICULTURE**

San Diego, USA, 7-8 January 2015

**Compilation of Submissions Received from Contracting Parties,
Non-Contracting Parties and International Relevant Organizations**

**Progress in the implementation of the Pilot Phase of the Access and
Benefit-sharing Clearing-house mechanism of the Convention**



PROGRESS IN THE IMPLEMENTATION OF THE PILOT PHASE OF THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE

I. INTRODUCTION

1. Article 14, paragraph 1, of the Nagoya Protocol establishes an Access and Benefit-sharing Clearing-House (ABS-CH) as part of the clearing-house mechanism under Article 18, paragraph 3, of the Convention. The ABS Clearing-House shall serve as a means for sharing information related to access and benefit-sharing and shall provide access to information made available by each Party relevant to the implementation of the Protocol.
2. Paragraph 4 of Article 14 provides that the modalities of operation of the ABS Clearing-House, including reports of its activities, shall be considered and decided upon by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol (COP-MOP) at its first meeting, and kept under review thereafter.
3. With a view to assisting the Executive Secretary with the implementation of the ABS Clearing-House pilot phase, in paragraph 1 of decision XI/1 C, the Conference of the Parties established an informal advisory committee (IAC) to provide technical guidance with respect to the resolution of technical issues arising from the ongoing development of the pilot phase of the ABS Clearing-House until the first meeting of the Parties to the Protocol. The decision provided that the IAC would hold one meeting, subject to the availability of financial resources, and informal online discussions, as needed, and report on the outcomes of its work to the third meeting of the Intergovernmental Committee for the Nagoya Protocol (Intergovernmental Committee). Thanks to the generous financial contribution of the European Union, a meeting of the IAC was held from 2 to 4 October 2013, in Montreal. Additionally a round of informal online discussions is taking place from 14 July to 22 August.
4. The third meeting of the Intergovernmental Committee requested the Executive Secretary to report on the progress made and feedback received during the implementation of the pilot phase to the first meeting of the COP-MOP (paragraph 8, recommendation 3/4).
5. In paragraph 10, the Intergovernmental Committee also invited Parties, other Governments, international organizations, indigenous and local communities, and relevant stakeholders to submit to the Executive Secretary views on: (i) the possible functions of a competent authority of indigenous and local communities and of a contact point for the indigenous and local communities for the ABS Clearing-House in relation to the implementation of the Nagoya Protocol; (ii) their possible role and responsibilities with respect to the ABS-CH; and (iii) who should be responsible for submitting the information on these authorities to the ABS-CH. On the basis of the views submitted, the Executive Secretary was requested to prepare a synthesis for its consideration by the first meeting of the COP-MOP (paragraph 11).
6. In addition, in recommendation 2/4, paragraph 6, the Intergovernmental Committee requested the first meeting of the COP-MOP to take into account the points that may require further consideration paragraph 7 of the annex to the Report of the Expert Meeting on the Modalities of Operation of The Access and Benefit-Sharing Clearing-House (UNEP/CBD/ABS/EM-CH/1/4)¹ and to suggest ways of reaching common understanding of these points informed by lessons learned from the pilot phase of the ABS-CH.

II. IMPLEMENTATION OF THE PILOT PHASE OF THE ABS CLEARING-HOUSE

7. In accordance with paragraph 1 of recommendation 1/1 of the Intergovernmental Committee, the ABS Clearing-House is being implemented in a phased manner, building up its functions and activities in response to clear and identified demand, taking into account ongoing feedback from users, in line with available resources, and recognizing the importance of reaching common understanding on issues unresolved in the Intergovernmental Committee for the Nagoya Protocol.

8. The development of the ABS Clearing-House is being informed by:

(a) Guidance of the Intergovernmental Committee provided in the annex to recommendation 1/1 and in recommendation 2/4;

(b) The indicative work plan and timeline for activities to take place until the first meeting of the Parties to the Protocol, as contained in document UNEP/CBD/COP/11/11 and endorsed by the Conference of the Parties (decision XI/1 C, paragraph 2); and

(c) Technical guidance with respect to the resolution of technical issues as provided by the informal advisory committee (UNEP/CBD/ICNP/3/INF/5).

9. The development of the pilot phase of the ABS Clearing-House took into account the experience gained from the operation of the Biosafety Clearing-House (BCH) and progress made in the development of the clearing-house mechanism (CHM).

A. The ABS Clearing-House website

10. The ABS Clearing-House (ABS-CH) is accessible online through a dedicated website (at <http://absch.cbd.int>) and is administered by the Secretariat of the Convention on Biological Diversity.

11. As noted in Article 14 of the Protocol, the ABS-CH is established as part of the clearing-house mechanism of the Convention. The CHM has been developed as a single and unified platform which also supports the dedicated clearing-houses of the Cartagena Protocol on Biosafety and the Nagoya Protocol. Consequently, common formats and rules of operation need to be compatible and, where possible, harmonized across the CHM. The common formats developed for the pilot phase of the ABS Clearing-House make use, as much as possible, of predefined text or controlled vocabularies that will be compatible with the controlled vocabularies of the CHM and the BCH.

12. Most of the ABS Clearing-House web pages are publicly accessible (except the registration pages and special areas, such as dedicated forums). The information published in the ABS Clearing-House will be publicly accessible to all users through the search function.

13. The information contained in the ABS Clearing-House will be provided and published by Parties and relevant stakeholders. The Secretariat will also play an active role in publishing certain categories of information (e.g. reference records and designation of national focal points and publishing authorities). All users must be registered and signed-in to their ABS-CH account in order to submit, modify or delete information. Once registered, users will be able to submit certain categories of information depending on their specific role.

14. The ABS Clearing-House has been designed to support the six official languages of the United Nations, but it also offers a facility for linking to other resources in any other languages.

B. Registering records in the ABS Clearing-House

15. The categories of information are divided into two clusters: national records and reference records. The submission forms under the “national records” category will allow Parties to publish relevant information for the implementation of the Protocol and assist them in meeting their ABS Clearing-House related obligations under the Protocol. The submission forms under the “reference records” category will allow the submission of non-mandatory information relevant to the Protocol from any registered user (e.g. Governments, representatives of indigenous and local communities, academia, non-governmental organizations, research institutions, business representatives, etc.) to the ABS Clearing-House.

16. To ensure that the national records published on the ABS Clearing-House are accurate and complete, a procedure for publishing national records has been designed. Parties will be required to designate a person responsible for publishing all national records in the ABS-CH. This function is referred to hereafter as “publishing authority”. The publishing authority (PA) for the ABS Clearing-House also has the possibility of nominating additional national authorized users (NAU). National authorized users can create and manage draft records in all categories of national records

17. The Secretariat would be responsible for publishing all reference records. The Secretariat will ensure that the submissions are relevant, but it does not exercise content control over these records on the basis of the opinions expressed.

D. Metadata and controlled vocabularies

18. Metadata such as the owner of the record, the status of the record, the date of submission as well as the category of the common format used, are created automatically when information is submitted to the ABS Clearing-House. In addition to the automatically generated metadata, the person registering the records will also be expected to supply additional metadata to describe the information in the records (for example, by selecting descriptive terms from a list of predefined keywords).

19. Although simple keyword searches are easy to implement and carry out, problems sometimes arise when retrieving the full range of results from the incorporation of information in various languages, the use of synonyms and inconsistent terminology and spelling. Therefore, where appropriate, the ABS Clearing-House makes use of a controlled vocabulary, in order to facilitate the future ability to conduct searches in a number of different languages and return consistent search results. This is essentially a thesaurus of standardized words used to search and register information with the database in the ABS Clearing-House. As mentioned above, controlled vocabularies have been developed in harmony across the clearing-house mechanism, with a view to enabling searches of information across the different clearing-houses.

E. Confidentiality considerations

20. According to paragraph 2 of Article 14, information should be made available to the ABS Clearing-House without prejudice to the protection of confidential information. As all information published in the ABS Clearing-House is publicly available, by the act of publishing it the user confirms that the information published is not confidential. The responsibility for the protection of confidential information for the case of national records lies with the publishing authority, and for reference records, with the person who submitted that information.

F. Interoperability

21. In light of the experience of the BCH with regards to interoperability with national websites, similar applications are under implementation for the ABS Clearing-House.

22. To ensure an effective flow of information, the ABS Clearing-House is designed to share information with other databases and systems and allow other databases to retrieve information hosted by the ABS Clearing-House. Implementation of interoperability allowing a flow of information from national systems to the ABS Clearing-House would be done on a case-by-case basis and upon request.

H. Common formats for making information available to the ABS Clearing-House

23. The common formats will be available in both online and offline formats. Users with limited internet access will be allowed to fill out the Word versions of the common formats and submit them, duly signed, by mail, fax or as a scanned attachment to an e-mail sent to the Secretariat for registration on their behalf.

- (a) Designation of ABS national focal points and publishing authorities for the ABS-CH, as explained in section C above (MS Word offline format only);
- (b) Competent national authority/ies;
- (c) Legislation, administrative or policy measures on access and benefit-sharing;
- (d) Permit or its equivalent constituting an internationally recognized certificate of compliance;

- (e) Designation of checkpoints;
- (f) Information on the checkpoint communiqué; and
- (g) National ABS websites and databases.

24. A common format on an Access and Benefit-sharing “Virtual Library resource” has also been developed in harmony with the virtual library of the clearing-house mechanism of the Convention. National authorized users and other stakeholders will be able to submit information through this common format to be published by the Secretariat. A wide range of information could be made available through this common format, such as model contractual clauses, codes of conduct guidelines and best practices and/or standards, case studies, capacity-building initiatives etc.

III. RELATIONSHIP WITH INTERNATIONAL TREATY AND PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

25. In the development of the ABS Clearing-House and its common formats the need for ensuring mutually supportiveness in the implementation of both treaties has been taken into account.

26. The common format for legislation, administrative or policy measures on access and benefit-sharing includes the possibility of identifying the relevant sections and articles of the measures which contain information related to relationship with other instruments and to plant genetic resources for food and agriculture exchanged using the standard material transfer agreement of the International Treaty

27. The virtual library and the search function include the possibility of registering and searching according to a list of thematic areas. The following thematic areas are relevant for registering and searching information in relation to the International Treaty and plant genetic resources for food and agriculture:

- (a) Relationship with other instruments;
- (b) A specific thematic area on the International Treaty; among others.
- (c) Searches according to the type of organisms and areas of access to genetic resources (for instance, allows searches of records regarding plants, or genetic resources found in agricultural areas);
- (d) Information in relation to sectors using genetic resources, which include a specific subsection on the agricultural sector.

28. In accordance with the Memorandum of Cooperation and the Joint Initiative signed between the secretariats of the CBD and the International Treaty, a preliminary meeting was held between the two secretariats to explore possibilities of collaboration and set the basis for continuing cooperation and exchanging information on the development of the information exchange systems to further promote that both treaties are implemented in mutually supportive manner.