

FINLAND
Finland's response to CBD Notification 2017-104
Submission to the first Assessment and Review of the Effectiveness of the Nagoya
Protocol

Decision NP-2/4 identifies the elements and sources of information to be included in the first assessment and review, including the possibility of a targeted survey to collect additional information. Finland is pleased to contribute to Notification 2017-104 on Decision NP-2/4: *Assessment and review of the effectiveness of the Protocol (Article 31)*. Two representatives of research/scientific community and *ex situ* collections have provided information on the development, update and use of model contractual clauses, codes of conduct, guidelines, best practices and/or standards in relation to access and benefit-sharing

(a) Relevant stakeholders, such as the private sector/business community, research/scientific community and *ex situ* collections, to provide information on the development, update and use of model contractual clauses, codes of conduct, guidelines, best practices and/or standards in relation to access and benefit-sharing;

Collections:

HAMBI – the culture collection

HAMBI (University of Helsinki, Faculty of Agriculture and Forestry, Division of Microbiology and Biotechnology) Culture Collection is a resource of living microorganisms for teaching, research and application. HAMBI is a non-profit organization supported by the University of Helsinki.

The collection consists of microorganisms from different groups e.g. archaea, bacteria, cyanobacteria, yeasts, filamentous fungi and virus. A great deal of the cultures originates from the unique nature of Finland. The total amount of cultures is about 5500.

HAMBI uses a Material deposit form, which inquires information on access date, authorization and possible PIC of the material (para 3). Without such information no material is accepted to be deposited.

HAMBI uses a Material Transfer Agreement for accessions. The MTA is constructed to match the ECCO's (The European Culture Collections' Organisation) core MTA. Paragraph 9 of the HAMBI MTA urges the user of the material to comply with the CBD.

HAMBI is a member of international networks like the ESFRI project (MIRRI), World Federation for Culture Collections (WFCC, WDCM779), the European Culture Collections' Organisation (ECCO), and a founding member of the Finnish Microbial Resource Centre Organisation (MICCO). The ECCO constantly monitors the (e.g. access) legislation and informs the member collections. The ECCO is also preparing ABS instructions for its members.

The Finnish agriculture and horticulture plant genetic resources

The access to the Finnish seed gene bank material is carried out by joint Nordic Genetic Resource Center, NordGen, in Alnarp Sweden, under the relevant material transfer agreements defined according to IT-Treaty and Nagoya protocol. (see link <https://www.nordgen.org/en/plants/seed-potato-request/material-transfer-agreements/>)

MTA agreements to enable accessibility to the accessions of nationally conserved, vegetatively propagated plant genetic resources held in the field collections in Luke, are under development at the moment. This work has been done in a working group coordinated by the National Plant Genetic Resources Programme in Luke. Working group is consisted of members of Luke and Ministry of Agriculture and Forestry (relevant Luke researchers, officials of the Ministry and a lawyer of each

organization). This work started during last year, and MTA's are supposed to be ready for use during this year.

Previously material has been occasionally delivered under research agreements.

(b) Indigenous peoples and local communities and relevant organisations to provide information on customary laws and the development of community protocols and procedures in relation to access to traditional knowledge associated with genetic resources and the fair and equitable sharing of benefits arising out of the utilization of such knowledge.

The development of procedures in relation to access to traditional knowledge associated with genetic resources is still under way. The Finnish Sámi Parliament has held hearings in order to gather viewpoints on how to protect and administrate the Sámi cultural heritage.

National legislation

According to the Act on the Implementation of the Nagoya protocol to the Convention on Biological Diversity (394/2016) Section 6: (1) The Sami Parliament manages a database in which traditional knowledge of the Sami people associated with genetic resources intended for research and development purposes can be recorded. (2) The Sami parliament shall provide notification to the competent authority of the genetic resources that the knowledge in the database concerns; and section 7: Access to traditional knowledge of the Sami people associated with genetic resources (1) The right to access the knowledge in the database referred to in section 6 is applied for from the competent authority. The application shall specify the genetic resource concerned, the purpose of use of the knowledge associated with it and the user. The competent authority shall notify the Sami Parliament of the application. (2) The delivery of knowledge from the database to the user requires that the competent authority approves the mutually agreed terms between the Saami Parliament and the user. The Sami Parliament may require fair and equitable sharing of benefits arising from the utilization of the knowledge to be delivered to the Sami people in a way that this promotes the language and culture of the Sami people and their position as an indigenous people. (3) Where necessary, the competent authority shall negotiate with the Sami Parliament on the mutually agreed terms. The provisions on the obligation to negotiate in section 9 of the Sámi Parliament Act (974/1995) apply to the negotiations.