



Submission of views

by the Permanent Senate Commission on Fundamental Issues of Biological Diversity of the German Research Foundation (DFG) on possible additional modalities of the multilateral mechanism pursuant to Notification 2024-114

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Submission of views by the Permanent Senate Commission on Fundamental Issues of Biological Diversity of the German Research Foundation (DFG) on possible additional modalities of the multilateral mechanism pursuant to Notification 2024-114:

- ▶ The DFG Senate Commission on Fundamental Issues of Biological Diversity welcomes decision 16/2 on the multilateral mechanism for the use of digital sequence information on genetic resources (DSI). It particularly welcomes the decision that public databases, public research and academic institutions are not expected to make monetary contributions to the global fund. It is the self-understanding of public databases, public research and academic institutions that they share non-monetary benefits of their biodiversity research.
- ▶ The DFG Senate Commission emphasises that the multilateral mechanism should not hinder academic/non-commercial/conservation-driven research. The multilateral mechanism should be implemented in a harmonised way and provide legal clarity for researchers and academic institutions. In that regard the DFG Senate Commission encourages Parties through the CBD Secretariat to develop guidelines and legal definitions with respect to the multilateral mechanism. Concepts to be legally defined might include “use”/“user” of DSI and the DSI term itself.
- ▶ The new modalities of the multilateral mechanism should facilitate the compliance of academic, non-commercial researchers with the mechanism. In this regard the DFG Senate Commission encourages a “one-stop-shop”. Researchers and academic institutions should be enabled to submit or demonstrate their non-monetary benefit sharing through a single, multilateral portal.
- ▶ The DFG Senate Commission would welcome if conservation-relevant, academic research outcomes - such as scientific publications and research collaborations with academic institutions from developing country Parties, in particular the least developed countries and small island developing States, and Parties with economies in transition - would be explicitly recognized as a non-monetary benefit within the scope of the multilateral mechanism, alongside knowledge exchange and capacity-building (para. 8 of decision 16/2).
- ▶ The contribution of academic research and research cooperation with academic institutions is of particular importance with regard to capacity-building. The DFG Senate Commission would welcome this to be reflected in the context of non-monetary benefits.
- ▶ The DFG Senate Commission would also welcome if the new modalities of the multilateral mechanism would conceptually be in harmony and offer collaboration with other international and multilateral ABS agreements that regulate the use of DSI, such as the BBNJ agreement. The DFG Senate Commission recognises that the mandate of the secretariat and the COP under the CDB does not cover the regulation of DSI under other instruments. However, it calls on the COP to develop additional modalities to facilitate the adaptation of the multilateral mechanism under the mandate of different multilateral agreements such as the BBNJ agreement and welcomes para. 27 of decision 16/2.

- ▶ The DFG Senate Commission would like to highlight from an academic perspective that a fragmented regulation of DSI use, which sub-divides different rules for the handling of DSI for different governing instrument, does not meet the reality of modern research methodology and existing databases. Databases and the data are interconnected and not separated according to the respective multilateral instruments, such as the CBD, the International Treaty on Plant Genetic Resources for Food and Agriculture or the BBNJ agreement and their ABS requirements. This interconnectedness is crucial with respect to understanding the interconnectedness of species, biological processes and the discovery of new organisms. Moreover, the scientific value of databases itself lies in the interconnectedness of data and the connected metadata which allows to research and understand the data systemically.
- ▶ The additional modalities of the multilateral mechanism should, therefore, facilitate harmonisation of respective ABS requirements under different multilateral instruments. Thus, the new modalities could greatly facilitate academic/non-commercial/conservation-driven biodiversity research, which is crucial to achieve the Convention's objectives. Harmonised standards and focal points would enable researchers to prove their non-monetary contributions being in line with the ABS requirements of different multilateral instruments. This is of particular relevance as individual research projects and their outcomes might fall within the scope of different ABS regulations and the multilateral mechanism, making it difficult to prove which instrument "received" the non-monetary benefit sharing. The multilateral mechanism and its additional modalities could serve as a blueprint in this regard.
- ▶ Up-to-date research relies on the use of algorithms and increasingly also AI. Academic research around the globe should not be hindered to follow the track of those highly dynamic developments. To keep the governing instruments, and the multilateral mechanism in particular, future-proof, it should be operationalized as a "living instrument", allowing for further instruments to be included. This will facilitate the compliance of academic researchers with ABS regulations while enabling them to conduct research in a dynamic field.
- ▶ To facilitate academic research as well as benefit sharing, the multilateral mechanism could be operationalized in a way that also enables genetic resources to be included into its scope. This is particularly relevant if projects have a multilateral approach, if research focusses on organisms which are globally distributed or where DSI generation is the primary goal of the respective research project (e.g. barcoding).
- ▶ To include genetic resources into the multilateral mechanism would also provide legal clarity with regards to compliance with the Nagoya Protocol and prevent users from selecting jurisdictions based on ABS terms.
- ▶ The latter could also improve fair and equitable sharing globally: Benefits from the use of genetic resources that are found in multiple regions around the world would be shared multilaterally.



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