Dear Mr Braulio Ferreira de Souza Dias,

In response to CBD Notification 2015-139 and Notification 2016-144, inviting peer review of the outcomes of the process in response to decision XII/24 on synthetic biology, I have the pleasure to herewith submit to you the Belgian comments on the reports, as follows:

(a) Updated report and synthesis of views in response to paragraph 7(b) of decision XII/24;

We consider the report an informative summary of the views expressed in the submissions and online interventions, made under the responsibility of the SCBD. We have the following comments:

•             Paragraph 38: Some of the identified risks are highly speculative [e.g. (b)]. We understand that the list provided only aims at compiling views expressed, but we consider that the views should be supported by some scientific evidence, if at all available for such new technologies or, at the least, by an indication of the plausibility of their occurrence. Other risks listed are not specific to synthetic biology [e.g. (e)]. While this should not be considered an argument to exclude these risks from being taken into account, this could be also highlighted;

•             Paragraph 55.e: correction: “it will a challenge” should read “it will be a challenge”;

•             Paragraph 57.c: “as well as by carrying out risk assessments on a case-by-case basis, and considering potential benefits in an evidence-based manner” We opine that both, risk assessment and the consideration of potential benefits, should be performed on a case-by-case basis and in an evidence-based manner.

•             Paragraph 57.c: ”Furthermore, an environmental and commercial release of organisms resulting from synthetic biology must not be performed until procedures and regulatory processes or international regulatory frameworks are in place to ensure the protection of ecological systems”: In line with indent 49 on current international regulatory regimes, this conclusion should be rephrased so as to recognize that there are regimes in place that could serve as a basis.

•             Paragraph 57.h: “There is a need to develop an international framework to cover the organisms, components or products of synthetic biology techniques which also provides for an assessment of the cultural and socioeconomic impacts, primarily the impacts on small-scale farmers, and also on biodiversity, and in particular wild relatives”: It is not clear whether the development of such an international framework is considered as one of the regulatory processes or international regulatory frameworks described in the last sentence of 57.C. In other words, it should be made clear whether such an international framework for the assessment of the cultural and socioeconomic impacts be considered a prerequisite for an environmental and commercial release of organisms resulting from synthetic biology.

(b) Report of the meeting of the Ad Hoc Technical Expert Group on Synthetic Biology.

Broadly speaking we find this outcome very satisfactory. The conclusions focus on the gathering of information and cooperation, which seems to be a logical way forward in a first step.

We do have an issue with § 31 and § 66 (i) of the report of the AHTEG (§66(i): Invite the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol to set up mechanisms for clarifying the issue of digital genetic resource information as it relates to access and benefit-sharing). First, the term “digital genetic resource information” is misleading as it can easily be misinterpreted as referring to any digital information on genetic resources, hence beyond the scope of synthetic biology. We suggest rewording the term to “digital sequence information on genetic resources”. Second, there is insufficient rationale to “Invite the COP-MOP to set up mechanisms for clarifying the issue of digital genetic resource information as it relates to access and benefit-sharing”.  The reference to digital information in §31 (Some AHTEG members further noted the potential for the unequitable use of digital genetic information) can not be considered a sufficient basis for the request to COP-MOP to set up mechanisms for clarifying the issue. At the most, the relevance of the issue in the light of ABS could be evaluated.

Please accept, Sir, the assurances of my highest consideration.

Dr Hendrik Segers

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