

### Item 3.1 – Statement of Brazil

Thank you madame facilitator.

At the outset, we would like congratulate you on your appointment as facilitator and to assure you have our full support in this important task.

We would also like to align ourselves with the distinguished representative of Egypt on behalf of the group of 77 and China.

Brazil understands that access to PGRs of areas beyond national jurisdiction should be regulated by the new BBN to be developed under these IGC sessions, as we understand PGRs as a common heritage of mankind.

Today we might be able to witness the beginning of a race to cohes that possess technology, infrastructure and resources to do so. And once again, this could be done at the detriment of the rest of the international community, in particular developing countries and the least developed countries.

Madame facilitator,

The Nagoya Protocol to the CBD clearly establishes a new mechanism for access to genetic resources and equitable sharing of benefits arising out from their utilization for areas within national jurisdiction. This new regime provides a strong basis for greater legal certainty and transparency for both providers and users of genetic resources. In order to level the playing field, our delegation sees there is sense of urgency to develop rules high seas, as PGRs are part of common heritage of mankind.

national jurisdictions should trigger a mechanism of consultation with the coastal State. In case of a tension of a coastal State's continental shelf, this coastal State has easy access to his sovereignty.

In letter c, ii and iii, we favour that ABS regime must be based on the principle of benefit sharing of PGRs from AB-1. Therefore we understand benefit sharing to be a fair and equitable process of developing new patents, as this would be an disincentive to innovation. In our view, the regime would apply to PGRs collected in situ, and derivative products and digital sequence data.

Thank you, madame facilitator.