



**FEDERATIVE REPUBLIC OF BRAZIL  
MINISTRY OF FOREIGN AFFAIRS  
ENVIRONMENT DEPARTMENT  
ENVIRONMENT DIVISION I**

Brasília, 30 September 2021

Ms. Elizabeth Maruma Mrema  
Executive Secretary  
Convention Biological Diversity (CBD)

Dear Secretary Mrema,

On behalf of the Brazilian government, I hereby would like to make known Brazil's submission on new information on policy approaches, options or modalities for digital sequence information on genetic resources, pursuant to Notification 2021-63 (SCBD/NPU/TS/CGA/AC/89861).

**Brazil's submission on new information on policy approaches, options or modalities for digital sequence information on genetic resources (Notification 2021-63)**

*(i) Scope of digital sequence information on genetic resources*

Regarding possible terminologies and scopes provided by Table 1 of Annex I to document CBD/WG2020/3/4, it is Brazil's understanding that Group 3 therein contained provides the appropriate scope for DSI. According to the Brazilian legislation on Access and Benefit-Sharing (Law 13.123/2015), genetic resources encompass all types of genetic information, including secondary metabolites, as follows:

**"Article 2** – In addition to concepts and definitions set forth by the Convention on Biological Diversity (CBD) promulgated by Decree nº 2,519, dated March 16, 1998, the following terms are defined for the purposes of this Act:

**I – genetic heritage** – genetic information from plants, animals, and microbial species, or any other species, including substances originating from the metabolism of these living organisms;".

In addition, considering all types of molecular information derived from genetic resources<sup>1</sup> as DSI would enhance legal certainty for the scientific community and other DSI users.

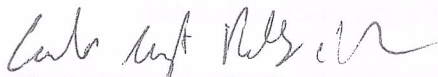
(ii) *Policy options and typology of criteria*

Possible policy options to address DSI under the Convention on Biological Diversity must fulfill two overarching criteria: (a) preserve open access to DSI and (b) recognize that benefits arising from the commercial use of a finished product derived from DSI should be shared fairly and equitably. To ensure open access, access to DSI should not be subject to Prior Informed Consent (PIC), thus Option 2 would satisfy criterion (a). Furthermore, a standard MAT/license at the international level, as proposed by Option 2.2, would decrease unnecessary burden for users in complying with multiple national systems, thus facilitating the implementation of benefit sharing arrangements and obligations, in particular the establishment of a global multilateral benefit sharing mechanism. Therefore, Option 2.2 would represent the most suitable approach to meet the two overarching criteria, and further consideration should be given to the modalities to implement Option 2.2 in the upcoming discussions on DSI.

Possible policy approaches to DSI must also consider the significant inequalities between developed and developing countries. The capacity to generate, access and use DSI is unevenly distributed across Parties, as it requires highly technical expertise and long-term investments in scientific research activities and human resources qualification. Consequently, open access to DSI in public databases *per se* does not provide reliable guarantees that all Parties will be able to benefit from DSI and exploit its potential to develop biodiversity conservation and sustainable use policies, programs, and initiatives. Hence, it is of utmost importance to consider ways to increase technology transfer and capacity building as non-monetary benefit-sharing.

Moreover, given the specific ways in which DSI is generated, accessed, and used, possible policy approaches should consider the need to develop adequate bioinformatics tools to ensure compliance of database users and providers and raise awareness on benefit sharing obligations.

Please accept the assurances of my highest consideration.



**Carlos Augusto Rollemberg de Resende**

Head of the Environment Division I

CBD National Focal Point

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<sup>1</sup> thereby including information on the biochemical composition of a genetic resource, macromolecules and cellular metabolites.