



**XLII Antarctic Treaty
Consultative Meeting**
Prague • Czech Republic • 2019

WP 12

ENG

Agenda Item:	ATCM 9
Presented by:	Netherlands
Original:	English
Submitted:	11/5/2019

Information Exchange on Biological Prospecting

Information Exchange on Biological Prospecting

Working Paper submitted by the Netherlands

Introduction

1. The ATCM adopted resolutions on biological prospecting in 2005 (Resolution 7), 2009 (Resolution 9) and 2013 (Resolution 6). It appears from these Resolutions as well as the discussions in connection with their adoption that gathering and sharing of information on biological prospecting is critical to understand the nature of the activity. Resolution 6 (2013) encourages Consultative Parties to examine ways to improve information exchange on biological prospecting and to consider whether to adapt the Electronic Information Exchange System (EIES) for this purpose.
2. Pursuant to Recommendation XIII-1, paragraph 5, Consultative Parties are to make available, “[o]n request and in accordance with national laws and regulations [...] to the greatest extent practicable and feasible”, up-to-date information on “(a) the location of depositories of data, samples and collections resulting from scientific research in Antarctica”. On the basis of publicly available information, it would appear that this provision has never been applied.
3. The attached draft decision proposes a revision of the EIES to include in the EIES: (a) a list of biological material collected in the Antarctic Treaty area; and (b) a list of *ex situ* collections of biological material collected in the Antarctic Treaty area. Such lists can only be developed if relevant information is reported. Such information may be incorporated in an annual report or reported separately if it is not related to specific expeditions to the Antarctic Treaty area.
4. It is not realistic to expect that the proposed decision will result in a comprehensive exchange of information of data on biological material originating in the Antarctic Treaty area that has been collected in the past. In particular, this is not likely to be achieved with respect to biological material collected before the entry into force of the Protocol on Environmental Protection to the Antarctic Treaty. The adoption of the proposed decision is still expected to have added value. Such added value comprises enhanced transparency, the opportunity to establish credible provenance with respect to the origin of biological material collected in the Antarctic Treaty area, and the availability of centralized data (in the EIES) on biological material collected in the Antarctic Treaty area.
5. Following the adoption of the proposed decision, the decision should be consolidated with Decision 5 (2016) on Exchange of Information. The adoption of a separate decision preceding such consolidation is recommended to highlight the action the Antarctic Treaty Consultative Meeting has taken in this respect.

The List of Biological Material Collected in the Antarctic Treaty Area

6. A list of biological material collected in the Antarctic Treaty area can only be developed if such collection is contained in annual reports. For this purpose, the annual reports should include the specimen collected for research, incorporation in an *ex situ* collection, or another purpose. It is not intended to extend the scope of reporting to the collection of soil, water or air which may contain biological material that is not used for research or any other purpose. In addition to a description of the biological material that was collected, information should be provided on the location in the Antarctic Treaty area where the material was collected, the current location of the material (if not destroyed), and the purpose of the collection. It is proposed to amend the Annex to Decision 5 (2016) to create a new heading under “Annual Report” with the title “2.5 Biological Prospecting”.
7. Since biological prospecting may have a commercial purpose, the proposal is to create a new heading in the EIES for biological prospecting. It would therefore not be appropriate to report all information on biological prospecting as scientific information. If biological prospecting has a scientific purpose, it

should also be reported as scientific information. Such information will have to be reported under “2.1 Scientific Information”. The adoption of the attached draft decision implies that information may have to be reported under this heading as well as the heading proposed in the attached draft decision.

8. Since biological prospecting is likely to involve the taking of or harmful interference with flora and fauna, the information provided under the heading for biological prospecting may also have to be furnished under the heading “2.3 Permit Information”, “2.3.2 Taking and harmful interference with flora and fauna”. Since permits are not required for the taking of or harmful interference with all species, an amendment of the information to be reported under this heading would not cover all species. The adoption of the attached draft decision implies that information may have to be reported under this heading as well as the heading proposed in the attached draft decision.

The list of *ex situ* collections of biological material collected in the Antarctic Treaty area

9. Since the establishment and maintenance of an *ex situ* collection of biological material collected in the Antarctic Treaty area is not related to a specific expedition to the Antarctic Treaty area, the information is of a (semi-)permanent nature and annual reports would not seem best suited for the furnishing of such information. In addition to the contact details of the institution hosting the collection, information should be provided on the content of the collection and the conditions under which the biological material can be accessed and used, e.g. a material transfer agreement. Such information should not necessarily include a description of all specimens in the collection, but sufficient information for a potential user to assess whether there would be merit in making further enquiries. For this purpose, it is proposed to amend the Annex to Decision 5 (2016) to create a new heading under “Other Information” with the title “3.4.2 *Ex Situ* Collections of Antarctic Biological Material”.

DECISION X (2019)

Information Exchange on Biological Prospecting

The Representatives,

Recalling Article III(1)(a) and Article VII(5) of the Antarctic Treaty;

Conscious of the obligations within the Protocol on Environmental Protection to the Antarctic Treaty and its Annexes to exchange information;

Conscious also of Recommendation VIII-6 (1975) and other commitments that the Parties have made with respect to keeping each other informed by regular and occasional exchanges;

Desiring to ensure the exchange of information between the Parties is conducted in the most efficient and timely manner;

Reaffirming Decision 4 (2012), which made mandatory the use of the Electronic Information Exchange System (“EIES”) for Parties to fulfil their information exchange obligations under the Antarctic Treaty and its Environmental Protocol and specified that Parties shall continue to work with the Antarctic Treaty Secretariat to refine and improve the EIES;

Noting that Decision 4 (2012) requires Parties to update relevant sections of the EIES regularly throughout the year, and at a minimum in accordance with Resolution 6 (2001), in order that such information be available and accessible to Parties as soon as practicable;

Further recalling Resolution 7 (2005), Resolution 9 (2009) and Resolution 6 (2013) on biological prospecting;

Desiring to supplement Decision 5 (2016) to ensure consistent reporting of biological prospecting;

Decide:

1. To strengthen the exchange of information by amending the Annex to Decision 5 (2016) to include:
 - a) “2.5 Biological Prospecting, 2.5.1 Description of biological material collected in the Antarctic Treaty area, the location in the Antarctic Treaty area where the material was collected, the current location of the material (if not destroyed), and the purpose of the collection”;
 - b) “3.4.2 *Ex Situ* Collections of Antarctic Biological Material, Contact details of institution hosting the collection, information on the content of the collection, and conditions for accessing and using biological material in the collection;”
2. To revise the Electronic Exchange Information System (“EIES”) to include:
 - a) a list of biological material collected in the Antarctic Treaty area as well as the location in the Antarctic Treaty area where the material was collected, the current location of the material (if not destroyed), and the purpose of the collection;
 - b) a list of *ex situ* collections of Antarctic biological material as well as the contact details of the institution hosting the collection, information on the content of the collection, and the conditions for accessing and using biological material in the collection;
3. To provide this information to the EIES and, as a general principle, make that information publicly available.