



NORWEGIAN MINISTRY OF
THE ENVIRONMENT

User country measures in the 2009 Norwegian Nature Diversity Act

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Genetic resources

- Ownership to genetic material – common resource that belongs to the community in Norway
- The State has management responsibility
- The utilization should benefit the environment and people, both nationally and internationally
 - o Emphasis on appropriate sharing of benefits
 - o Emphasis on the interests of indigenous peoples and local communities



Fungus (*Tolypocladium inflatum*) basis for Cyclosporin A. Found on Hardangervidda.

Regulations - Overarching issues under consideration

- One set of regulations only: A cooperation between the Ministry of Fisheries and Coastal Affairs, and the Ministry of the Environment
- Prior informed consent through applications and permits
- Mutually agreed terms and standard contracts
- What benefits should accrue to the state, when, how and why?
- Public collections of genetic material
- Traditional knowledge associated with genetical resources – assessment of legislative needs
- Compliance
- Demand: Regulations have to be well balanced and effective
- Part of regulations will probably also deal with user country measures

Nagoya Protocol Article 15 Compliance

- 1. Each Party shall take appropriate, effective and proportionate legislative, administrative or policy measures to provide that genetic resources utilized within its jurisdiction have been accessed in accordance with prior informed consent and that mutually agreed terms have been established, as required by the domestic access and benefit-sharing legislation or regulatory requirements of the other Party.
- 2. Parties shall take appropriate, effective and proportionate measures to address situations of non-compliance with measures adopted in accordance with paragraph 1 above.
- 3. Parties shall, as far as possible and as appropriate, cooperate in cases of alleged violation of domestic access and benefit-sharing legislation or regulatory requirements referred to in paragraph 1 above.

Nagoya Protocol Article 16 Compliance

1. Each Party shall take appropriate, effective and proportionate legislative, administrative or policy measures, as appropriate, to provide that traditional knowledge associated with genetic resources utilized within their jurisdiction has been accessed in accordance with prior informed consent or approval and involvement of indigenous and local communities and that mutually agreed terms have been established, as required by domestic access and benefit-sharing legislation or regulatory requirements of the other Party where such indigenous and local communities are located.
2. Each Party shall take appropriate, effective and proportionate measures to address situations of non-compliance with measures adopted in accordance with paragraph 1 above.
3. Parties shall, as far as possible and as appropriate, cooperate in cases of alleged violation of domestic access and benefit-sharing legislation or regulatory requirements referred to in paragraph 1 above.

Genetic material from other countries – Nature Diversity Act section 60(user country measures)

- Import for utilisation in Norway of genetic material from a state that requires consent for collection or export may only take place in accordance with such consent.
- Possibility for the Norwegian State to enforce these conditions in favor of those who have set them – by bringing legal action;
- Obligation for users in Norway to comply with the conditions set out in a prior informed consent of the provider country, and mutually agreed terms;

The Norwegian ABS Legal Framework - disclosure

- Nature Diversity Act – disclosure requirements in regulations
- Patents Act – disclosure requirement country of origin/providing country, traditional knowledge and whether prior informed consent has been sought
 - the duty to disclose information is without prejudice to the processing of the patent application or the validity of the patent
- Act relating to the Plant Breeders Right
 - Disclosure requirements similar to the Patents Act
- Marine Resources Act
 - Corresponds with the Nature Diversity Act – Access and benefit sharing

Possible Check Points – under consideration

- The Patents Office
- Norwegian Research Council
- Other Publicly funded research institutions
- Directorate for nature management
- Directorate of fisheries
- Public collections
- Development of administrative procedures to enable check points:
Under consideration

Measures at disposal

Starting point: The consent of the provider state

- Cooperation between states is essential
- Awareness-raising

Soft measures

- Corporate social responsibility
- Control/inspection

Hard measures

- Punitive measures/administrative measures – sections 69-75
- Legal action

Milestones ahead

- ABS- draft regulations
- Assessment of potential legislative needs on traditional knowledge associated with genetical material
- Public hearing of draft regulations
- Assessment of views
- Government adoption of draft regulations
- Proposition to the Parliament on consent to ratification of the Nagoya Protocol

END