Report of the second *ad hoc* Group meeting on the Nagoya Protocol: application and implementation in the context of WOAH activities

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World Organisation for Animal Health

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1. Opening

The second meeting of the WOAH *ad hoc* Group (the Group) on the implementation and interpretation of the Nagoya Protocol (NP) was held online on 17 June 2026 and was chaired by Dr Donald King.

As the Group welcomed several new members and observers, a round of introductions was initiated. Dr Gregorio Torres, Head of WOAH's Science and Disease Management Department, welcomed the participants, noted the tremendous contributions made since the first meeting and reiterated that the Group's mission is a response to Resolution No. 29 of the General Assembly. He emphasised the need to find practical solutions to ensure WOAH Reference Centres fulfil their ToRs while compliant with the Protocol.

2. Adoption of agenda and designation of the rapporteur

The WOAH secretariat acted as rapporteurs for the meeting. The agenda, the list of participants and Terms of Reference are provided in Annexes 1, 2 and 3 respectively.

3. Presentation of the draft informative/recommendation document for ABS national authorities and Nagoya Protocol Focal Points on the role of Reference Centres

Dr Scarlet Sett and Ms Melania Muñoz presented the first draft of an awareness-raising document targeting Access and Benefit Sharing (ABS) national authorities and NP National Focal Points (NPFPs). The primary objective of this document was to make the current work of the WOAH Reference Centres better understood by the ABS national authorities and the NPFPs who may not be scientists.

The key points of the presentation and subsequent discussion were the following:

- **Lack of an international agreement regarding animal pathogens**: The Group noted that WHO had a special framework for sharing avian influenza virus as part of the Pandemic Influenza Preparedness (PIP) Framework. Similarly, FAO had a similar agreement for plant genetic resources with the International Treaty on Plant Genetic Resources for Food and Agriculture. However, the Group noted that there was not a similar arrangement for animal pathogens. The Group invited WOAH to explore opportunities as part of the recently adopted Pandemic Treaty.

- **Categorization of Sample Sharing**: Despite the steps for sharing pathogens may be the same, the draft initially proposed distinguishing between sample sharing during emergency/outbreak situations and non-emergency surveillance. The Group discussed using more neutral terminology, such as "rapid response" or "emergency cases," to align with Article 8(b) of the Protocol while avoiding restrictive legal definitions of "outbreak".

- **The "Diagnostic" Grey Area**: There was a consensus that routine diagnostic testing (identification of a pathogen) should ideally be viewed as a service to the providing country and thus outside the restrictive scope of "utilization". However, the Group noted that national implementations vary significantly, and some countries might consider any diagnostic activities as utilization.

- **Address the "disconnection"**: It was highlighted the need to address the "disconnect" between national veterinary laboratories, the official veterinary authorities, the relevant government ministries responsible for animal diseases (and control) and their country's NPFP, who are often unaware that samples are being sent abroad for analysis.

- **Case Studies**: The Group identified a need for concrete case studies or data to demonstrate to ABS national authorities and NFPs for NP that animal health emergencies cannot wait for traditional bilateral negotiations and the Group agreed that a positive case would be better. But after discussing, the Group recognized that they were currently unaware of any successful cases studies that can be used as exemplars where a fast-track agreement had been used between WOAH Reference Laboratories and ABS authorities. However, although the Group decided to do not include for the moment a case study, they would continue to seek examples of these agreements and request (via the WOAH and FAO Networks) that readers of this document contact the *ad-hoc* Group if they feel that they can contribute case studies which might help.

The presenters suggested to revise the Guidance document for ABS National Authorities and NPFPs, incorporating the key points from the discussion and agreed also to add stronger introductory text on the value of WOAH Reference Centres, and refining the challenges and proposed solutions sections.

4. Presentation of the draft awareness documentation for Reference Laboratories on the application of the Nagoya Protocol in the sphere of their activities

Dr Conrad Freuling presented the WOAH Refence Centre Guidance Document.

The key points of the presentation and subsequent discussion were the following:

- **Legal Compliance as a necessity**: The document reminds Reference Laboratories that NP compliance is not optional and that in some jurisdictions the institutions or the Principal Investigator may be personally liable for non-compliance.

- **Practical Tools for WOAH Reference Centres**: A decision tree or checklist, to help Reference Centres navigate whether an activity (e.g., diagnostic, storage, sequencing, onward sharing, etc) triggers ABS obligations, were presented.

- **Reference Centre Vulnerability**: It was noted that some Reference Laboratories may not have sufficient resources or understanding to guaranty ABS compliance. If the mechanism becomes too complex, there is a significant risk that WOAH Reference Laboratories may not have the capacity to support their primary mandate to support global animal health surveillance. The Group suggested the creation of an ABS team within WOAH, which would establish ABS processes and standards, raise awareness, and offer support to Reference Centres on ABS compliance.

- **Material Transfer Agreements (MTAs) Reference to Existing Models**: The Group discussed the vital importance of using MTAs for all sample movements. This creates a "paper track" that protects the sending laboratory if a subsequent user utilises the material for unauthorised commercial purposes. For this reason, the Group agreed on the need to develop MTA models and compliance procedures for the different activities of the Reference Laboratories and to start with the diagnostic activity. To avoid duplicating effort the Group would explore existing successful models, such as the Consortium of European Taxonomic Facilities (CETAF) code of conduct and best practice for access and benefit-sharing and existing MTA templates. The Group suggested developing a WOAH standardized MTAs in collaboration with ABS authorities to be used by WOAH Reference Centres for transferring samples internationally.

5. Next Steps

The Group agreed on the following actions and timelines:

- **Document Revision**:

    - A new version of the Guidance document for ABS National Authorities and NPFPs will be uploaded to the AHG SharePoint for comments. Dr Sett and Ms Muñoz aim to produce a refined draft by the end of July.

    - WOAH Refence Centre Guidance Document, including the decision tree and flowchart, will be updated, by Dr Freuling in collaboration with Dr King, Dr Lizelle Gouverneur and Dr Anne Pohlmann within three weeks for Group review.

- **Data Collection and Outreach**:

    - WOAH Secretariat will explore contacting the CBD/Nagoya Protocol Secretariat to discuss the possibility of a joint survey or webinar for NP Focal Points to clarify the status of diagnostic samples. The Guidance document for ABS National Authorities and NP NFPs could be sent in parallel with the survey or the organization of the webinar.

    - The Group and the WOAH Secretariat will look into hosting a side event at CoP17 in October 2026 to engage directly with national focal points and raise awareness of WOAH's mandate and activities.

- **WOAH official procedure for AHG report**:
    - An update on the Group's progress will be presented to the WOAH Biological Standards Commission during its meeting in the second week of September 2026.
- **Future Meetings**: A third meeting of the Group is tentatively planned for late 2026 (October to December) to review the finalized drafts and the results of the initial outreach efforts.

…/Annexes

Annex 1. List of Participants

SECOND MEETING OF THE AD HOC GROUP ON THE NAGOYA PROTOCOL: APPLICATION AND IMPLEMENTATION IN THE CONTEXT OF WOAH ACTIVITIES

Virtual, 17 Jun 2026

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MEMBERS OF THE *AD HOC* GROUP

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Annex 2. Agenda

SECOND MEETING OF THE AD HOC GROUP ON THE NAGOYA PROTOCOL: APPLICATION AND IMPLEMENTATION IN THE CONTEXT OF WOAH ACTIVITIES

Virtual, 17 Jun 2026

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1. Welcoming and self-introduction of the new participants;

2. Presentation of the draft informative/recommendation document for ABS national authorities and Nagoya Protocol Focal Points on the role of Reference Centres;

3. Presentation of the awareness documentation for WOAH Reference Centres on the application of the Nagoya Protocol in the sphere of their activities;

4. Discussion on a statement on the Nagoya Protocol and diagnostic samples and next steps

Annex 3. Terms of Reference

SECOND MEETING OF THE AD HOC GROUP ON THE NAGOYA PROTOCOL: APPLICATION AND IMPLEMENTATION IN THE CONTEXT OF WOAH ACTIVITIES

Virtual, 17 Jun 2026

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1. Purpose

The purpose of this *ad hoc* Group is to better define the application and implementation of the Nagoya Protocol within the context of the activities of the WOAH Reference Centres and Members (e.g. international shipment of animal samples for diagnostic purpose, the use of microbiological strain coming from a foreign country for the development of vaccines or diagnostic kits, or the use of a foreign microbiological strain for research purpose) and to develop, if needed, statements, templates, standard operating procedure or guidance to support the WOAH Reference Centres and Members in continuing their activities while complying with the Nagoya Protocol.

The *ad hoc* Group is convened under the authority of the Director General of the WOAH.

2. Background

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (hereinafter the **Protocol**) is a supplementary agreement to the Convention on Biological Diversity (CBD) and was developed to implement the third objective of the CBD: the **fair and equitable sharing of the benefits** arising out of the utilization of genetic resources[1].

The Protocol applies to **genetic resources** and the traditional knowledge[2] associated with genetic resources that are covered by the CBD. The Protocol establishes that countries have **sovereignty rights** over the genetic resources on their territory and therefore **governments** can rule how these resources are **accessed, shared and used**. The default implementation of the access and benefit sharing (**ABS**) mechanisms is currently through **bilateral negotiations** on access and use of genetic resources between potential users and countries governments having ratified the Protocol. The output of these negotiations is an **agreement** between the country and the applicant that should:

(i) include the formal permission of the provider that the genetic resource has being acquired by the applicant in accordance with the Protocol (this is called prior informed consent, or **PIC** in the Protocol);

(ii) establish conditions for the access, use and benefit-sharing of the genetic resource (this is called mutually agreed terms, or **MAT** in the Protocol).

However, a party providing genetic resources may decide that PIC and MAT are not mandatory for accessing their genetic resources.

To date, the Protocol has **123 parties**. However, several economically developed countries and WOAH Members, such as Canada, the United States, Russia, New Zealand, Australia and Turkey, have **not** signed or ratified the Protocol.

[1] https://www.cbd.int/abs/about/

[2] According to the CBD, traditional knowledge refers to the knowledge, innovations and practices of indigenous and local communities around the world. A good example of traditional knowledge is the phytochemical Nicosan. This is a plant-based 'recipe' to treat sickle-cell disease was disclosed by a Nigerian traditional healer, the reverend P.R. Ogunyale.

Protocol of Nagoya and animal health:

The Nagoya Protocol was established to encourage biodiversity conservation but some of its requirements create challenges for the control of animal disease, when effective surveillance is often reliant upon the swift shipment of samples between countries.

Some WOAH Reference Centres, and public and private stakeholders have reported to WOAH concerns regarding implications of the Nagoya Protocol for accessibility to veterinary pathogens, for diagnostic purposes, but mainly for vaccine development. These concerns are well described in several reports and scientific literature (report on the impact of the Nagoya Protocol on FMD, Application of the Nagoya Protocol to veterinary pathogens: concerns for the control of foot-and-mouth disease)

The challenges in the implementation of the Nagoya protocol were described in the 2025 Technical Item presented at the 92 General Assembly of WOAH Delegates. The Assembly passed Resolution N.29 which include the recommendation 5: '*WOAH and its Members promote the appropriate implementation of the Nagoya Protocol, including through the development of technical guidance, pathogen emergency access protocols, and national legislation that supports disease surveillance, control and vaccine innovation'*

In May 2025, WOAH also hosted a joint meeting of Reference Centre networks at its Headquarters bringing experts from different WOAH reference laboratory disease specific networks to discuss shared technical challenges and to identify synergies and provide practical guidance to improve the diagnosis and surveillance of priority animal diseases. Implementation of the Nagoya protocol was on the main topic discussed in the meeting and the experts recommended to WOAH to create a Nagoya task force to follow up on the recommendation of the above mentioned technical item and to better define the application and implementation of the Nagoya Protocol within the scope of animal disease surveillance.

3. Actions to deliver

The *ad hoc* Group will:

- Clarify, via a legal and technical expert consensus, how the Nagoya protocol applies for the different activities of the WOAH Members and Reference Centres (e.g. international shipment of animal samples for Reference Centre activities such as diagnostic or disease surveillance, the use of microbiological strain coming from a foreign country for the development of vaccines or diagnostic kits for commercial purposes, or the use of foreign microbiological strains for research purpose)

- Develop statements, templates, standard operating procedure or guidance to support WOAH Members and Reference Centres in continuing their activities while complying with the Nagoya Protocol.

- Continue to raise awareness about the Nagoya Protocol among WOAH Members and Reference Centres

4. WOAH Considerations

Ad hoc Group members are expected to be familiar or at least aware with:

- Nagoya protocol and the challenges for the WOAH Members and Reference Centres in their current activities at the international level;

- All other relevant material shared by the WOAH and *ad hoc* Group's members.

5. Expectations

Ad hoc Group members should:

- Sign the WOAH *Undertaking on Confidentiality of Information* (if not done already).

- Complete the *Declaration of Interests* form.
- Read and study in detail all materials provided by the WOAH prior to the meeting.
- Contribute to discussions, recommendations and in general work plan of the Group

6. Deliverables

Deliverables of this *ad hoc* Group include:

- Produce a short report of the different meetings organised;
- Produce, as appropriate, statement, templates, standard operating procedure or guidance to support the WOAH Reference Centres in continuing their activities while complying with the Nagoya Protocol.

7. Tentative timeline

The first meeting of the *ad hoc* Group will be organised in 2026 (Q1) and the aim is to get some conclusions and recommendations or documents in the year (2026).