



## Convention on Biological Diversity

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### Conference of the Parties to the Convention on Biological Diversity Sixteenth meeting

Cali, Colombia, 21 October–1 November 2024

Agenda item 9

#### Digital sequence information on genetic resources

### Decision adopted by the Conference of the Parties to the Convention on Biological Diversity on 1 November 2024

#### 16/2. Digital sequence information on genetic resources

*The Conference of the Parties,*

*Recalling* decisions [15/4](#) and [15/9](#) of 19 December 2022,

*Taking note* of recommendation [2/1](#) of 16 August 2024 of the Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources,

*Noting* the relevant discussions on digital sequence information on genetic resources and related issues held under other United Nations bodies and treaties, such as the International Treaty on Plant Genetic Resources for Food and Agriculture,<sup>1</sup> the World Health Organization and the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction,<sup>2</sup>

*Recognizing* that the approach to the fair and equitable benefit-sharing from the use of digital sequence information on genetic resources set out in the present decision is without prejudice to national access and benefit-sharing measures and does not affect the rights and obligations of any Party deriving from any existing international agreement,

*Acknowledging* the vital role of digital sequence information on genetic resources and of open access to such information in scientific research and sustainable development,

*Recognizing* the importance of the fair and equitable sharing of benefits arising from the use of digital sequence information on genetic resources to achieving Goal C and Target 13 of the Kunming-Montreal Global Biodiversity Framework,<sup>3</sup>

*Acknowledging* the United Nations Declaration on the Rights of Indigenous Peoples,<sup>4</sup>

*Recognizing* the vital role that indigenous peoples and local communities play in the conservation and sustainable use of genetic resources,

<sup>1</sup> United Nations, *Treaty Series*, vol. 2400, No. 43345.

<sup>2</sup> A/CONF.232/2023/4.

<sup>3</sup> Decision 15/4, annex.

<sup>4</sup> General Assembly resolution 61/295, annex.

*Noting* that, in some world views, all natural genetic information belongs to Mother Earth,

*Recalling* the sovereignty rights of States over their natural resources,

1. *Adopts* the modalities for operationalizing the multilateral mechanism for the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources, including a global fund, as set out in the annex to the present decision;

2. *Decides* that the global fund will be known as the Cali Fund for the Fair and Equitable Sharing of Benefits from the Use of Digital Sequence Information on Genetic Resources;

3. *Also decides* to explore possible additional modalities of the multilateral mechanism, including, in the context of paragraph 7 of decision [15/9](#) and the annex to the present decision, to take products and services into account;

4. *Further decides* to explore possible new tools and models, such as databases, for making digital sequence information on genetic resources publicly available and accessible in a transparent and accountable manner to all Parties;

5. *Invites* Parties, other Governments, indigenous people and local communities, and relevant organizations to submit views on the issues referred to in paragraphs 3 and 4;

6. *Requests* the Executive Secretary, subject to the availability of resources, to:

(a) Synthesize the views submitted further to paragraph 5;

(b) Commission a study to examine options for making digital sequence information on genetic resources publicly available and accessible in a transparent and accountable manner;

(c) Submit the synthesis of views and the study to the Subsidiary Body on Implementation for consideration at its sixth meeting;

(d) Prepare a study on national and international standards for the identification of the small, medium and large entities referred to in paragraph 3 of the annex to the present decision;

(e) Commission a study on contribution rates, including implications for revenue generation and economic competitiveness;

7. *Requests* the Subsidiary Body on Implementation to consider the synthesis of views and the study mentioned in subparagraphs 6 (a) and (b) and to make recommendations to the Conference of the Parties at its seventeenth meeting on:

(a) Possible additional modalities for the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources;

(b) Possible tools and platforms, such as databases, for making digital sequence information on genetic resources available and accessible in a transparent and accountable manner.

## **Annex**

### **Modalities for operationalizing the multilateral mechanism for the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources, including a global fund**

1. The multilateral mechanism for the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources covers, without prejudice to national legislation, digital sequence information on genetic resources:

(a) That is made publicly available, in compliance with national legislation, where applicable;

(b) That is not subject to mutually agreed terms established at the time of access to the genetic resources from which the digital sequence information is derived, unless those terms allow for the making of the digital sequence information on genetic resources freely available;

(c) For which the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources is not provided for under other international instruments on access and benefit-sharing, unless the multilateral mechanism is chosen for that purpose under those instruments.

2. All users of digital sequence information on genetic resources under the multilateral mechanism should share benefits arising from its use in a fair and equitable manner.

3. Users of digital sequence information on genetic resources in sectors that directly or indirectly benefit from its use in their commercial activities should contribute a proportion of their profits or revenue to the global fund, according to their size. Having regard to paragraph 13, entities that, on their balance sheet dates, exceed at least two out of three of thresholds (namely, total assets: 20 million United States dollars, sales: 50 million dollars, and profit: 5 million dollars) averaged over the preceding three years should contribute to the global fund 1 per cent of their profits or 0.1 per cent of their revenue, as an indicative rate. An indicative list of sectors to which such users may belong is contained in enclosure I.

4. In the light of the studies on national and international standards for the identification of small, medium and large entities and on contribution rates, including implications for revenue generation and economic competitiveness,<sup>5</sup> the Conference of the Parties will establish thresholds and contribution rates at its seventeenth meeting and review them periodically thereafter.

5. The provisions of paragraph 3 do not apply to entities active in the sectors listed in enclosure I that do not directly or indirectly use digital sequence information on genetic resources.

6. All users of digital sequence information on genetic resources should share non-monetary benefits in a fair and equitable manner, as appropriate. Non-monetary benefit-sharing is complementary to the provisions regarding monetary benefit-sharing included in the present modalities.

7. Non-monetary benefit-sharing should support self-identified capacity and technical development needs and priorities, including capacity-building for the generation of, access to and use and storage of digital sequence information on genetic resources, as well as the self-identified needs of indigenous peoples and local communities, including women and youth within those communities. The sharing of non-monetary benefits builds on ongoing activities and will be facilitated through the long-term strategic framework for capacity-building and development of the Convention on Biological Diversity<sup>6</sup> and its mechanism to strengthen technical and scientific cooperation in support of the Kunming-Montreal Global Biodiversity Framework.<sup>7</sup>

8. The sharing of non-monetary benefits will be facilitated through an existing clearing-house under the Convention, which will primarily provide information on demand for capacity-building needs, knowledge exchange and the showcasing and reporting of ongoing non-monetary benefit-sharing activities.

9. Entities operating public databases and public research and academic institutions are not expected to make monetary contributions to the global fund.

10. Entities operating databases tools and models that are dependent on digital sequence information on genetic resources and that make such information publicly available should:

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<sup>5</sup> As referenced in subparagraphs 6 (d) and (e) of the present decision.

<sup>6</sup> Decision 15/8, annex I.

<sup>7</sup> *Ibid.*, annex II.

(a) Make information on the multilateral mechanism for the fair and equitable sharing of benefits arising from the use of digital sequence information on genetic resources available to those accessing their databases and underline that generating monetary benefits from the use of such information accessed through their databases may require the sharing of those benefits through the multilateral mechanism;

(b) Inform those submitting data of the requirement to comply with applicable national and international access and benefit-sharing obligations;

(c) Require the provision of information on the country of origin of the genetic resources from which digital sequence information was derived, where known, as well as, when appropriate, metadata associated with the genetic resources from which digital sequence information was derived, including an indication of the use of traditional knowledge associated with the genetic resources and its origin or source;

(d) With regard to data governance, be consistent with open access to data, taking into consideration the principles of findability, accessibility, interoperability and reusability (FAIR), of collective benefits, authority to control, responsibility and ethics (CARE) and of transparency, responsibility, user-focus, sustainability and technology (TRUST), as well as the recommendations set out in section III of the United Nations Educational, Scientific and Cultural Organization *Recommendation on Open Science*;

(e) Request that those submitting digital sequence information on genetic resources indicate that it is not subject to any restrictions that prohibit its sharing.

11. Parties funding, sponsoring or hosting sequence databases should ensure that entities operating such databases take measures to ensure the effective implementation of the present decision and other relevant future decisions of the Conference of the Parties.

12. Other Governments funding, sponsoring or hosting sequence databases are encouraged to ensure that entities operating such databases will take measures to ensure the effective implementation of the present decision and other relevant future decisions of the Conference of the Parties.

13. Parties and non-Parties are invited to take administrative, policy or legislative measures, consistent with national legislation, to incentivize users in their jurisdiction to contribute to the global fund in line with the present modalities.

14. Contributions to the global fund are expected to be made directly but may be made through a national authority. Receipts will be issued at the point of contribution to the global fund.

15. For each year that users make monetary contributions to the fund in line with the present modalities, they will be considered as having fairly and equitably shared monetary benefits arising from the use of digital sequence information on genetic resources under the multilateral mechanism and will receive a certificate accordingly. Such a certificate excludes the user from any expectation to share further monetary benefits from the use of such information within the scope of the multilateral mechanism for that year.

16. Contributions to the global fund additional to those provided for in the paragraphs above are encouraged.

17. Funding from the global fund should be allocated in a fair, equitable, transparent, accountable and gender-responsive manner.

18. Funding should support the realization of the objectives of the Convention in developing country Parties, in particular the least developed countries and small island developing States, and Parties with economies in transition, especially the conservation and sustainable use of biodiversity, including through the delivery of activities described in national biodiversity strategies and action plans; contribute to scientific research on biodiversity; benefit indigenous peoples and local

communities, including women and youth within those communities; and support the building of capacity, in accordance with Article 16 of the Convention, to generate, access, use, analyse and store digital sequence information on genetic resources according to capacity needs. Funding will also be available for those purposes to indigenous peoples and local communities in developed countries, where appropriate. In the event that any other intergovernmental forums decide to make use of the multilateral mechanism to share the benefits from the use of digital sequence information on genetic resources, the funding should also support the realization of their objectives.

19. Funding will be allocated taking into account the overall level of funding available in the global fund and an indicative list of criteria, as set out in enclosure II. A formula will be determined by the Conference of the Parties at its seventeenth meeting on the basis of the work of a group established with the terms of reference provided in enclosure III.

20. Funding to Parties will be disbursed through direct allocations to countries, as described in paragraph 19. Each recipient Party is invited to designate or establish, as appropriate, a national entity, such as a national biodiversity fund, to receive funds and distribute them in a transparent manner to support the activities described in paragraph 18. Such entities may allocate resources, in a transparent manner, on the basis of projects developed through a country-driven or community-driven process and should be accountable for ensuring that the funds are used for the self-identified purposes for which they are distributed. They should operate according to internationally accepted fiduciary standards and provide reports on the activities undertaken under the fund and on their impacts. Recipient Parties, at their own discretion, may alternatively designate an international, regional or subregional entity to fulfil those functions.

21. Where appropriate, and subject to national circumstances and national legislation, at least half of the funding of the global fund should support the self-identified needs of indigenous peoples and local communities, including women and youth within those communities, through government authorities or by direct payments through institutions identified by indigenous peoples and local communities.

22. The Conference of the Parties may set aside a proportion of funds to support capacity-building and capacity development, ensuring that developing country Parties, in particular the least developed countries and small island developing States, and Parties with economies in transition have access to the tools and expertise necessary to fully participate and benefit from digital sequence information on genetic resources.

23. The fund will be administered by the United Nations through the Multi-Partner Trust Fund Office, in line with decisions of the Conference of Parties, and operate under the authority of and be accountable to the Conference of Parties.

24. The multilateral mechanism and its fund will operate according to the principles of inclusivity, equity and transparency.

25. The multilateral mechanism must respect the rights of indigenous peoples and local communities, including women and youth within those communities.

26. Without prejudice to national access and benefit-sharing measures, where Parties put in place national measures on access and benefit-sharing from digital sequence information on genetic resources, they are invited to align them with the multilateral mechanism, such that there is no duplication of expectations to share the benefits arising from the use of digital sequence information on genetic resources under the multilateral mechanism.

27. The multilateral mechanism will be implemented in a way that is mutually supportive of and adaptive to other international access and benefit-sharing instruments on digital sequence information on genetic resources, to avoid the stacking of obligations and, where appropriate, to streamline processes. The governing bodies of other international access and benefit-sharing instruments are invited to collaborate with the multilateral mechanism and, where appropriate, to

streamline processes. The provisions of the mechanism will not affect the rights and obligations of any Party deriving from any existing international agreement.

28. The multilateral mechanism, including the global fund, will operate under the authority and guidance of and be accountable to the Conference of the Parties. To support the Conference of the Parties in its role as the governing body of the mechanism, a steering committee is established with the terms of reference and composition provided in enclosure IV, under the guidance of the Conference of the Parties. A secretariat with the functions provided in enclosure V is established to serve the Steering Committee and to support the functioning of the mechanism. The operations of the multilateral mechanism will be financed by the global fund.

29. The effectiveness of the multilateral mechanism, including the global fund, will be reviewed by the Conference of the Parties at its eighteenth meeting and at every second subsequent meeting against the principles established in decision [15/9](#), taking into consideration the factors set out in enclosure VI and a methodology to be adopted by the Conference of the Parties at its seventeenth meeting, noting also the relevance of the global reviews of collective progress in the implementation of the Kunming-Montreal Global Biodiversity Framework due to be conducted for the seventeenth and nineteenth meetings of the Conference of the Parties further to decision [15/6](#).

30. The review will also be informed by the relevant indicators of the monitoring framework for the Kunming-Montreal Global Biodiversity Framework, including the headline indicators for its Goal C and Target 13 and a binary indicator for Target 13.

31. In the light of the review described in paragraph 29, the Conference of the Parties will consider at its eighteenth meeting any adjustments necessary to improve the effectiveness and efficiency of the multilateral mechanism, including the global fund, with respect to the fair and equitable sharing of benefits arising from the use of digital sequence information on genetic resources.

## **Enclosure I**

### **Indicative list of sectors that may benefit directly or indirectly from the use of digital sequence information on genetic resources<sup>8</sup>**

1. Sectors that may benefit directly or indirectly from the use of digital sequence information on genetic resources include:

- (a) Pharmaceuticals;
- (b) Nutraceuticals (food and health supplements);
- (c) Cosmetics;
- (d) Animal and plant breeding;
- (e) Biotechnology;
- (f) Laboratory equipment associated with the sequencing and use of digital sequence information on genetic resources, including reagents and supplies;
- (g) Information, scientific and technical services related to digital sequence information on genetic resources, including artificial intelligence.

2. The present list will be kept under review, taking particular note of the International Standard Industrial Classification of all Economic Activities, the Central Product Classification and corresponding regional or national codes.

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<sup>8</sup> The present list is without prejudice to digital sequence information on genetic resources covered by other international agreements on access and benefit-sharing.

## **Enclosure II**

### **Indicative list of criteria for funding allocation**

The indicative list of criteria for allocating funding is as follows:

- (a) Biodiversity richness and other biodiversity-related criteria for which data are readily available at the national level;
- (b) The geographical origin of the genetic resources from which digital sequence information in the database was derived (noting that such data on geographical origin are currently often incomplete or unrepresentative);
- (c) Capacity needs for the conservation and sustainable use of biodiversity, taking into account the circumstances of developing country Parties, in particular the least developed countries and small island developing States, Parties with economies in transition and indigenous peoples and local communities.

## **Enclosure III**

### **Terms of reference for the Ad Hoc Technical Expert Group on Allocation Methodology**

1. The Ad Hoc Technical Expert Group on Allocation Methodology is to provide technical advice and guidance on remaining and unresolved issues relating to the disbursement of funds from the global fund, as established in paragraph 16 of decision [15/9](#), on the basis of paragraph 20 of the annex to the present decision. In particular, the Group will develop an allocation methodology for disbursing funding from the global fund for consideration by the Conference of the Parties at its seventeenth meeting, on the basis of the criteria established in enclosure II.
2. The Technical Expert Group will comprise technical experts, as follows: 15 nominated by Parties, 7 nominated by representatives of indigenous peoples and local communities from the seven sociocultural regions, and 4 nominated by relevant organizations. The Executive Secretary, in consultation with the Bureau, will select experts on the basis of nominations received, taking gender and the relevant technical expertise of the candidates into account and applying the procedure for avoiding or managing conflicts of interest set out in the annex to decision [14/33](#), as amended in decision 16/26.
3. The Technical Expert Group may draw on existing expertise and liaise with relevant organizations, as appropriate, in the execution of its mandate.
4. Subject to the availability of financial resources, the Technical Expert Group will meet, as needed, to ensure the timely provision of advice and, wherever possible, back-to-back with other relevant meetings. Where possible, the Secretariat will use available means of electronic communication to reduce the need for in-person meetings.

## **Enclosure IV**

### **Terms of reference for the Steering Committee**

#### **1. Functions of the Steering Committee**

1. The Steering Committee will:
  - (a) Provide oversight of the operations of the fund host, ensuring that the fund disburses monies according to the present modalities;
  - (b) Guide the operations of the secretariat of the multilateral mechanism for the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources;
  - (c) Report and provide advice to the Conference of the Parties;

(d) Develop a methodology for review by the Subsidiary Body on Implementation and adoption by the Conference of the Parties at its seventeenth meeting for the review of effectiveness of the multilateral mechanism, including the global fund, with indicators, where appropriate, for the factors to be considered in the review, as described in enclosure VI, taking account of the relevant indicators of the monitoring framework for the Kunming-Montreal Global Biodiversity Framework.

## **2. Composition of the Steering Committee**

2. The Steering Committee will comprise:

(a) Representatives of Parties, with equal geographical representation of the United Nations regions;

(b) Representatives of indigenous peoples and local communities;

(c) Representatives of stakeholders from civil society, academia and entities operating public databases, and the private sector;

(d) Representatives of the United Nations system.<sup>9</sup>

3. The Steering Committee is established by the Conference of the Parties. Members of the Steering Committee will be selected according to established procedures on the basis of nominations from Parties and observer groups. The Chair of the Steering Committee will be designated from among the members of the Committee representing the Parties to the Convention on Biological Diversity.

4. The Steering Committee will meet in person and online, as necessary. Decision-making by the Committee will be through consensus of its members.

5. The initial composition of the group will be:<sup>10</sup>

(a) Twenty-four members, comprising:

– Fifteen members from Parties (three from each region), including the Chair to be designated from among them

– Seven members from indigenous peoples and local communities (one from each sociocultural region)

– Two members from United Nations entities

(b) Six observers from civil society, scientific institutions and the private sector (two from each category).

## **Enclosure V**

### **Functions of the Secretariat**

The secretariat of the multilateral mechanism supports the functioning of the multilateral mechanism for the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources, including the global fund, in line with decisions of the Conference of the Parties as the governing body of the mechanism, and as guided by the Steering Committee. Specifically, the Secretariat will:

(a) Prepare periodic reports and analyses on the contributions to the global fund, on the basis of information provided by the host institution of the fund;

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<sup>9</sup> Because the Multi-Partner Trust Fund Office is designated as the host entity, the membership of the fund must include a minimum of two United Nations entities, in compliance with the Multi-Partner Trust Fund Office standard operating procedures. Furthermore, a member from among the United Nations entities will be designated to serve as co-chair when the Steering Committee directs the operations of the fund.

<sup>10</sup> The Conference of the Parties may consider other options for the composition.



- (b) Prepare periodic reports and analyses on the use of the fund, on the basis of information provided by recipient entities;
- (c) Service the meetings of the Steering Committee;
- (d) Undertake any other tasks determined by the Conference of the Parties, as the governing body of the mechanism.

## **Enclosure VI**

### **Factors to be considered in the review**

The following factors must be considered in the review:

- (a) Amount of funds mobilized through the global fund, in total and disaggregated by contributors and recipients (countries and indigenous peoples and local communities, including women and youth within those communities);
- (b) The indicative list of sectors, as provided in enclosure I, taking into consideration the experience of the multilateral mechanism for the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources as well as new technical and commercial developments;
- (c) Summary information on the activities supported by the fund;
- (d) An assessment of the scope of the non-monetary benefits facilitated by the multilateral mechanism and its alignment with the self-identified needs of beneficiaries;
- (e) An assessment of the efficiency of the multilateral mechanism, including the global fund, taking into consideration the costs of its operations and the suitability of the trigger for monetary contributions;
- (f) An assessment of the contribution of the multilateral mechanism to the realization of the three objectives of the Convention on Biological Diversity, as well as the implementation of the relevant goals and targets of the Kunming-Montreal Global Biodiversity Framework and the considerations for its implementation,<sup>11</sup> ;
- (g) An assessment of the effectiveness of the multilateral mechanism in providing legal certainty to providers and users of digital sequence information on genetic resources;
- (h) Information on any interactions between the multilateral mechanism and any national access and benefit-sharing arrangements;
- (i) Any available information on monetary benefits shared through the multilateral mechanism and under national access and benefit-sharing measures;
- (j) Information on any implications of the operation of the multilateral mechanism on the rights of indigenous peoples and local communities, including women and youth within those communities;
- (k) Information on any implications of the operation of the multilateral mechanism on the operations of public databases on digital sequence information on genetic resources, in particular with regard to open access, as well as any implications on research and innovation, including potential implications for data governance, including indigenous data governance;
- (l) Information on the interactions and any synergies between the operation of the multilateral mechanism and other multilateral access and benefit-sharing instruments;

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<sup>11</sup> Decision 15/4, annex, sect. C.

(m) A review of the interaction between the multilateral mechanism and any existing national measures for access and benefit-sharing on digital sequence information on genetic resources;

(n) Any factors relevant to, subject to national circumstances, the feasibility on a case-by-case basis of the voluntary extension of the multilateral mechanism to genetic resources at a later date;

(o) Information on new and emerging technologies that are relevant to the operation of the multilateral mechanism;

(p) Information on any implications of the operation of the multilateral mechanism on the operation of public databases on digital sequence information on genetic resources, including potential implications for data governance and measures taken by entities operating such databases pursuant to paragraph 10 of the present annex;

(q) Information on the measures taken by Parties pursuant to paragraph 11 of the present annex;

(r) Information on the functioning of the allocation formula.

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