



## Construção Internacional de Capacidades para a Avaliação e Governança da Biologia Sintética

### Decisões da Convenção sobre Diversidade Biológica e do Protocolo de Nagoia sobre Acesso a Recursos Genéticos e à Repartição Justa e Equitativa dos Benefícios Advindos de sua Utilização relacionadas a 'informação de sequência genética digital'

Duas Decisões complementares da COP 13 da Convenção sobre Diversidade Biológica (CDB) e da COPMOP 2 do Protocolo de Nagoia sobre Acesso a Recursos Genéticos e à Repartição Justa e Equitativa dos Benefícios foram adotadas em 2016 para tratar da questão da 'informação de sequência genética digital.'

A questão foi considerada pela primeira vez na Agenda da CDB dentro do item sobre biologia sintética. O Grupo de Trabalho de Especialistas Ad Hoc da Convenção (AHTEG) sobre Biologia Sintética, que se reuniu em setembro de 2015, identificou a relevância da informação de sequência genética digital para os objetivos da CDB e, em particular, para as disposições quanto ao acesso e repartição dos benefícios.

A Vigésima reunião do Órgão Subsidiário de Assessoramento Científico, Técnico e Tecnológico (SBSTTA) não conseguiu entrar em acordo sobre como encaminhar a questão da informação de sequência genética digital, então esta foi levada para a reunião da COP13.

Devido ao significado e importância da questão para países em desenvolvimento, muitos dos quais são mega-biodiversos e provedores de recursos genéticos, e devido a que as Partes reconheceram a informação de sequência genética digital como uma questão transversal relevante para a própria CDB e seu Protocolo de Nagoia, esta foi elevada na COP13 para um grupo 'Amigos do Presidente' formado sob a liderança

da Presidência mexicana da COP. Assim, as duas decisões, pelas Partes da CDB e pelas Partes do Protocolo de Nagoia, refletem o resultado dessas discussões dos 'Amigos do Presidente'.

As decisões puseram em movimento um plano visando conduzir a uma decisão substancial importante na próxima reunião das Partes em 2018. O plano resulta de um acordo que emergiu após os países em desenvolvimento, preocupados com que a proliferação de sequências e outras informações genéticas na "nuvem" da internet estejam promovendo biopirataria, proporem que a reunião de Cancun adote uma decisão esclarecendo que a informação de sequência genética digital deveria ter um tratamento equivalente às amostras de biodiversidade física para os propósitos de repartição de benefícios.

O processo estabelecido pelas decisões começa com uma compilação das opiniões das Partes e a preparação de um estudo de averiguação de dados. Um AHTEG se reunirá em fevereiro de 2018 para considerar os resultados e reportar para a próxima reunião do SBSTTA em julho de 2018.

Apesar da frustração pelo enfoque no processo, em vez do conteúdo, da questão da informação de sequência genética digital, as decisões foram amplamente bem recebidas por apontarem o caminho em direção a uma decisão rápida buscada pelos países em desenvolvimento.

## Decision Adopted By The Conference Of The Parties To The Convention On Biological Diversity

### XIII/16. Digital sequence information on genetic resources

The Conference of the Parties,

*Noting* that digital sequence information<sup>1</sup> on genetic resources is a cross-cutting issue that may concern the three objectives of the Convention on Biological Diversity,

*Noting* rapid advances arising from research and development in biotechnology regarding the use of digital sequence information on genetic resources and therefore recognizing the importance of addressing this matter in the framework of the Convention in a timely manner,

*Recognizing* also the need for a coordinated and non-duplicative approach on this matter under the Convention and the Nagoya Protocol,

1. *Decides* to consider at its fourteenth meeting any potential implications of the use of digital sequence information on genetic resources for the three objectives of the Convention;
2. *Invites* Parties, other Governments, indigenous peoples and local communities, and relevant organizations and stakeholders to submit views and relevant information to the Executive Secretary on the potential implications referred to in paragraph 1;
3. *Requests* the Executive Secretary to:
  - (a) *Prepare* a compilation and synthesis of the views and information submitted, including the information gathered from engagement with relevant ongoing processes and policy debates;
  - (b) *Commission* a fact-finding and scoping study, subject to the availability of financial resources, to clarify terminology and concepts and to assess the extent and the terms and conditions of the use of digital sequence information on genetic resources in the context of the Convention and the Nagoya Protocol;

4. *Decides* to establish an Ad Hoc Technical Expert Group and requests the Executive Secretary, subject to the availability of financial resources, to convene a meeting of this group in accordance with the terms of reference contained in the annex;
5. *Requests* the Subsidiary Body on Scientific, Technical and Technological Advice to consider the outcomes of the ad hoc technical expert group and to make a recommendation on the potential implications of the use of digital sequence information on genetic resources for the three objectives of the Convention for the consideration of the Conference of the Parties at its fourteenth meeting;
6. *Bearing in mind* the need for a coordinated and non-duplicative approach on this matter, invites the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, at its second meeting, to take a decision requesting the ad hoc technical expert group to be convened in accordance with paragraph 4 above to also serve the Nagoya Protocol.





## Annex

### Terms of Reference for the Ad Hoc Technical Expert Group on Digital Sequence Information on Genetic Resources

*The ad hoc technical expert group shall:*

- (a) *Consider* the compilation, synthesis and the study referred to in paragraph 3(a) and (b) of the decision in order to examine any potential implications of the use of digital sequence information on genetic resources for the three objectives of the Convention and the objective of the Nagoya Protocol and implementation to achieve these objectives;
- (b) *Consider* the technical scope and legal and scientific implications of existing terminology related to digital sequence information on genetic resources;
- (c) *Identify* the different types of digital sequence information on genetic resources that are relevant to the Convention and the Nagoya Protocol;
- (d) *Meet* at least once face-to-face, subject to the availability of financial resources, prior to the fourteenth meeting of the Conference of the Parties and make use of online tools to facilitate its work, as appropriate;
- (e) *Submit* its outcomes for consideration by a meeting of the Subsidiary Body on Scientific, Technical and Technological Advice to be held prior to the fourteenth meeting of the Conference of the Parties.

<sup>1</sup> Terminology is subject to further discussion in the study and the expert group.



## Decision Adopted By The Parties To The Nagoya Protocol On Access And Benefit-Sharing

### 2/14. Digital sequence information on genetic resources

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

*Noting* that digital sequence information<sup>1</sup> on genetic resources is a cross-cutting issue that may concern the objective of the Nagoya Protocol,

*Also noting* rapid advances arising from research and development in biotechnology regarding the use of digital sequence information on genetic resources and therefore recognizing the importance of addressing this matter within the framework of the Nagoya Protocol in a timely manner,

*Recognizing* the need for a coordinated and non-duplicative approach on this matter under the Convention and the Nagoya Protocol and acknowledging decision XIII/16,

1. *Decides* to consider at its third meeting any potential implications of the use of digital sequence information on genetic resources for the objective of the Nagoya Protocol;
2. *Invites* Parties, other Governments, indigenous peoples and local communities, and relevant organizations and stakeholders to include in their views and relevant information submitted in accordance with paragraph 2 of decision XIII/16 information relevant to the Nagoya Protocol;
3. *Notes* that, in decision XIII/16, the Executive Secretary is requested to compile and synthesize the views and information submitted

and to commission a study, which are to be considered by an ad hoc technical expert group;

4. *Welcomes* the invitation by the Conference of the Parties at its thirteenth meeting, as provided in paragraph 6 of decision XIII/16;
5. *Decides* that the ad hoc technical expert group referred to in that paragraph will also serve the Nagoya Protocol by considering the information relevant to the Nagoya Protocol in the compilation, synthesis and study prepared in accordance with paragraph 3 of decision XIII/16;
6. *Requests* the ad hoc technical expert group to submit its outcomes for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice;
7. *Requests* the Subsidiary Body on Scientific, Technical and Technological Advice to consider the outcomes of the ad hoc technical expert group and to make a recommendation on the potential implications of the use of digital sequence information on genetic resources for the objective of the Nagoya Protocol for the consideration of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting.

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<sup>1</sup> Terminology is subject to further discussion in the study and the expert group.