



13 December 2017

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**Ministerial Conference  
Eleventh Session  
Buenos Aires, 10-13 December 2017**

Original: English

**WORK PROGRAMME ON THE RELATIONSHIP BETWEEN TRIPS AND THE  
CONVENTION ON BIOLOGICAL DIVERSITY (CBD)**

The following communication, dated 13 December 2017, is being circulated at the request of the delegation of India.

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**OPTION 1: MINISTERIAL DECISION OF 13 DECEMBER 2017**

The Ministerial Conference,

*Having regard* to paragraph 1 of the Article IX of the Marrakesh Agreement establishing the World Trade Organization;

*Stressing* the need for the TRIPS Agreement and the CBD to be implemented in a manner which is mutually supportive and does not run counter to their respective objectives;

*Recalling* that the fair and equitable sharing of benefits arising from the utilization of genetic resources is one of three core objectives of the CBD;

*Stressing* the need to ensure that the utilization of genetic resources and/or associated traditional knowledge must comply with the access and benefit-sharing legislation of the Member providing genetic resources and/or associated traditional knowledge, that is, the country of origin of such resources or a Member that has acquired the genetic resources in accordance with the CBD;

*Recalling* the discussions at the Council for TRIPS on the relationship between the TRIPS Agreement and the Convention on Biological Diversity, and the protection of traditional knowledge and folklore;

Decides as follows:

1. We agree to expedite discussions on the relationship between the TRIPS Agreement and the Convention on Biological Diversity in a structured manner, with a view of achieving a legally binding outcome by the twelfth ministerial conference in 2019. In undertaking this work, the TRIPS Council shall be guided by the objectives and principles set out in Articles 7 and 8 of the TRIPS Agreement and shall take fully into account the development dimension.
2. These discussions shall take into account the substantive discussions and submissions of Members on the subject.
3. The negotiations on this subject shall be held in the Special Session of the TRIPS Council, in an accelerated time-frame. The General Council shall regularly review the progress of these sessions.

**OPTION 2: SEPARATE PARA IN A MINISTERIAL DECLARATION:**

Members agree to expedite discussions on the relationship between the TRIPS Agreement and the Convention on Biological Diversity in a structured manner. In undertaking this work, the TRIPS Council shall take into account the substantive discussions and submissions of Members on the subject so far. Members shall engage constructively to negotiate and make all concerted efforts to achieve a legally binding outcome by the twelfth ministerial conference in 2019. The negotiations on this subject shall be held in the Special Session of the TRIPS Council, in an accelerated time-frame. The General Council shall regularly review the progress of these sessions.

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