



**Convention on
Biological Diversity**

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AD HOC OPEN-ENDED WORKING GROUP
ON ACCESS AND BENEFIT-SHARING
Eighth meeting
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**COLLATION OF CONTRIBUTIONS SUBMITTED BY PARTIES, GOVERNMENTS,
INTERNATIONAL ORGANIZATIONS, INDIGENOUS AND LOCAL COMMUNITIES AND
RELEVANT STAKEHOLDERS ON COMPLIANCE, FAIR AND EQUITABLE
BENEFIT-SHARING AND ACCESS**

Addendum

**SUBMISSION BY BRAZIL ON BEHALF OF THE GROUP OF LIKE MINDED
MEGADIVERSE COUNTRIES**

Note by the Executive Secretary

1. The Executive Secretary is circulating herewith a submission by Brazil on behalf of the Group of Like Minded Megadiverse Countries related to "Access" and "Compliance".
2. These text proposals are additional to those submitted by the Group of Like Minded Megadiverse Countries as contained in document UNEP/CBD/WG-ABS/7/4/Add.1. They are being circulated in the form in which they were received.

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RELEVANT STAKEHOLDERS ON COMPLIANCE, FAIR AND EQUITABLE
BENEFIT-SHARING AND ACCESS¹**

III. MAIN COMPONENTS

A. FAIR AND EQUITABLE BENEFIT-SHARING

B. ACCESS TO GENETIC RESOURCES ^{2/}

Brazil on behalf of the Like Minded Megadiverse Countries

Article XX

Access

1. States have sovereign rights over their natural resources and the authority to determine access to genetic resources, derivatives and associated traditional knowledge rests with national Governments and is subject to national legislation.

2. a) Access to traditional knowledge, innovations and practices of indigenous and local communities associated to genetic resources and their derivatives shall be subject to the prior informed consent of these communities, through their representatives where applicable, and subject to national legislation.

b) Where applicable, access to the genetic resources and derivatives owned by indigenous and local communities shall be subject to the prior informed consent of these communities, subject to national legislation.

3. Access to genetic resources and their derivatives shall be undertaken only when prior informed consent, as determined by national legislation, has been granted.

4. Each Party shall take the necessary legislative, administrative or policy measure to ensure that any application for obtaining prior informed consent shall contain, at a minimum, the following information:

- a) Legal entity and affiliation of the applicant and/or collector and contact person when the applicant is an institution;
- b) Type and quantity of genetic resources to which access is sought;
- c) Starting date and duration of the activity;
- d) Geographical prospecting area;
- e) Evaluation of how the access activity may impact on conservation and sustainable use of biodiversity, to determine the relative costs and benefits of granting access;
- f) Accurate information regarding intended use (e.g.: taxonomy, collection, research, commercialization);
- g) Identification of where the research and development will take place;
- h) Information on how the research and development is to be carried out;
- i) Identification of local bodies for collaboration in research and development;

¹ For ease of reference, the headings in annex I to decision IX/12 reproduced in this document have been shaded.

² The title is without prejudice to the eventual scope of the International Regime on Access and Benefit-sharing.

- j) Possible third party involvement;
- k) Purpose of the collection, research and expected results;
- l) Kinds/types of benefits that could come from obtaining access to the resource, including benefits from derivatives and products arising from the commercial and other utilization of the genetic resource;
- m) Indication of benefit-sharing arrangements;
- n) Budget;
- o) Treatment of confidential information.
- p) Identification of bodies from the Party that is the country of origin of the genetic resource, their derivatives and/or associated traditional knowledge that will fully participate in the scientific research and development based on such genetic resources, their derivatives and/or associated traditional knowledge
- q) Information on the modalities for access to the results of such research and development
- r) Information on the modalities for access to and transfer of any technology making use of such genetic resources, their derivatives and/or associated traditional knowledge, on mutually agreed terms.

C. COMPLIANCE

Brazil on behalf of the Like Minded Megadiverse Countries

Article XX

Compliance

The Governing Body of the Protocol shall consider such measures or mechanisms as appropriate to support effective implementation of the Protocol, including by providing assistance to Parties, upon request, in litigation related to cases of alleged non compliance. Such measures/mechanisms shall be considered by the Governing Body of the Protocol not later than at its first meeting.

Article XX

ABS national regulatory framework

Parties shall take the necessary measures to establish an appropriate national regulatory framework to protect their rights over genetic resources, their derivatives and associated traditional knowledge and ensure benefit sharing.
