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CONFERENCE OF THE PARTIES TO THE CONVENTION
ON BIOLOGICAL DIVERSITY SERVING AS THE
MEETING OF THE PARTIES TO THE NAGOYA
PROTOCOL ON ACCESS TO GENETIC RESOURCES
AND THE FAIR AND EQUITABLE SHARING OF
BENEFITS ARISING FROM THEIR UTILIZATION

Second meeting

Cancun, Mexico, 4–17 December 2016

Item 5 of the provisional agenda*

INFORMATION MADE AVAILABLE ON DEVELOPMENTS RELATED TO RATIFICATION AND IMPLEMENTATION OF THE NAGOYA PROTOCOL

Note by the Executive Secretary

I. INTRODUCTION

1. Aichi Biodiversity Target 16 provides that “by 2015, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization is in force and operational, consistent with national legislation”.

2. With a view to gathering information for assessing progress in achieving Aichi Biodiversity Target 16 in preparation for the first meeting of the Subsidiary Body on Implementation (SBI), notifications were sent respectively to Parties and to non-Parties¹ in December 2015.² The Executive Secretary received submissions from the following: Bangladesh, Belgium, Benin, Comoros, Costa Rica, Côte d’Ivoire, Croatia, Democratic Republic of the Congo, Denmark, Dominican Republic, Ethiopia, European Union, Germany, Hungary, India, Italy, Japan, Mexico, Nepal, Niger, Peru, Philippines, Serbia, South Africa, Spain, Sudan, Swaziland, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland, and Viet Nam.

3. At the first meeting of the Subsidiary Body on Implementation, the following also reported on progress on ratification and/or implementation of the Nagoya Protocol during their statements: Argentina, Belarus, Benin, Cameroon, China, Democratic Republic of the Congo, Ethiopia, European Union, Guatemala, Guinea, Indonesia, Japan, Malawi, Mexico, Micronesia (Federated States of), Morocco, Peru,

* UNEP/CBD/NP/COP-MOP/2/1/Rev.1.

¹ For the purpose of this document, the term “Parties” refers to Parties to the Convention on Biological Diversity that have ratified the Nagoya Protocol, including those for which the Protocol has not yet entered into force following the 90-day period set out in Article 33, paragraph 2, of the Protocol, and “non-Parties” refers to Parties to the Convention on Biological Diversity that have not ratified the Nagoya Protocol.

² Notifications 2015-142 and 2015-141 (Ref. No. SCBD/NP/VN/BG/jh/85225), dated 2 December 2015.

Republic of Moldova, Sudan, Switzerland, Timor-Leste, Togo, Tunisia, Uganda, Uruguay, Yemen and Zambia.

4. With a view to updating the document prepared for the first meeting of the Subsidiary Body on Implementation for consideration by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol as requested in SBI recommendation 1/2, paragraph 2, a notification was sent to Parties and to non-Parties in June 2016³ to invite the submission of information regarding any additional developments. As of 2 September 2016, the Executive Secretary had received submissions from the following Parties to the Protocol: Belarus, Burundi, Comoros, Côte d'Ivoire, Czech Republic, Denmark, European Union, Finland, France, Germany, Hungary, India, Mexico, Republic of Moldova, Panama, Peru, Slovakia, Spain, Sweden, and United Kingdom of Great Britain and Northern Ireland; and from the following non-Parties to the Protocol: Antigua and Barbuda, Australia, Iran (Islamic Republic of), Nepal, Poland, Sao Tome and Principe, Serbia, and Slovenia.

5. Information on competent national authorities, checkpoints, legislative, administrative or policy measures, and permits or their equivalent made available to the Access and Benefit-sharing Clearing-House (ABS Clearing-House) prior to 9 September 2016 is also reflected in the present document. The following Parties have made national information available in the ABS Clearing-House: Albania, Belarus, Benin, Cambodia, Comoros, Croatia, Czech Republic, Denmark, Dominican Republic, Ethiopia, European Union, Finland, Gambia, Germany, Guatemala, Guinea-Bissau, Honduras, Hungary, India, Malawi, Mexico, Netherlands, Norway, Peru, Slovakia, South Africa, Spain, Switzerland, Syrian Arab Republic, Uganda, United Kingdom of Great Britain and Northern Ireland, and Viet Nam. The following non-Parties have also made information available: Brazil, Costa Rica, Estonia, Grenada, and Portugal.

6. The present information document complements the update on progress towards Aichi Biodiversity Target 16 on the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization prepared by the Executive Secretary (UNEP/CBD/NP/COP-MOP/2/2) by providing details on the various approaches taken by Parties and non-Parties towards implementing the Protocol on the basis of the sources of information mentioned in the paragraphs above. All submissions received in answer to notification 2016-070 are also made available on the CBD website at <https://www.cbd.int/abs/np-mop2/submissions/default.shtml>.

II. APPROACHES TAKEN BY PARTIES AND NON-PARTIES IN ESTABLISHING INSTITUTIONAL STRUCTURES TO IMPLEMENT THE PROTOCOL

A. Competent national authorities (CNA)

7. As of 9 of September 2016, a total of 56 countries have designated one or more competent national authorities (CNAs) to implement the Protocol. Further information provided to the ABS Clearing-House and in the submissions reveals that the majority of these countries have designated a single CNA for the Protocol. For at least 23 countries, the national focal point also fulfils the role of CNA.

8. Other countries have designated more than one CNA for the Protocol, including Belarus, Cambodia, Finland, Mexico, Peru, Slovenia, Syrian Arab Republic, and Viet Nam.

9. For example, Mexico has five CNAs in total. Three CNAs are competent for domesticated genetic resources for food and agriculture: the National Service of Seed Inspection and Certification for plant genetic resources; the General Coordination for Livestock for animal genetic resources; and the National Commission of Aquaculture and Fishing for the fisheries and aquaculture resources. Two branches of the Secretariat of Environment and Natural Resources, are competent for all other genetic resources, specifically: the General Forestry and Soil Management Office for forest and soil genetic

³ Notification 2016-070 (Ref. No. SCBD/SPS/NP/VN/BG/jh/85737), dated 2 June 2016.

resources, and the General Wildlife Office for all other wildlife genetic resources (with the exceptions listed in law NOM-059-SEMARNAT-2010).

10. An example of collaboration between the CNA and other institutions was provided by Germany in its submission. Germany has designated one CNA (Federal Agency for Nature Conservation) which will collaborate with the Federal Agency for Agriculture and Food regarding genetic resources for food and agriculture and with the Robert-Koch-Institute with respect to pathogens of humans.

B. Checkpoints

11. As of 9 September 2016, according to the information included in the ABS Clearing-House and in the submissions, 14 countries have designated one or more checkpoints (Belarus, Croatia, Denmark, Finland, Hungary, Germany, Peru, Poland, Slovakia, Slovenia, South Africa, Switzerland, Sweden, and the United Kingdom of Great Britain and Northern Ireland) with a view to implementing Article 17 of the Protocol. In almost all cases, the CNA serves as a checkpoint.

12. In its submission, the European Union provided information on Regulation (EU) 511/2014⁴ and Commission Implementing Regulation (EU) 2015/1866.⁵ These regulations are directly applicable in all 28 European Union (EU) Member States and implement the compliance “pillar” of the Protocol, based on the principle of due diligence. More specifically, the regulations provide for the establishment of two checkpoints: one at the stage of receiving funding for research involving utilization of genetic resources and traditional knowledge associated with genetic resources, and another at the final stage of development of a product developed via the utilization of genetic resources or associated traditional knowledge. Due diligence declarations are to be submitted to the competent authorities of the EU Member States. Such competent authorities need to be designated by the Member States under Article 6 of Regulation 511/2014. The designation of competent authorities in the individual Member States, in conjunction with the provisions of Article 7 of Regulation 511/2014, ensures that effective checkpoints under the Nagoya Protocol are established in the EU.

13. The following provides examples of established checkpoints:

(a) In Finland, the CNAs (the Natural Resources Institute and the Finnish Environment Institute) are also checkpoints under the Nagoya Protocol. According to the Act on the Implementation of the Nagoya Protocol, users who import genetic resources or associated traditional knowledge to Finland are subject to the provisions of the Nagoya Protocol on access and benefit-sharing and must notify these authorities within one month from the import date. The Natural Resources Institute and the Finnish Environment Institute are responsible for receiving declarations of due diligence from users at the research funding stage as well as at the stage of final development of a product. They are also responsible for monitoring and inspection of the domestic users of genetic resources;

(b) Germany has two designated checkpoints: the Federal Agency for Nature Conservation (which is also the designated CNA) and the German Patent and Trade Mark Office. The Federal Agency for Nature Conservation is responsible for receiving declarations of due diligence from users at two different points in time: at the stage of research funding, and at the final stage of product development. Other responsibilities of the Federal Agency for Nature Conservation include: the submission of checkpoint communiqués, cooperation with CNAs of provider countries, collection of information from users based on periodically reviewed and risk-based control plans as well as on the basis of substantiated concerns, receipt and examination of requests for inclusion in the EU register of collections and regular

⁴ Regulation (EU) 511/2014 of the European Parliament and of the Council of 16 April 2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union.

⁵ Commission Implementing Regulation (EU) 2015/1866 of 13 October 2015 laying down detailed rules for the implementation of Regulation (EU) No 511/2014 of the European Parliament and of the Council as regards the register of collections, monitoring user compliance and best practices.

verification that registration criteria have been met. The second checkpoint, the German Patent and Trade Mark Office, is responsible for informing the Federal Agency for Nature Conservation when patent applications for inventions based on/using biological material include information on the geographical origin of such material;

(c) Hungary has designated five checkpoints: (i) the National Office of Research, Development and Innovation; (ii) the Hungarian Academy of Sciences; (iii) the National Food Chain Safety Authority, (iv) the National Institute of Pharmacy and Nutrition; and (iv) the National Environmental and Nature Protection Inspectorate;

(d) Peru has designated two checkpoints: the office in charge of patents (INDECOPI) and the National Commission against Biopiracy. Furthermore, the need to designate additional checkpoints is under discussion in the country's inter-institutional coordination meetings. Additional checkpoints being considered are institutions responsible for sanitary control, commercialization, border control and/or promotion of research;

(e) Slovakia has designated five checkpoints, which are responsible for receiving relevant information related to prior informed consent, to the source of the genetic resource, to the establishment of mutually agreed terms, and/or to the utilization of genetic resources in different areas:

- (i) The Central Controlling and Testing Institute in Agriculture in the area of plant protection products, auxiliary products in crop protection, fertilizer, animal feed, the variety of cultivated plants or propagating material of cultivated plants that are subject to authorization, or subject of a notification under special regulations prior to their introduction in the market;
- (ii) The Institute for State Control of Veterinary Biologicals and Medicaments in the area of veterinary medicines that are subject of authorization under special regulations prior to their introduction in the market;
- (iii) The Ministry of Economy in the area of biocidal products that are subject of authorization, or subject of a notification under special regulations, prior to their introduction in the market;
- (iv) The Public Health Authority in the area of new food or food supplement that are subject of authorization under special regulations prior to their introduction in the market;
- (v) The State Institute for Drug Control in the area of human medicines or medical devices that are subject of authorization, or subject of a notification under special regulation prior to their introduction into the market;

(f) South Africa has identified the following checkpoints: (i) the National Department of Environmental Affairs (which also acts as designated CNA); (ii) the Companies and Intellectual Property Commissions (Department of Trade and Industry), which administers the Patent Amendment Act, 2005 requiring mandatory disclosure for permits and mutually agreed terms; and (iii) the National Indigenous Knowledge Systems Office (Department of Science and Technology), which will also act as a checkpoint once an electronic record system of traditional knowledge associated with genetic resources is finalized;

(g) Switzerland has designated a centralized checkpoint: The Federal Office for the Environment (FOEN). Those utilizing genetic resources or directly benefiting from their utilization must notify FOEN of compliance with the due diligence requirement, before market authorization has been obtained or, if such authorization is not required, before the commercialization of products developed on the basis of utilized genetic resources. In addition, the Swiss Federal Institute of Intellectual Property is the federal agency for matters concerning intellectual property in Switzerland and is also included in the ABS Clearing-House as a checkpoint. It is responsible for the implementation of the disclosure of source requirement for genetic resources and/or traditional knowledge in patent applications;

(h) Slovenia has designated four checkpoints (which are also designated CNAs): (a) the Ministry of the Environment and Spatial Planning for genetic resources of species of wild flora and fauna; (b) the Ministry of Agriculture, Forestry and Food for genetic resources for agriculture, forestry and food; (c) the Ministry of Health for genetic resources for pharmaceuticals and health; and (d) Ministry of Education, Science and Sport for research on genetic resources. Each authority is responsible for the use of traditional knowledge associated with genetic resources under its area of competence and for the research on genetic resources that it finances.

C. Other institutional structures established to implement the Protocol

14. Some countries have provided information in their submissions on other institutional structures established to implement the Protocol:

(a) The Biological Diversity Act of India is implemented through a three-tier institutional mechanism: a National Biodiversity Authority at the national level; State Biodiversity Boards at the provincial State Government level; and Biodiversity Management Committees to be set up by the elected bodies at the local level;

(b) Peru has established a platform for inter-institutional coordination, led by the national focal point and involving all institutions with ABS-related responsibilities. The platform has contributed to joint and harmonized implementation and decision-making for planning activities to manage access, compliance, monitoring, benefit-sharing, capacity-building, and the development of administrative measures and the ABS Clearing-House;

(c) South Africa has established a Bioprospecting Advisory Committee to conduct technical evaluations for permit applications and provide recommendations to the Minister of Environmental Affairs for a final decision;

(d) Sao Tome and Principe has established a National Coordination for the Nagoya Protocol and has appointed the Ministry of Infrastructures, Natural Resources and Environment and the Ministry of Agriculture and Rural Development as the authorities in charge of supervising the implementation of the Nagoya Protocol;

(e) Slovenia adopted a decision on the appointment of an interministerial working group to provide common and coordinated action in developing administrative, organizational and legal solutions related to the implementation of the Nagoya Protocol and the EU Regulation.

III. APPROACHES TAKEN BY PARTIES AND NON-PARTIES IN ESTABLISHING DOMESTIC LEGISLATIVE, ADMINISTRATIVE OR POLICY MEASURES ON ACCESS AND BENEFIT-SHARING

A. Countries that established ABS measures following adoption of the Nagoya Protocol

15. Information provided to the ABS Clearing-House and in the submissions indicates that different approaches have been taken to establish measures to implement the Protocol.

16. The European Union adopted the EU Regulation No 511/2014 of the European Parliament and of the Council of 16 April 2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union. The Regulation covers compliance with access and benefit-sharing for genetic resources and traditional knowledge associated with genetic resources in accordance with the provisions of the Nagoya Protocol and applies to all EU Member States. The EU Regulation is complemented by Commission Implementing Regulation (EU) 2015/1866 of 13 October 2015, which lays down detailed rules for the

implementation of Regulation (EU) No 511/2014 of the European Parliament and of the Council as regards the register of collections, monitoring user compliance and best practices.⁶

17. The EU Regulation does not establish rules regarding access to genetic resources at the EU level; however, EU Member States may decide to establish access rules through national measures. In their submissions, some EU Member States provided additional information regarding domestic approaches to access:

(a) Spain (Law 42/2007 of 13 December 2015) and France (Law no 2016-1087 of 8 August 2016) adopted provisions on access, benefit-sharing and compliance;

(b) Denmark and Germany do not regulate access to genetic resources; access is only limited by general restrictions of public and private law. However, Greenland has its own access legislation;

(c) Slovakia decided not to restrict access to genetic resources. Nevertheless, other restrictions concerning the protection of certain areas, plants or animals are in force and can result in the limitation of access for conservation purposes;

(d) Slovenia for the moment does not plan to include provisions regulating access to genetic resources in its measure being developed. Restrictions will only apply for endangered wild fauna and flora (access permit) or in cases where access may pose a threat to biodiversity (prior authorization). However, access regulations may be introduced in the coming years;

18. Some EU Member States have adopted measures to implement the EU Regulation and address the compliance aspects of the Nagoya Protocol (e.g. Denmark, Finland, Germany, Hungary, Poland, Slovakia, Spain, and the United Kingdom of Great Britain and Northern Ireland). More specifically:

(a) Denmark has adopted measures to address non-compliance with the EU Regulation, which include remedial actions and administrative fines. Violation of the prohibitions in the national legislation are sanctioned with fines or up to 2 years of imprisonment for cases where the violation is committed wilfully or in gross negligence;

(b) Finland adopted, on 1 March 2016, an implementing act that includes an obligation of the user to report on the import of genetic resources or associated traditional knowledge to the competent authority within one month;

(c) Germany adopted an implementing Act, which entered into force on 1 July 2016. The implementing act incorporates measures to address situations of non-compliance, including orders and remedial action, administrative fines, and confiscations. Intervention, and where necessary, imposition of sanctions is foreseen in the event of failure by users to comply with the due diligence declaration. Compliance checks of users of genetic resources/associated traditional knowledge will be undertaken on the basis of substantiated concerns (triggered e.g. through cooperation with CNAs of provider countries), as well as based on periodically reviewed control plans;

(d) Slovakia's Act no 263/2015 entered into force on 1 December 2015. The act establishes measures to implement Articles 15 and 16 of the Nagoya Protocol and includes fines, measures to remedy unlawful situations and orders suspending unlawful activities. A control system for users is already functional. Based on yearly reviewed control plans, inspection is conducted by the CNA in cooperation with checkpoints. Moreover, additional controls are conducted based on reports from any subject or in cooperation with checkpoints.

19. Information provided in the submissions indicates that some countries have reviewed their general biodiversity/environmental law after the adoption of the Nagoya Protocol to include ABS provisions, and are planning to adopt more detailed ABS measures, such as regulations, to implement the Nagoya Protocol. For example:

⁶ Further information can be found in the ABS Clearing-House.

(a) The Dominican Republic adopted a Sectoral Biodiversity Law (333-15) in 2015, which serves as a legal basis for the development of a regulation on access to genetic resources and benefit-sharing;⁷

(b) The Nature Protection Act of Croatia, which entered into force in July 2013 includes ABS provisions.⁸ However, Croatia is working towards having a full ABS legislative framework by the end of 2016;

(c) France in its law No 2016-1087 of 8 August 2016 includes a chapter for the implementation of the Protocol at national level, which includes measures on access, benefit-sharing and measures to implement the EU Regulation. Implementing legislation will be adopted in the following months;

(d) Spain adopted Law 33/2015, of 21 September, which introduces modifications to the existing Law on Natural Heritage and Biodiversity (Law 42/2007) with a view to implement the Nagoya Protocol provisions and the EU Regulation.⁹ The law includes provisions on access, benefit-sharing and compliance. Work is also under way to approve a regulation in the following months;

(e) Antigua and Barbuda included an ABS section (Section VIII) in the Environmental Protection and Management Act of 2015 and is planning to develop ABS regulations and an ABS policy.

20. Some countries that had ABS measures in place prior to the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP 10) have developed additional measures in line with the Nagoya Protocol. For example, India adopted the recent notification “Guidelines on Access to Biological Resources and Associated Knowledge and Benefit-sharing Regulations, 2014” under the Biological Diversity Act of 2002.¹⁰ These guidelines prescribe the scheme for processing the applications, and a template and terms for benefit-sharing. It also has a special provision enabling the conducting of non-commercial research for emergency purposes.

21. Burundi has developed a national strategy and action plan on ABS and is now working on an ABS law and a strategic plan for research in medicinal genetic resources in Burundi.

B. Countries currently developing or reviewing ABS measures with a view to implementing the Protocol

22. A number of countries provided information in their submissions on the processes under way for developing or reviewing ABS measures with a view to implementing the Protocol. They include the following:

(a) Benin and Côte d’Ivoire reported that they are working on putting in place transitional regulations;

(b) Draft legislation has recently been adopted by the Government of the Czech Republic and has been submitted to the consideration of the Parliament;

(c) Mexico established an inter-secretarial group to analyse and determine the best manner to implement the Protocol. As a result, a draft law is under review by the legal department of the Secretariat of Environment and Natural Resources for its further review by other legal departments of the inter-secretarial group;

(d) Panama has initiated internal consultations for updating the Executive Decree 25 of 29 April 2009 and is participating in two ABS capacity-building projects;

⁷ The text of the measure can be found in the ABS Clearing-House.

⁸ The text of the measure can be found in the ABS Clearing-House.

⁹ The text of the measure can be found in the ABS Clearing-House.

¹⁰ The text of the measure can be found in the ABS Clearing-House.

(e) Peru had ABS legislation prior to the adoption of the Nagoya Protocol and is currently working on the revision of Law No 28216 on the protection of access to biological diversity and the collective knowledge of indigenous peoples, as well as Law No 27811 on the protection of collective knowledge associated with genetic resources of indigenous peoples. Peru is working on the development of administrative measures for implementing access to genetic resources and monitoring their utilization. In this regard, a proposal for a model ABS system has been developed, which includes intervention protocols for authorities and key actors in relation to access; guidelines for managing access contracts; guidelines for managing the National Integral Mechanism of Supervision and Monitoring of Genetic Resources; and a user's guide. In addition, Peru is also working on the development of a strategic framework for the negotiation of benefit-sharing;

(f) The Philippines has done an assessment of existing ABS policy. The assessment included stakeholder consultations and identified areas that need to be amended to implement the Protocol. The draft ABS policy that resulted from this process is currently filed at the Philippines House of Representatives.¹¹ An ABS action plan for 2015-2028 has also been incorporated into the country's national biodiversity strategy and action plan;

(g) South Africa has an ABS measure in place which was adopted prior to COP 10: The National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004). In 2015, the Department of Environmental Affairs initiated stakeholder consultation towards its revision. The revision is anticipated to be completed by 2019;

(h) Viet Nam plans to implement a national ABS framework, including a governmental decree with circulars and guidelines to support its implementation. A new Governmental Decree on ABS is being scheduled for submission to the Government in 2016;

(i) Bangladesh has a draft Biological Diversity Act to be passed as a bill by the Parliament;

(j) Costa Rica had ABS measures in place prior to COP 10 and is currently working on a draft regulation on administrative sanctions for non-authorized access to biochemical and genetic resources and on a proposal on *sui generis* rights regarding the protection of traditional knowledge and associated intangible elements;

(k) Italy has a draft law including measures on access and compliance. The text is currently under examination, and it will be presented to Parliament, probably in 2016;

(l) Poland's draft Act to implement the EU Regulation was approved in the lower chamber of the Parliament on 19 July 2016 and that it has been forwarded to the Senate;

(m) Slovenia reported that the current provisions governing genetic resources are contained in the Nature Conservation Act (No 96/04, 61/06 and 46/14) but that new legal measures should be adopted soon in order to strengthen compliance with the EU Regulation;

(n) Swaziland is reviewing a draft ABS Bill formulated in 2007. To this end a National ABS Steering Committee has been established, and a situation analysis on ABS issues was also undertaken. Administrative guidelines to implement the Protocol are under development, which will also inform the Draft Bill;

(o) Nepal's ABS draft bill has been prepared with the decision of the Government of Nepal (Cabinet level) and is now in wider consultation with key stakeholders.

¹¹ The full draft ABS policy can be found at the following link: <https://www.cbd.int/abs/submissions/Aichi16/Philippines-annexB-en.pdf>.

C. Countries that are planning to develop ABS measures with a view to implementing the Protocol

23. In their submission, some countries provided information on their plans to develop measures to implement the Protocol:

(a) Comoros is working with the United Nations Development Programme on a project to develop legal and policy measures on ABS;

(b) Niger explained that it has conducted several studies with a view to putting ABS measures in place, including the development of an ABS national strategy. In addition, two preliminary studies on traditional knowledge and the Nagoya Protocol were conducted by national non-governmental organizations;

(c) Sao Tome and Principe has different laws in place that need to be modified to include ABS, for instance regarding conservation of fauna, flora and protected areas, forests, fisheries and halieutic resources, and natural parks. However, these actions will take place after the ratification of the Protocol;

(d) Serbia foresees that the implementation of the Nagoya Protocol will be fully in place in 2017 after the revision of the Law on Nature Protection and its adoption in the Parliament.

IV. OTHER STEPS TAKEN BY PARTIES AND NON-PARTIES TOWARDS IMPLEMENTATION OF THE PROTOCOL

24. Countries, in their submissions, included information on other actions and steps taken towards the implementation of the Protocol. Some countries have gone beyond the establishment of ABS regulatory measures and have reported on steps taken in the implementation of their national frameworks. For example, India, Costa Rica and Peru provided information on the issuance of permits:

(a) India, in its submission, reported progress on issuing permits or their equivalent and on the constitution of the internationally recognized certificate of compliance. India's CNA had entered into 310 benefit-sharing agreements and the National Biodiversity Authority started receiving the sharing of benefits. India is the first country to have made available information on a permit to the ABS Clearing-House and constituted the first internationally recognized certificate of compliance. Since then, and as of 9 of September 2016, India has published 35 certificates in the ABS Clearing-House;

(b) Peru has prepared a diagnostic of all access authorizations that have been granted by the different authorities. The diagnostic included an identification of the core elements contained in the contracts already established and the different types of authorizations granted. Thanks to the diagnostic a number of deficiencies in the management of access authorizations were identified;

(c) Between January 2014 and January 2016, Costa Rica granted 431 permits for access to genetic and biochemical resources of biodiversity and 324 contracts of prior informed consent were signed. Of the total permits, 88 per cent were granted for basic research and the 12 per cent were granted for bioprospecting projects.

25. Several countries provided information about progress in the development of databases or information systems to support access and monitoring the utilization of genetic resources. For example:

(a) Belarus has started the development of a database for systematization of information relevant to genetic resources and has designed a national ABS website to provide information related to the Nagoya Protocol to stakeholders (<http://abs.igc.by>);

(b) Finland, in its legislation, provides that the Sami Parliament governs a database where the Sami traditional knowledge concerning genetic resources for research and development can be recorded and accessed;

(c) Germany is working on the further development of its national ABS Clearing-House;

(d) Peru, in its submission, explained that the country is working on developing an online system for managing requests for access and for monitoring the status of such requests by users;

(e) The United Kingdom maintains a dedicated ABS webpage (www.gov.uk/guidance/abs) where users can find information regarding ABS compliance in the country. It also provides a route to direct questions to the competent authority through an online Enforcement Enquiry Form. Social media is used as a platform to raise awareness;

(f) Costa Rica is working on developing an online system to facilitate access to information and speed up the process of requesting permits for access.

26. Some countries also provided information on the functioning of their systems to monitor the utilization of genetic resources:

(a) Peru, through the National Commission against Biopiracy, identifies and monitors patent requests around the world and currently follows 35 biological resources and associated traditional knowledge that have been identified by the country as a priority. Until now the Commission has invalidated the granting of six patents related to Peruvian resources. Peru also has a register of traditional knowledge which includes 2944 records. The information included in this register can assist in identifying cases of misappropriation of traditional knowledge associated with genetic resources;

(b) The technical office of the Comisión Nacional para la Gestión de la Biodiversidad (CONAGEBIO) of Costa Rica carries out monitoring and control activities after an access permit has been granted. Activities include site visits to projects to verify that the conditions for access included in the terms of the permit are respected (species, place of collection, methodology used, etc.) and periodic review of intellectual property and genomic databases and scientific journals to detect any unauthorized access.

27. In their submissions, countries also identified a number of additional actions and steps taken to raise awareness about the Protocol. Some countries, recognizing the importance of effectively engaging stakeholders and indigenous and local communities in the implementation of the Protocol, indicated that participatory approaches and awareness-raising activities are being carried out to support its implementation:

(a) Burundi has developed a national strategy for improving the understanding of the Nagoya Protocol by stakeholders. It also has organized awareness-raising activities and prepared guides with specific messages for three different target groups: traditional practitioners, decision makers and researchers;

(b) Côte d'Ivoire organized working sessions with researchers and the private sector to understand their expectations and concerns regarding the implementation of the Protocol;

(c) Denmark has an informal stakeholder forum that includes academia, users of genetic resources and NGOs and disseminates and raises awareness of the implementation requirements of the Nagoya Protocol and the EU regulation;

(d) The European Union is carrying out several activities to raise awareness and promote dialogue and participation. A horizontal guidance document on the scope of application and core obligations of the EU Regulation has been developed, and additional sectoral documents are currently under development. An ABS Consultation Forum has also been established to promote the Nagoya Protocol. The EU and Brazil have established a dialogue to promote an international exchange of experience related to the Protocol and ABS;

(e) Germany has developed outreach material and conducted a series of workshops and seminars to inform different user sectors. It has also established a help desk for users and collections in Germany;

(f) South Africa launched a National Bioprospecting Forum for effective communication with all relevant stakeholders and indigenous and local communities in implementing the Protocol;

(g) The United Kingdom reported a total of 50 engagement activities during the period of October 2015 to August 2016 carried out by the competent authority (Regulatory Delivery). The approach to engagement is through exposure to trade associations and membership groups (e.g. conferences and trade shows) to meet numerous companies in one location, and to arrange one-to-one follow-up meetings. The submission explained that the competent authority had found that companies are at various stages of implementation, and that while some are in advanced phases of developing internal tools to meet compliance obligations, others are beginning the process. The competent authority has taken an advisory role providing guidance in the development of such processes and sharing lessons among sectors and organizations. The competent authority also emphasizes the need for an ABS-specific forum for engaging with the academic and research sector;

(h) Antigua and Barbuda is planning to develop a public information campaign to provide information about the Protocol;

(i) Costa Rica has initiated two pilot projects for participatory processes and consultations with indigenous and local communities to comply with the Biodiversity Law. The results of these projects will serve as a basis for establishing the participatory process at the national level and inform the legal requirements;

(j) Nepal has research projects that aim to develop bio-cultural protocols and a biodiversity registry and to document traditional knowledge related to genetic resource conservation and agriculture;

(k) Swaziland has developed an awareness-raising strategy and training and awareness toolkits on ABS for stakeholders.

28. Argentina, Brazil, Bulgaria, Ethiopia, Germany, Morocco, Nepal, the Netherlands, Philippines, Poland, the Republic of Korea, Tajikistan and the former Yugoslav Republic of Macedonia have translated the Protocol into local languages.¹²

29. Countries also provided information on capacity-building activities and projects to support implementation of the Nagoya Protocol.¹³ Some countries provided additional information on supporting capacity for the Protocol:

(a) Peru is working in the development of strategic measures and a road map for building and developing capacity to implement the Protocol, and has prepared a document on recommendations for building and developing the capacity of indigenous and local communities for the national implementation of the Protocol;

(b) Belarus, the European Union, Mexico, Panama, Peru and the United Kingdom reported on the organization of different trainings and workshops for building the capacity of different actors involved;

(c) The European Union and several of its Member States support a range of capacity-building efforts, such as the ABS Capacity Development Initiative.

¹² Courtesy translations provided to the Secretariat are made available at <https://www.cbd.int/abs/awareness-raising/courtesy.shtml>.

¹³ For further information on capacity-building initiatives and resources to support implementation of the Protocol see document UNEP/CBD/NP/COP-MOP/2/8 "Report on progress on the implementation of the strategic framework for capacity-building and development for the Nagoya Protocol."