

## **Review of the Pandemic Influenza Preparedness Framework**

### **Collaboration with the Secretariat of the Convention on Biological Diversity and other relevant international organizations**

#### **Report by the Secretariat**

1. Having noted the report of the 2016 Pandemic Influenza Preparedness Framework Review Group and the summary of the Secretariat's report on the public health implications of the implementation of the Nagoya Protocol,<sup>1</sup> the Executive Board at its 140th session in January 2017 adopted decision EB140(5), inter alia requesting the Director-General to continue consultations with the secretariat of the Convention on Biological Diversity and with other relevant international organizations, as appropriate, in the context of existing international commitments, on access to pathogens and fair and equitable sharing of benefits, in the interest of public health, and to report thereon to the Seventieth World Health Assembly.
2. This report provides an overview of the WHO Secretariat's consultations with the secretariats of the Convention on Biological Diversity and other relevant international organizations, specifically FAO and OIE, and with the newly created Coalition for Epidemic Preparedness Innovations.

#### **CONSULTATIONS WITH THE SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY**

3. Between January and March 2017, the WHO Secretariat and the Secretariat of the Convention on Biological Diversity held several teleconferences and one face-to-face meeting in order to share information on relevant areas of work being conducted by both bodies, to identify areas for future collaboration, and to agree on a mechanism for the latter.
4. During these consultations, the WHO Secretariat outlined its work in relation to access to human pathogens and fair and equitable sharing of benefits, including action in the following areas:

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<sup>1</sup> See documents EB140/16, Annex 1, and EB140/15, respectively, and the summary records of the Executive Board at its 140th session, tenth meeting, section 2.

- the Pandemic Influenza Preparedness Framework, and in particular the work of the Pandemic Influenza Preparedness Framework Advisory Group on the handling of genetic sequence data from influenza viruses with human pandemic potential under the Framework;<sup>1</sup>
- the plan of action in WHO's R&D Blueprint to promote informed research and development efforts to respond to epidemics and to ensure equitable access to potential new products, including the development of global norms for sharing data and results and the elaboration of mechanisms for collaboration and data sharing during public health emergencies, such as a material transfer agreement capacity-building tool, finalization of which is due in the second quarter of 2017;<sup>2</sup>
- implementation of the International Health Regulations (2005), such as the publication in 2016 of the policy statement on data sharing by WHO in the context of public health emergencies<sup>3</sup> and the development of the draft global implementation plan;<sup>4</sup>
- coordination of laboratory networks, such as the Global Influenza Surveillance and Response System and the Global Polio Laboratory Network, which serve as structured, multilateral systems for sharing pathogens and related information.

5. The WHO Secretariat also presented some of the findings and recommendations of the 2016 Review of the PIP Framework, including recommendation 36 that the PIP Framework be recognized as a specialized international access and benefit-sharing instrument under article 4(4) of the Nagoya Protocol. The WHO Secretariat highlighted that this was the view expressed by several WHO Member States in the context of the WHO Study on the implications of implementation of the Nagoya Protocol on public health. The WHO Secretariat gave the example of the "*European Union Regulation on compliance measures for users from the Nagoya Protocol*", which recognizes the PIP Framework as such for purposes of pandemic influenza.

6. The Secretariat of the Convention on Biological Diversity presented the key outcomes relevant to public health of the second meeting of the Conference of the Parties to the Convention on Biological Diversity Serving as the Meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization (Cancun, Mexico, 4–17 December 2016). It also outlined related activities and processes being established to advance its work. Some relevant activities and processes planned for the biennium 2017–2018 include the following:

- sharing with WHO relevant information provided by Parties in their national reports under Article 29 of the Nagoya Protocol; these reports will include, inter alia, information on the implementation of Article 8(b) of the Nagoya Protocol, which addresses health emergencies;
- conducting a study into criteria that could be used to define a specialized international access and benefit-sharing instrument in the context of Article 4(4) of the Nagoya Protocol and a possible process for recognizing such an instrument; the results of this study will be submitted

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<sup>1</sup> See document A70/17.

<sup>2</sup> See document A70/10, paragraph 25.

<sup>3</sup> Available at: <http://www.who.int/entity/wer/2016/wer9118/en/index.html> (accessed 12 April 2017).

<sup>4</sup> See document A70/15.

for the consideration of the Subsidiary Body on Implementation at its second meeting and the Conference of the Parties serving as the Meeting of the Parties to the Nagoya Protocol at its third meeting, both of which will be held in 2018;

- undertaking a coordinated and non-duplicative process for further work on digital sequence information on genetic resources, which will include: the submission of views by Parties, other governments, indigenous peoples and local communities, as well as relevant organizations and stakeholders; the collection of information on current discussions on the relationship between the use of digital sequence information and access and benefit sharing; commissioning of a study to clarify terminology and concepts and to assess the extent and terms and conditions of use of digital sequence information on genetic resources; convening a meeting of an ad hoc technical expert group; consideration of this matter by the Subsidiary Body on Scientific, Technical and Technological Advice at its 22nd meeting, to be held in July 2018.

7. Regarding the national reports under Article 29 of the Nagoya Protocol, it was pointed out by the Secretariat of the Convention on Biological Diversity that national coordination among relevant ministries, including health ministries, could usefully inform the preparation of these reports. These reports are due to be submitted to the Secretariat of the Convention on Biological Diversity by 1 November 2017.

8. Based on the foregoing considerations, the two secretariats discussed the following areas for possible future collaboration relating to access to pathogens and the fair and equitable sharing of benefits, in the interest of public health:

- continued sharing of information relevant to the work of both organizations;
- continued engagement with relevant ongoing processes and policy debates within both organizations;
- the development of awareness-raising materials, including fact sheets and policy briefs;
- organizing joint activities, such as workshops on the implementation of the Nagoya Protocol in relation to pathogen sharing and public health emergencies.

9. Recognizing the complexity of these issues and the need for closer collaboration in order to address them, the two secretariats discussed ways to work together.

10. It was noted that a memorandum of understanding was concluded between the Secretariat of the Convention on Biological Diversity and WHO in July 2015 to collaborate in activities of mutual interest.<sup>1</sup> Collaborative activities related to access and benefit sharing could be undertaken under the terms of this memorandum of understanding, subject to availability of funds.

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<sup>1</sup> Available at: <https://www.cbd.int/doc/agreements/agmt-who-2015-07-23-mou-en.pdf> (accessed 12 April 2017).

## **CONSULTATION WITH FAO AND OIE**

11. The WHO Secretariat held a teleconference with the secretariats of FAO and OIE on 6 April 2017: to share information on ongoing discussions and work related to access and benefit sharing for pathogens taking place within the three organizations; to discuss the impact of the Nagoya Protocol on the animal health and food safety sectors; and to consider future coordination and potential collaboration. It was agreed that the next meeting between the three organizations would be held after the Seventieth World Health Assembly to take stock of discussions during that session.

## **CONSULTATION WITH THE COALITION FOR EPIDEMIC PREPAREDNESS INNOVATIONS**

12. On 5 April 2017, the Secretariat held a teleconference with staff of the Coalition for Epidemic Preparedness Innovations to discuss WHO's work on access to pathogens and equitable sharing of resulting benefits and to address related questions. The Coalition is an alliance of public, private, philanthropic and civil society organizations to finance and coordinate the development of new vaccines to prevent and contain new and re-emerging infectious diseases, in particular those caused by pathogens prioritized in WHO's R&D Blueprint as likely to cause severe outbreaks and for which few or no medical countermeasures exist. The two organizations agreed to continue collaboration on these issues.

## **ACTION BY THE HEALTH ASSEMBLY**

13. The Health Assembly is invited to note the report and provide guidance on possible steps to further advance work in relation to access to human pathogens and equitable sharing of benefits, in the context of emergency situations, the implementation of relevant international instruments and the handling of genetic sequence data.

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