

THE **ABS**
CAPACITY
DEVELOPMENT
INITIATIVE



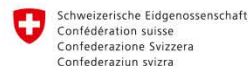
L'INITIATIVE DE
RENFORCEMENT
DES CAPACITES
POUR L'**APA**

ABS monitoring and compliance process simulation

***Global Capacity-building Workshop on Monitoring the Utilization of
Genetic Resources under the Nagoya Protocol***
*30 September to 2 October 2019,
Hilton Hotel, Bonn, Germany*

Peter Schauerte, ABS Capacity Development Initiative

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State Secretariat for Economic Affairs SECO

and implemented by



“From the No-Bug-Tree to a pesticide”

A fictional ABS case from the ABS permit to the Checkpoint Communiqué and the respective follow-up action

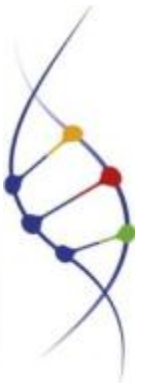


Introduction

- No real practical examples how national ABS systems share information through ABSCH yet
- Increasing number of IRCCs but very few CPCs
- Still challenging to understand how the pieces fit together to enable countries to monitor utilisation

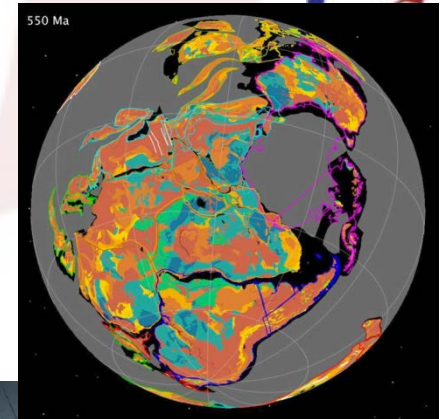
Hypothetic ABS case

- All information (names, dates, actions, etc.) are fictional
- From ABS permit to benefits
- Objective: understanding how national ABS systems share information through the ABSCH



Gondwana Land (GL)

- Vast country with high rate of endemism
- Access to Genetic Resources and Associated Traditional Knowledge Act (2015)
- CNA receiving access demands and giving permits in place
- Mysterious No-Bug-Tree
 - Endemic
 - Known for never having any insects on its leaves
 - Phenomenon is well described in literature
 - Highest known tree density in No-Bug-Tree-Village
- Leaf Harvesting Cooperative (LHC) harvests the leaves for local market

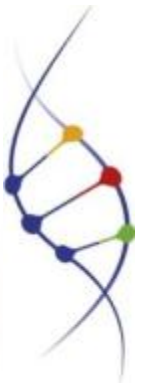


Europa (EP)

- Small island in the North Sea
- ABS compliance act (2016), access and benefit sharing not regulated
- CNA and respective checkpoints in place
- Strong decline in agricultural production due to insect calamities



Pesticide Producers Europa Ltd. (PPE)

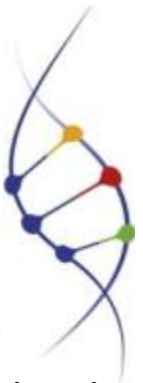


- Registered in Europaia
- > 1000 employees
- Specialized in developing eco-friendly, organic pesticides based on natural ingredients



How everything started....

- PPE did literature review in 2015
- Stumbled across the insect repelling properties of the No-Bug-Tree
- Decided to analyse the insect repelling properties of the No-Bug-Tree leaves aiming at the development of a new organic pesticide
- Looked up ABS procedure and contact information for the CNA/NFP on the ABSCH in late 2015

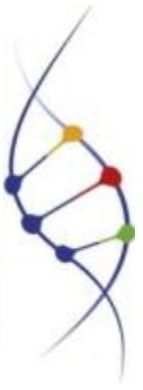


2015 | Lit. review

2015 | Contact CNA

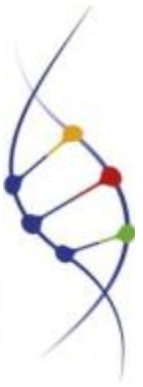


Parameters of the ABS case



- Provider country: Gondwana Land (GL), ABS act (2015)
- Provider: Leaf Harvesting Cooperative (LHC) from No-Bug-Tree Village
- User country: Europia (EP), ABS compliance act (2016)
- User company: Pesticide Producers Europe Ltd. (PPE), registered in Europia
- Genetic resource accessed: Leaves of the Gondwana No-Bug-Tree (*Arborus exinsectus*)
- aTK accessed: No
- Utilization: Analysis of the genetic and/or biochemical components of the leaves of the Gondwana No-Bug-Tree in order to develop a new pesticide.

Start of the actual process simulation...



Overview

1) Access demand, MAT and PIC

GL

2)
Permit

GL

3)
IRCC

GL
ABSCH

4)
Utilization

EP

5)
CPC

EP

6)
Compar-
ison

GL

7)
Follow-up
action

GL
EP

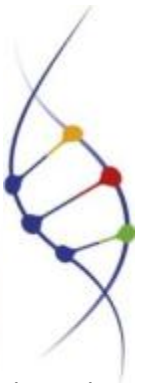
Remedial action /
sanctions

Demand for more
information

No further action
needed



Step 1: Access demand, MAT and PIC



- National processes regarding access demand, MAT and PIC can vary greatly
- Starting point for this process simulation is thus when MAT and PIC do exist already (obtained in early 2016)
- PPE demands a permit to utilize the GR and/or aTK in mid 2016

<u>2015</u>	<u>Lit. review</u>
<u>2015</u>	<u>Contact CNA</u>
<u>2016</u>	<u>PIC, MAT</u>



1) Access demand, MAT and PIC

GL



Gondwana Land CNA gives a permit according to national regulations in late 2016

- containing the minimum information necessary for an IRCC

<u>2015</u>	<u>Lit. review</u>
<u>2015</u>	<u>Contact CNA</u>
<u>2016</u>	<u>PIC, MAT</u>
<u>2016</u>	<u>Permit</u>

Step 2: Permit



Mandatory information:

- Country issuing the permit: **GL**
- Entity issuing the permit or its equivalent: **GL CNA**
- Permit reference number: **GL 123**
- Provider: **(LHC)***
- Confirmation that PIC was granted: **Yes**
- User to whom PIC was granted: **(PPE)***
- Confirmation that MAT were established: **Yes**
- Subject matter or GR: **(No-Bug-Tree)***
- Info on utilization: **(commercial)***

*: can be confidential

Competent National Authority 1	Gondwana Land
Capital City	
PO Box: 1	
PERMIT FOR ACCESS TO AND UTILISATION OF GENETIC RESOURCES AND/OR ASSOCIATED TRADITIONAL KNOWLEDGE AND EXPORT IF APPLICABLE	
Reference number of the permit or its equivalent: <i>GL 123</i>	
Date of issuance of the permit: <i>24.12.2016</i>	
PIC Information	
Name and contact of provider (can be confidential): <i>LeafHarvesting Cooperative, represented by Ms. Who;</i> <i>Tel: 0000 - (2) - 123 456 789</i>	
Confirmation that PIC was obtained: <i>Yes</i>	
Person or entity to whom PIC was granted (can be confidential): <i>Pesticide Producers Europia Ltd. (PPE), represented by Ms. Where;</i> <i>Tel: 0000 - (1) - 234 567 8910</i>	
MAT Information	
Confirmation that MAT were established: <i>Yes</i>	
Subject matter or GR covered by the permit or its equivalent (can be confidential): <i>Leaves of the Gondwana No-Bug-Tree, Arborus exinsectus, for the development of a new pesticide.</i>	
Information on the utilization of the GR	
Indicate if the permit or its equivalent covers commercial and/or non-commercial use (can be confidential): <i>Commercial use</i>	
 Eduard Suess, President CNA Gondwana Land	 Stamp

1) Access demand, MAT and PIC

GL

2)
Permit

GL



Gondwana Land CNA enters relevant information from the permit into the ABSCH in early 2017

➤ ABSCH automatically generates an Internationally Recognized Certificate of Compliance (IRCC)

PUBLISHED: 04.01.2017

General information

Country

Gondwana Land

PARTY TO THE NAGOYA PROTOCOL

ENTRY INTO FORCE: 12 OCT 2014

ABSCH Unique Identifier

ABSCH-IRCC-GL-123456-1

Issuing Authority (the authority responsible for issuing this permit)

- Competent National Authority: ABSCH-CNA-GL-111111-1

COMPETENT NATIONAL AUTHORITY

Competent National Authority 1

Capital City

PO Box1,

Gondwana Land

Phone: 0000 (2) 987654321

Email: ABS@cna-gondwanaland.gov

ABSCH-CNA-GL-111111-1

Details of the permit or its equivalent

Reference number of the permit or its equivalent

GL 123

Date of issuance of the permit or its equivalent

24 Dec 2016

Prior Informed Consent (PIC) Information

Confirmation that prior informed consent was obtained or granted

Yes

Step 3: IRCC

Information contained in the IRCC:

- Country issuing the permit: **GL**
- UID:
ABSCH-IRCC-GL-123456-1
- Entity issuing the permit or
its equivalent: **GL CNA**
- Permit reference #: **GL 123**
- Date of permit issuance:
24.12.2016
- Confirmation that PIC was
granted: **Yes**



The provider (the person or entity that holds the right to grant access to the genetic resources in accordance with domestic legislation)

- Organization: Leaf Harvesting Cooperative

ORGANIZATION

Leaf Harvesting Cooperative

Other

Bugroad 1

12345 No-Bug-Tree Village,,

Gondwana Land

Email: contact@lhc.org

Person or entity to whom prior informed consent was granted

- Organization: Pesticide Producers Europa Ltd. (PPE)

ORGANIZATION

Pesticide Producers Europa Ltd. (PPE)

Private sector (business and industry)

European Street 04

12345 Industrial Park,

Europa

Email: director@ppe.org

Mutually Agreed Terms (MAT) Information

Confirmation that mutually agreed terms were established

Yes

Subject-matter or genetic resource(s)

Subject-matter or genetic resources covered by the permit or its equivalent

Leaves of the Gondwana No-Bug-Tree, *Arborus exinsectus*

Information on the utilization of the genetic resource(s)

Type of use allowed by the permit or its equivalent

Commercial

Amendment history

Unique identifier

[ABSCH-IRCC-GL-123456-1](#)

Status

PUBLISHED

Step 3: IRCC

Information contained in the IRCC:

- Provider: (**LHC**)*
- User to whom PIC was granted: (**PPE**)*
- Confirmation that MAT were established: **Yes**
- Subject matter or GR: (**No-Bug-Tree, *Arborus exinsectus***)*
- Type of use: (**commercial**)*



2015	Lit. review
2015	Contact CNA
2016	PIC, MAT
2016	Permit
2017	IRCC



*: can be confidential

1) Access demand, MAT and PIC

GL

2)
Permit

GL

3)
IRCC

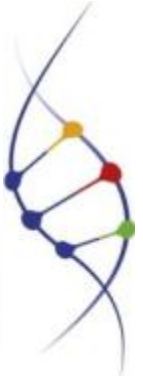
GL



PPE starts utilization in Europa in February 2017

Step 4: Utilization in Europia

- Once the permit/IRCC has been obtained, PPE harvests and exports the leaves of the Gondwana No-Bug-Tree
- After 2 years of research and product development, PPE finally comes up with an organic pesticide based on the leaves of the Gondwana No-Bug-Tree in early 2019
- „No-Bug-Pesticide“



2015	Lit. review
2015	Contact CNA
2016	PIC, MAT
2016	Permit
2017	IRCC
2017	Utilization
2019	Product

1) Access demand, MAT and PIC

GL

2)
Permit

GL

3)
IRCC

GL

4)
Utilization

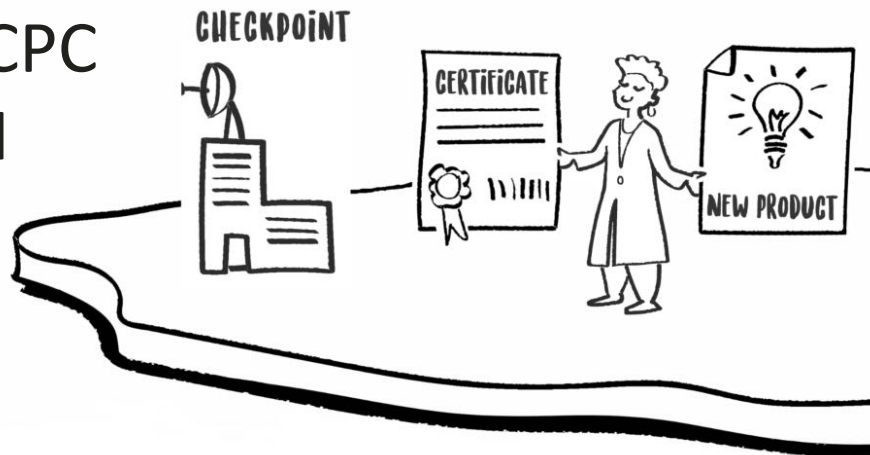
EP

PPE applies for market approval in mid 2019



Step 5: Checkpoint Communiqué (CPC)

- While applying for market approval, the user is detected by a checkpoint (e.g. last stage of product development; see ABS Compliance Act of Europaia, 2016)
- Checkpoint asks user for relevant information
- Checkpoint fills in CPC form on the ABSCH



2015	<u>Lit. review</u>
2015	<u>Contact CNA</u>
2016	<u>PIC, MAT</u>
2016	<u>Permit</u>
2017	<u>IRCC</u>
2017	<u>Utilization</u>
2019	<u>Product</u>
2019	<u>CPC</u>

PUBLISHED: 03 SEP 2019

General information

Country issuing this checkpoint communiqué

Europaia PARTY TO THE NAGOYA PROTOCOL ENTRY INTO FORCE: 12 OCT 2014

Title of this checkpoint communiqué

CPC on Permit GL 123 issued by Gondwana Land for Pesticide Producers Europaia Ltd. (PPE)

Checkpoint/s that collected or received the information

☒ ABSCH-CP-EP-222222-1 | Checkpoint Market approval authority checkpoint

Recipients of the Checkpoint Communiqué

Note: The ABS Clearing-House does not guarantee the receipt of automatically generated emails.

- Competent National Authority: ABSCH-CNA-GL-111111-1

COMPETENT NATIONAL AUTHORITY

Competent National Authority 1

Capital City

PO Box1,

Gondwana Land

Phone: 0000 (2) 987654321

Email: ABS@cna-gondwanaland.gov

☒ ABSCH-CNA-GL-111111-1

Information Collected or Received at the Checkpoint

Reference number(s) of the internationally recognized certificate(s) of compliance that relate(s) to this communiqué

☒ ABSCH-IRCC-GL-123456-1 | Internationally Recognized Certificates of Compliance GL 123

Information on the utilization of the genetic resource(s)

Short description of the information collected or received by the checkpoint relevant to the utilization of genetic resources

Development of an organic pesticide based on the No-Bug-Tree; analysis of the bio-chemical composition

Step 5: Checkpoint Communiqué (CPC)

Mandatory info for the CPC:

- Issuing Country: **Europaia**
- Title: **CPC on Permit GL 123 issued...**
- CP that collected info: **Market approval authority checkpoint**
- Recipients of the CPC: **GL CNA, GL NFP, EP CNA, PPE**
- UID: **ABSCH-IRCC-GL-123456-1**
- Short description of info collected, including the type of use: **Development of an organic pesticide based on the No-Bug-Tree; analysis of the bio-chemical composition**



1) Access demand, MAT and PIC

GL

2)
Permit

GL

3)
IRCC

GL

4)
Utilization

EP

5)
CPC

EP

CPC is automatically sent to relevant actors



Step 6: Comparison CPC – IRCC/MAT

Gondwana Land CNA compares CPC with original permit, PIC and MAT in national data bank



Step 6: Comparison CPC – IRCC/MAT

Gondwana Land CNA compares CPC with original permit, PIC and MAT in national data bank



Identification of the corresponding permit can be done through

➤ UID of IRCC



Step 6: Comparison CPC – IRCC/MAT

Gondwana Land CNA compares CPC with original permit, PIC and MAT in national data bank



Identification of the corresponding permit can be done through

➤ UID of IRCC



➤ In case no IRCC is available: permit number

Step 6: Comparison

Three overall outcomes possible:

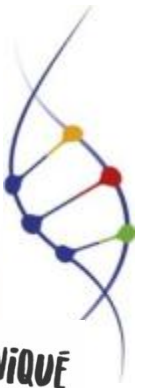
1. Documents match



Step 6: Comparison

Three overall outcomes possible:

1. Documents match
2. More information needed
3. Documents don't match



1) Access demand, MAT and PIC

GL

2)
Permit

GL

3)
IRCC

GL

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ison

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Results of the comparison are sent to
EP NFP/CNA and/or PPE

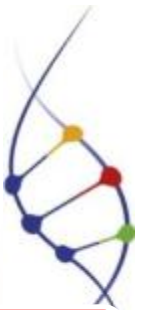
Documents don't
match

More information
needed

Documents match



Step 7: Follow-up action



1) Documents (CPC and permit/IRCC) match

GL CNA can inform Europa NFP/CNA about full match:

- no further action needed

2) More information is needed

GL CNA contacts PPE and/or Europa NFP/CNA for more information:

- a) if match > Outcome 1
- b) if no match > Outcome 3

3) Documents (CPC and permit/IRCC) don't match

GL CNA informs Europa NFP/CNA about the detected mismatch:

- Europa NFP/CNA informs PPE about the detected mismatch

If PPE cannot resolve the mismatch:

- Europa NFP/CNA orders remedial action and/or applies sanctions according to national legislation
- GL CNA can order remedial action and/or apply sanctions on the national level

In case of alleged breach, provider can pursue legal action according to the compliance and settlement dispute clauses in the MAT. User NFP/CNA usually does not play a role in MAT enforcement.



1) Access demand, MAT and PIC

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ison

GL

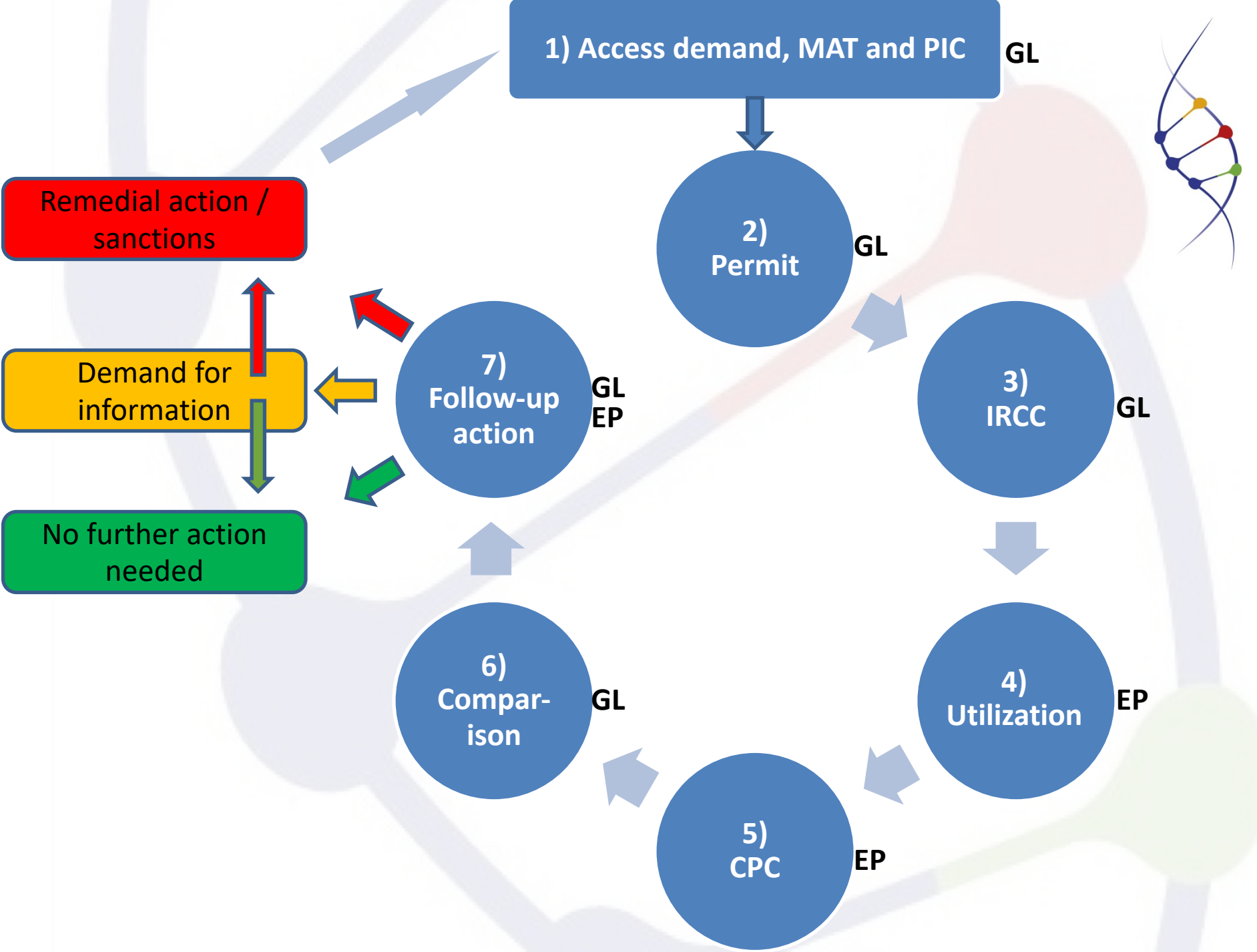
7)
Follow-up
action

GL
EP

Remedial action /
sanctions

Demand for
information

No further action
needed



Back to the No-Bug-Tree case

- Comparison resulted in full match
- Market approval was granted
- Commercial success of No-Bug-Pesticide
- benefits of pesticide sales are transferred yearly to the Leaf Harvesting Cooperative (50%) and the community council (50%)
- Cooperative is funding school fees of member's children and doubled the sustainably managed area for leaf harvesting in one year
- Community council has invested in a local hospital



2015 | Lit. review



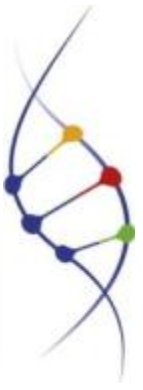
2019 | Comparison

2019 | Green light

2020 | Benefits



Lessons learnt



- All information on the ABS system (legal and administrative measures, permit information, etc.) needs to be uploaded to the ABSCH
- National data base essential (comparison of CPC with respective permit, PIC and MAT)
- User CP/NFP does not play a role in MAT enforcement
- Contracts need to be legally waterproof to be enforceable
- Compliance measures needed in all countries
- Insect calamity >



Thank you for your attention!

To the questions...



... for more information on ABS and
the ABS Capacity Building Initiative

www.abs-initiative.info

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