



## **Terms of Reference**

Production of a study on how the implementation of the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization* to the Convention on Biological Diversity might affect the sharing of pathogens and the potential public health implications

### **1. Background**

The WHO Executive Board, at its 138<sup>th</sup> session in January 2016, requested the WHO Secretariat to analyse how the implementation of the Nagoya Protocol might affect the sharing of pathogens and the potential public health implications. The Secretariat will report back to the WHO Executive Board in this regard at the 140<sup>th</sup> session of the Board to be held in January 2017.

To assist in the preparation of its report, the WHO Secretariat is seeking to engage a consultant or consultants to produce a study on the above mentioned subject.

### **2. Scope of work**

The consultant/s will provide support to the WHO Secretariat by preparing a study (which will take the form of a written report) on how the implementation of the Nagoya Protocol might affect the sharing of pathogens and the potential public health implications of this. The work will involve engagement with WHO's Member States, Secretariat, and stakeholders (i.e. relevant intergovernmental organizations such as the Secretariat of the Convention on Biological Diversity; the South Centre; UNCTAD; WTO; WIPO; civil society; public health laboratory and research institutions, including but not limited to Institut Pasteur and Robert Koch Institute; databases; industry and academia.)

The consultant/s will be required to conduct the work in a transparent, independent and impartial manner.

Prior to issuing a consultant contract, WHO will require the consultant/s to complete a WHO Declaration of Interest (DoI) and disclose any circumstances that could give rise to a potential conflict of interest in relation to the work.

The analysis should be based on:

- A review of relevant documentation, including existing domestic implementing legislation of the Nagoya Protocol to the Convention on Biological Diversity;
- Interviews with key informants;
- Expert scientific and legal analysis;

### **3. Duration**

From 4 May to 30 September 2016 (six months).

#### **4. Deliverables**

The study should analyse how the implementation of the Nagoya Protocol might affect the sharing of pathogens and the potential public health implications of this. In particular, the analysis should address:

1. The implications of implementation of the Nagoya Protocol on the WHO Pandemic Influenza Preparedness Framework ('PIP Framework'), including on the Global Influenza Surveillance and Response System ('GISRS'), and possible options for improved harmonization between the Nagoya Protocol and PIP Framework, in the context of the ongoing PIP Framework 2016 Review.
2. How the Nagoya Protocol might affect the sharing of pathogens (including genetic sequence data - GSD), the potential public health implications of implementation and possible options for advancing public health, supporting the objective of a fair and equitable sharing of benefits arising from the use of human pathogens.