**COUNTRY PRESENTATION TEMPLATE**

# Global workshop on monitoring utilization of genetic resources under the Nagoya Protocol

Bonn, Germany , September 30 to October 2 2019

Convention on Biological Diversity

Japan Biodiversity Fund 生物多様性日本基金

Federal Ministry for the Environment, Nature Conservation and Nuclear Safety

# ABSCH

# ABSCH

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

## ABS Clearing-house : << Bhutan >>

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- We have not published all but some of them…
  - ABS National Focal Point
  - Competent National Authority
  - National Authorized User
  - Legislative , Administrative or Policy Measures
  - ABS Access measures (ABS toolkit)
  - Designated ABS Checkpoints
  - Interim National Reports on the Implementation of the Nagoya Protocol

To create platform to exchange information on access and benefit-sharing established by Article 14 of the Nagoya Protocol

# ABS Clearing-house : Brazil

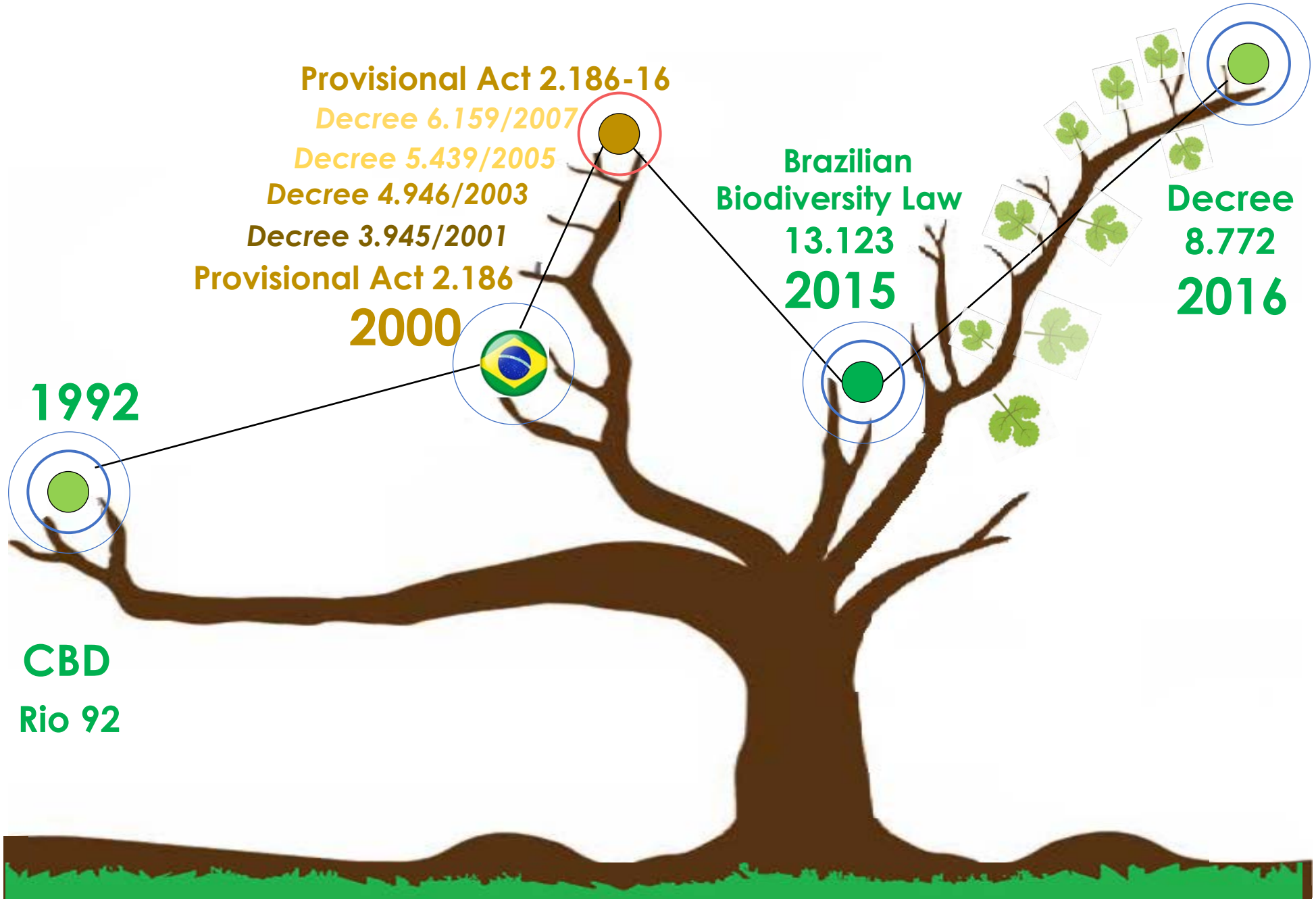
**1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.**

- **Brazil -** one of the most **active players** in ABS negotiations in international forums

- Brazil **pioneered** in the national implementation of ABS principles:
  - ✓ Provisional Act 2186-16/2001
  - ✓ Law 13,123/2015

- **CBD Party since May 29, 1994**,
  Nagoya Protocol Non Party
  (under analysis in the Brazilian National Congress)

# ABS Clearing-house : Brazil

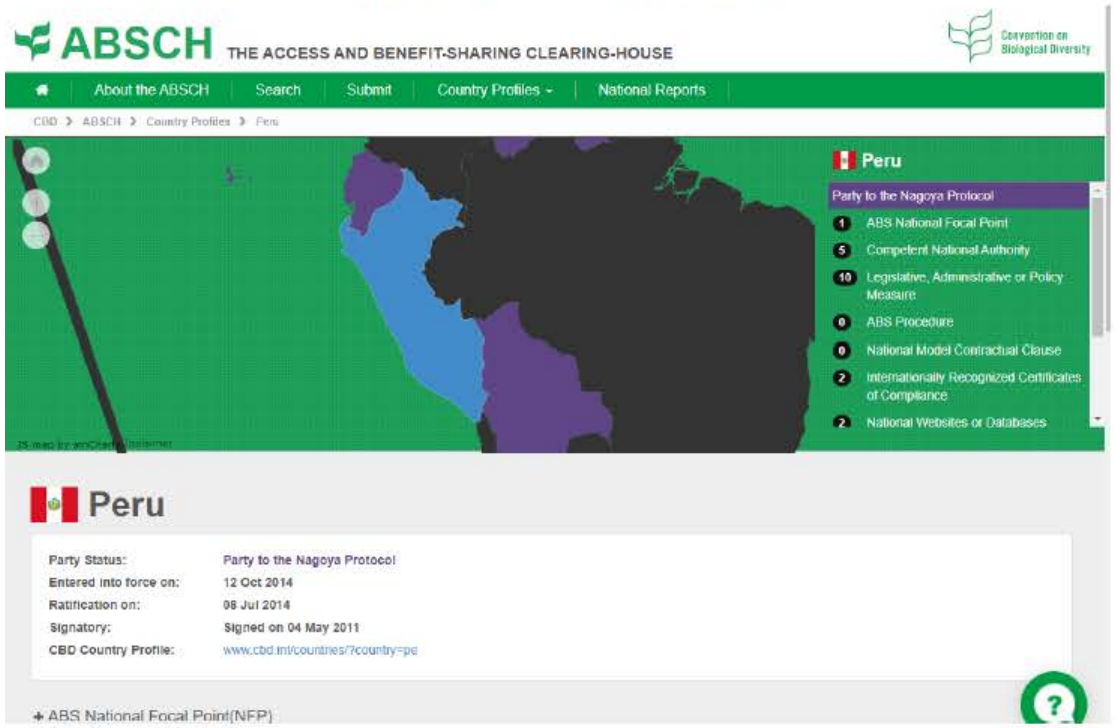


# ABS Clearing-house : PERU

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

Most of the ABS information available in Peru has been included in the platform. The information not included is the following:

- The regional regulations. It is not possible to deploy an option to link the Andean regional regulations (Decision 391) to the 4 associated countries.
- Access authorizations. Not all access contracts issued by the Competent Authorities have been notified to the Nagoya Focal Point.



# ABS Clearing-house : << Tajikistan>>

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- **The below information is published:**

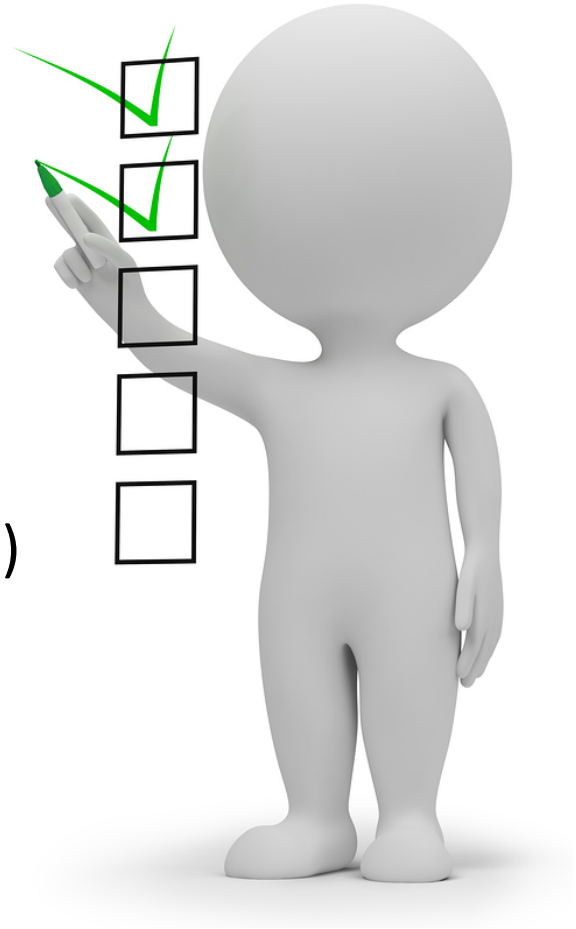
  + ABS National Focal Point

  + Competent National Authority (CNA)

  + National Websites or Databases (NDB)

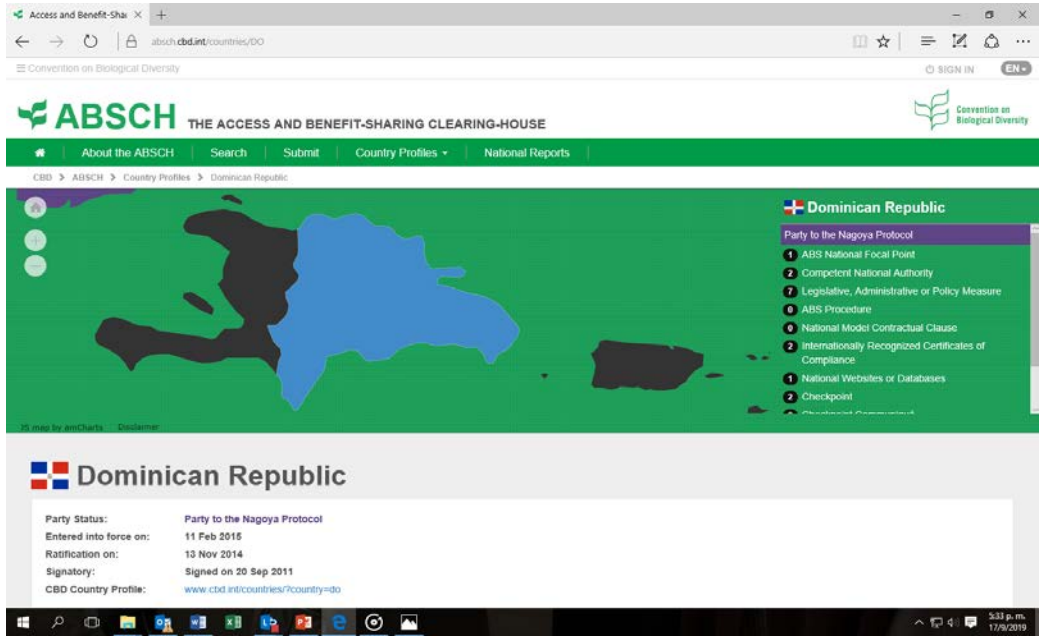
  + Interim National Reports on the Implementation of the Nagoya Protocol (NR)

- **The remaining information is under development.**



# ABS Clearing-house : Dominican Republic

**1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.**






✓ **Yes**, it has.



✓ We have published: **ABS Procedures, Legislative, Administrative and Policy Measures**, etc.

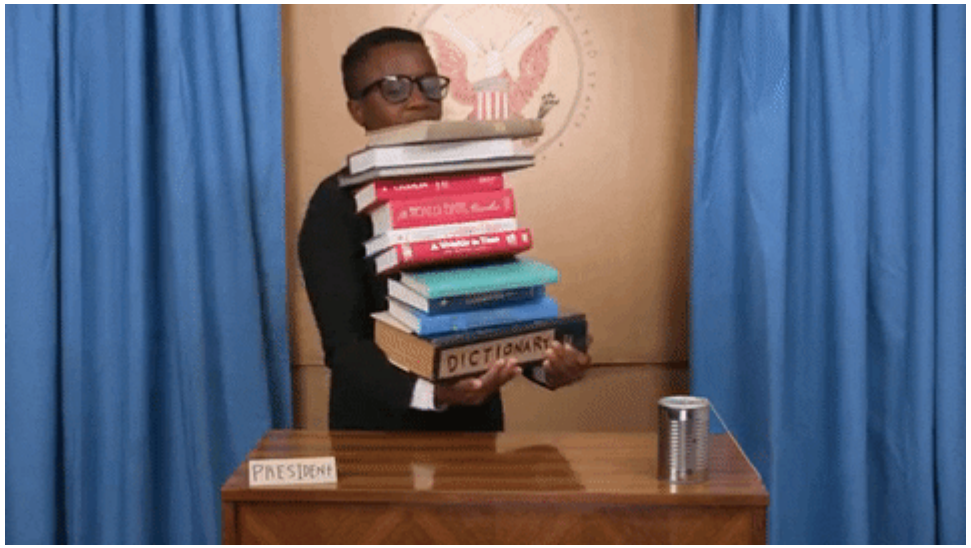
✓ We also have an **Internationally Recognized Certificate of Compliance.**

✓ **Necessary amendments** have been made…

# ABS Clearing-house : Antigua and Barbuda

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- Antigua and Barbuda has not published all the required information
  - This is not from a lack of the necessary information but rather time constraints
  - Small department with lots of projects!



## ABS Clearing-house : << Lao PDR >>

### 1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

Lao PDR has published relevant ABS information in the Access and Benefit Sharing Clearing House. Those of them are ABS National Focal Point; Competent National Authority; legislative, administrative and national framework on access and benefit sharing and interim report of national implementation of the Nagoya Protocol. Additionally, permits or their equivalent issued at the time of access as evidence of the decision to grant prior informed consent and of the establishment of mutually agreed terms in the form of Certificate of Compliance (IRCC).

However, some information is not available in the clearing house including ABS procedure, model contractual clauses, checkpoints, checkpoint communique and national database. These information is missing due to the country is in the process of stakeholder consultation and pilot implementation. To be more concreate, Lao PDR developed a draft regulatory regime and administrative systems for ABS, which have yet to be adopted. In the absence of regulations and a formal administrative system, the CNA created an administrative procedure that enables it to handle requests for access to genetic resources on a case-by-case basis

# ABS Clearing-house : Republic of Moldova

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

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## The Republic of Moldova has portals on CBD and ABS:

- https://biodiversitate.md/
- http://chm.biodiversitate.md/information/F1046684686



- **National CHM for the Republic of Moldova**
- **Convention on Biological Diversity**

❑ **Genetic resources, EC ABS portal, EC Biotechnology**

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- **Responsible for the CBD and ABS Clearing-house portal is the Biodiversity Office, which is a subdivision of the Ministry of Agriculture, Regional Development and Environment.**
- **The portals exist but there is no information about the ABS mechanism.**

# ABS Clearing-house : << Belarus >>

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

Belarus has published the information required by the Nagoya Protocol.

The following documents have not been published:

National Model Contractual Clauses are under development and possible options are discussed with lawyers.

Communiqué (in connection with the transfer of genetic resources) – the legal relevance (significance) of this document is not entirely clear. The Secretariat’s clarification is required.

# ABS Clearing-house : Austria

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- Austria has published all at the moment available information
  - Competent National Authority
  - Legislative, Administrative or Policy measure
  - National Websites or Databases

    http://www.biodiv-abs.at/

    http://www.biologischevielfalt.at
  - Interim National Reports

- Why? Transparency of information and data is essential for the implementation of the Nagoya Protocol

# ABS Clearing-house : COSTA RICA

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

As a Non-Party yet, Costa Rica has published the information developted about the ABS framework, but not about specific permits



# ABS Clearing-house : << Ecuador>>

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

| | |
|---|---|
| Ecuador has published all the legal information that is vigent in the ABSCH. | National Biodiversity Strategy 2015- 2030 |
| | Standard that regulates the procedure for the suscription of framework contracts for access to genetic resources. |
| | Código Orgánico del Ambiente |
| | Código orgánico de la Economía Social de los Conocimientos, Creatividad e Innovación. |
| | Regulation of the common regime on access to genetic resources |
| | Reglamento al Código Orgánico de la Economía Social de los Conocimientos, Creatividad e Innovación. |
| Ecuador has not published any certificate | Ecuador has not suscribed any ABS contract. |

# ABS Clearing-house : Poland

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

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Introductory information:

Poland is not a party to the NP yet.

We do not regulate access to our genetic resources nor to the traditional knowledge **but** we do have a detailed compliance system in place in accordance with the EU Regulation No. 511/2014.

- Information published on the ABS CH:
  - ABS National Focal Point
  - CNA
  - 4 Legislative, Administrative or Policy Measures
  - 1 Checkpoint
  - Interim National Report

# ABS Clearing-house : INDIA

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

| | |
|---|---|
| **Legislative, Administrative and Policy Measures** |  |
| **Information on NFP and CNA** |  |
| **Permits or their Equivalents** |  |

# ABS Clearing-house : Seychelles

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- The country has not published all the requested information.
- Reasons for not publishing
  - Publishing Authority was not engaged and has changed roles and functions
  - Lack of coordination between the various parties (Publishing Authority, CNA and ABS FP)
  - Fragmentation of information (Permit & MTA)
  - Permit only gives permission to conduct non-commercial research and all conditions for access are only stipulated in MTA (Confidentiality)

# ABS Clearing-house : << Cameroon>>

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

1. **NATIONAL ABS STRATEGY**

**ENTRY INTO FORCE: 15 AUG 2012 UNTIL 15 AUG 2020**

2. **NATIONAL ABS ACTION PLAN**

**ADOPTION: 19 AUG 2016 UNTIL 23 AUG 2019**

3. **LOI N° 94-01 DU 20 JANVIER 1994 - PORTANT REGIME DES FORETS, DE LA FAUNE ET DE LA PECHE**

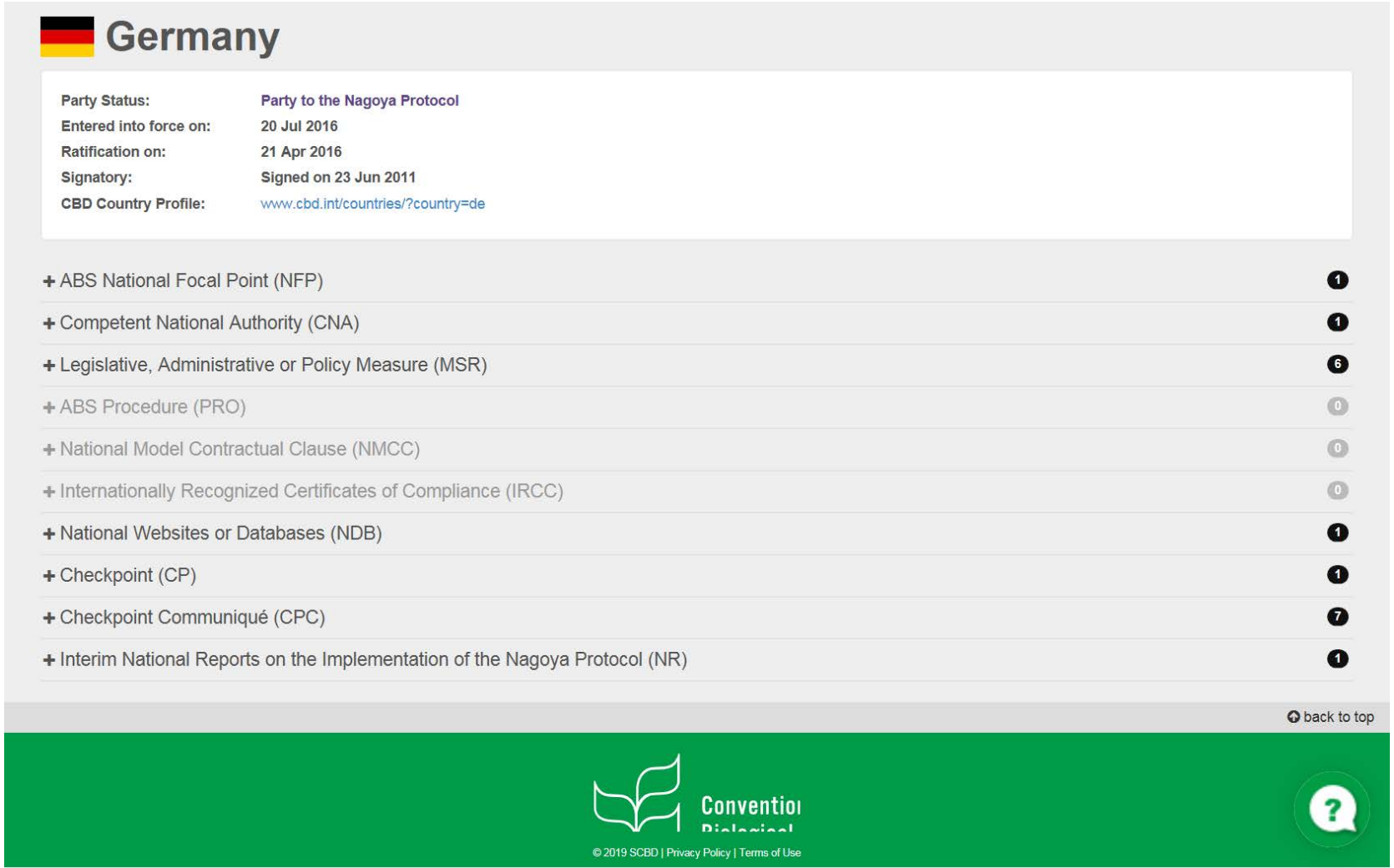
**ENTRY INTO FORCE: 22 JAN 1994**

**TO RESPECT HIS ENGAGEMENT TO THE CONVENTION**

# ABS Clearing-house : Germany

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- All information available & **up-to-date**
- No information under PRO, NMCC or IRCC needed as no PIC/MAT required in Germany



# ABS Clearing-house : Saint Kitts and Nevis

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- Saint Kitts and Nevis has published the relevant information on the National Focal Point (NFP) as well as the Competent National Authority (CNA).
- No information has been published under '*Legislative, Administrative or Policy Measure*' as the country has not yet finalized its draft ABS Legislation
- St. Kitts and Nevis has not yet completed its 'Interim National Report on the implementation of the Nagoya Protocol'

# ABS Clearing-house : << República Bolivariana de Venezuela >>

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

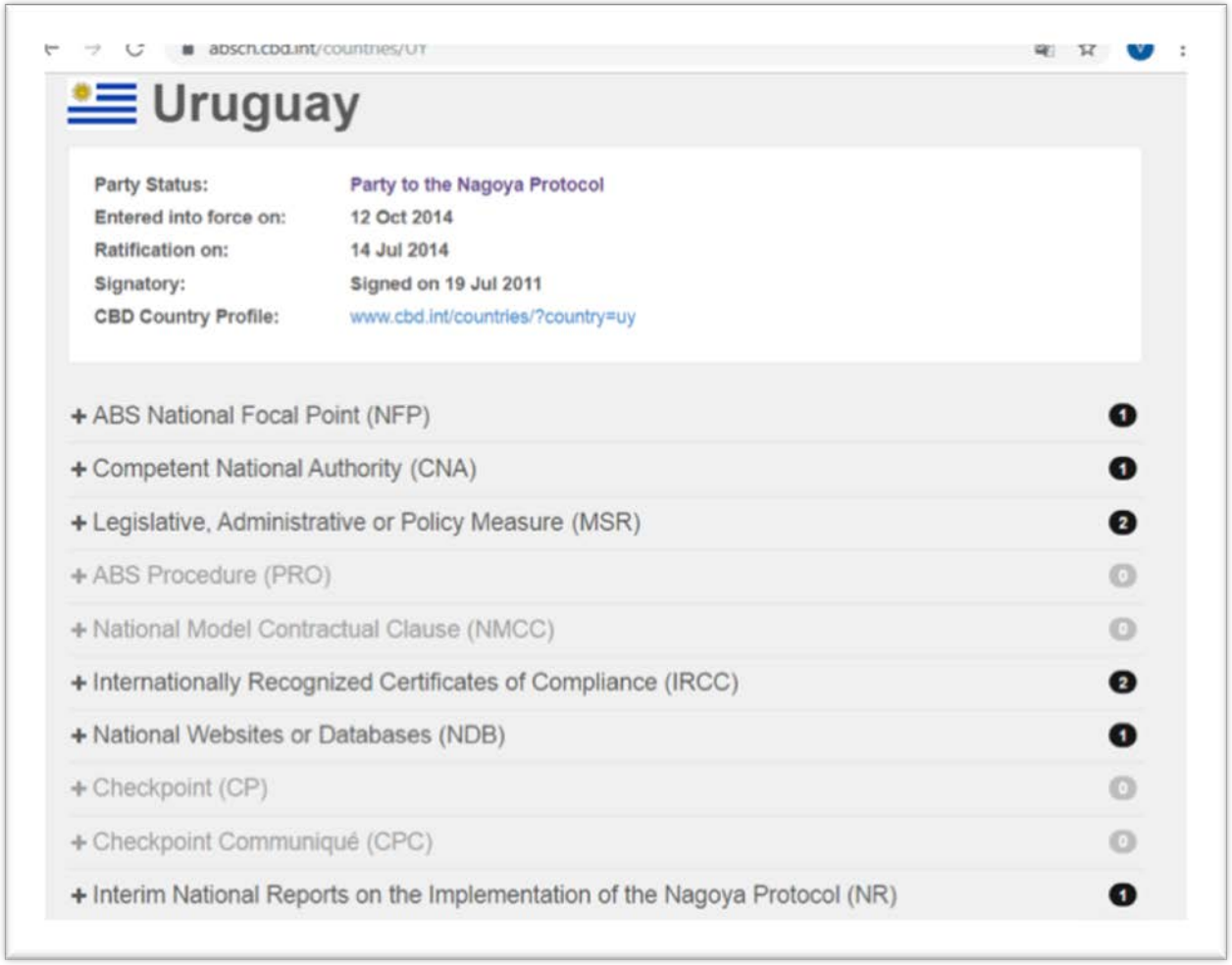
- Our country has published basic ABS information in the ABS Information Exchange Center. Among which the following stands out:



# ABS Clearing-house : URUGUAY

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

All the available information has been published at the ABSCH and is updated as new information or documentation is generated.

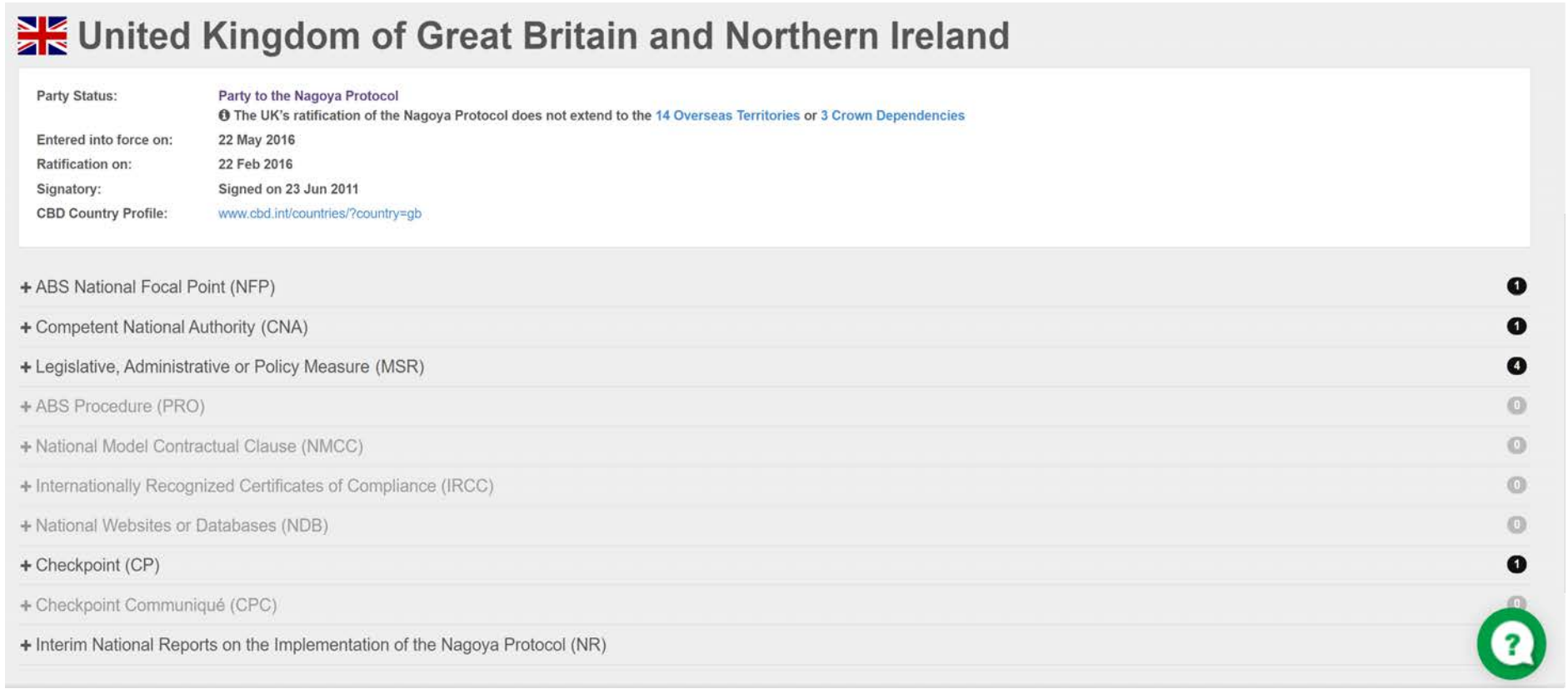


# ABS Clearing-house : United Kingdom

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

Yes!

Why? Because Article 14 says we have to.



# ABS Clearing-house : Switzerland

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

Yes, we did publish the required information.

Why? The ABS Clearing House is an crucial instrument for implementation of the NP.

## ABS Clearing-house : 

1. **Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.**

- Yes.
- South Africa has published all available ABS information on the ABS Clearing House, such as:

➢ National Focal Point
➢ Competent National Authority
➢ Checkpoint
➢ Internationally Recognised Certificate of Compliance
➢ National ABS Measures
➢ Interim National Report
➢ Reference Records.

## ABS Clearing-house : << Serbia>>

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

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All available information are already published on ABC CHM. Unfortunately, the amount of information is very small because there are no ABS regulation at the national level. The Republic of Serbia ratified 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 in September 2018. Protocol entered into force for Serbia on 28 January 2019.

Implementation of Nagoya Protocol will be fully in place in 2020, after the revision of the national legislation related to nature protection.

# ABS Clearing-house : SENEGAL

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

NON

- Certaines dispositions requises dans le cadre du protocole de Nagoya ne sont pas encore disponibles.
- Il s'agit entre autres du cadre institutionnel et réglementaire (Autorité nationale Compétente, les textes législatis de mise en oeuvre, etc.)

NO

- Some provisions required under the Nagoya Protocol are not yet available.
- These include the institutional and regulatory framework (Competent National Authority, implementing legislation, etc.)

# ABS Clearing-house : Rwanda

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- No
- Rwanda ABS Clearing House is in process to be established
- Most of information is yet to be validated
- There are Ministerial Orders (draft) on ABS and its annexes

# ABS Clearing-house : Pakistan

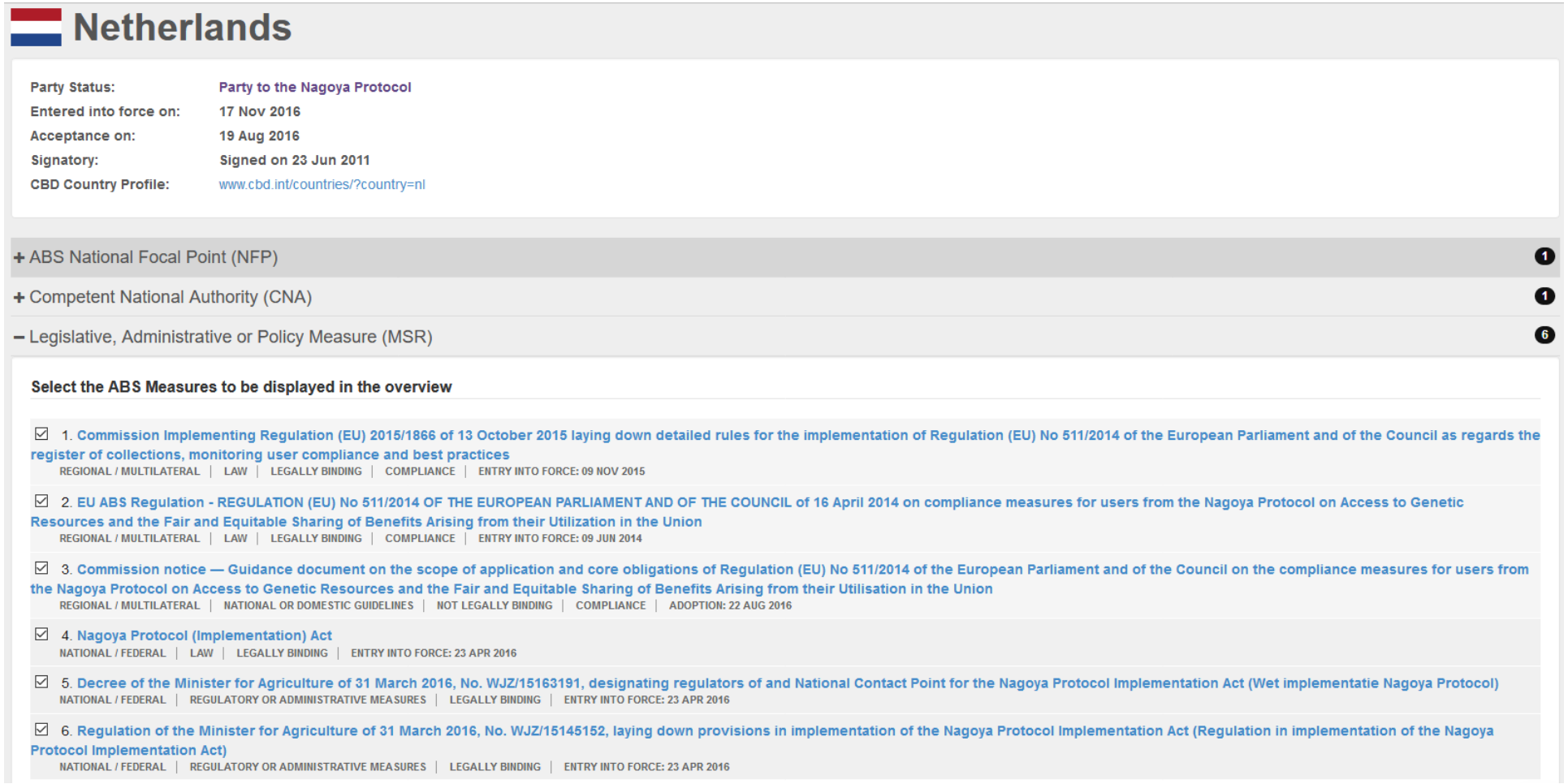
1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- Pakistan submitted its Interim National Report that has been published on ABS CH
- As the institutional and legal arrangements to implement the Nagoya Protocol are not yet in place no significant information exists that needs to be made available at the website of ABSCH

# ABS Clearing-house : The Netherlands

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- Yes. No access legislation in the Netherlands. National legislation translated in English.



## Netherlands

| | |
|---|---|
| Party Status: | Party to the Nagoya Protocol |
| Entered into force on: | 17 Nov 2016 |
| Acceptance on: | 19 Aug 2016 |
| Signatory: | Signed on 23 Jun 2011 |
| CBD Country Profile: | www.cbd.int/countries/?country=nl |

+ ABS National Focal Point (NFP) 1

+ Competent National Authority (CNA) 1

– Legislative, Administrative or Policy Measure (MSR) 6

**Select the ABS Measures to be displayed in the overview**

☑ 1. 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
REGIONAL / MULTILATERAL | LAW | LEGALLY BINDING | COMPLIANCE | ENTRY INTO FORCE: 09 NOV 2015

☑ 2. EU ABS Regulation - REGULATION (EU) 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
REGIONAL / MULTILATERAL | LAW | LEGALLY BINDING | COMPLIANCE | ENTRY INTO FORCE: 09 JUN 2014

☑ 3. Commission notice — Guidance document on the scope of application and core obligations of Regulation (EU) No 511/2014 of the European Parliament and of the Council on the compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation in the Union
REGIONAL / MULTILATERAL | NATIONAL OR DOMESTIC GUIDELINES | NOT LEGALLY BINDING | COMPLIANCE | ADOPTION: 22 AUG 2016

☑ 4. Nagoya Protocol (Implementation) Act
NATIONAL / FEDERAL | LAW | LEGALLY BINDING | ENTRY INTO FORCE: 23 APR 2016

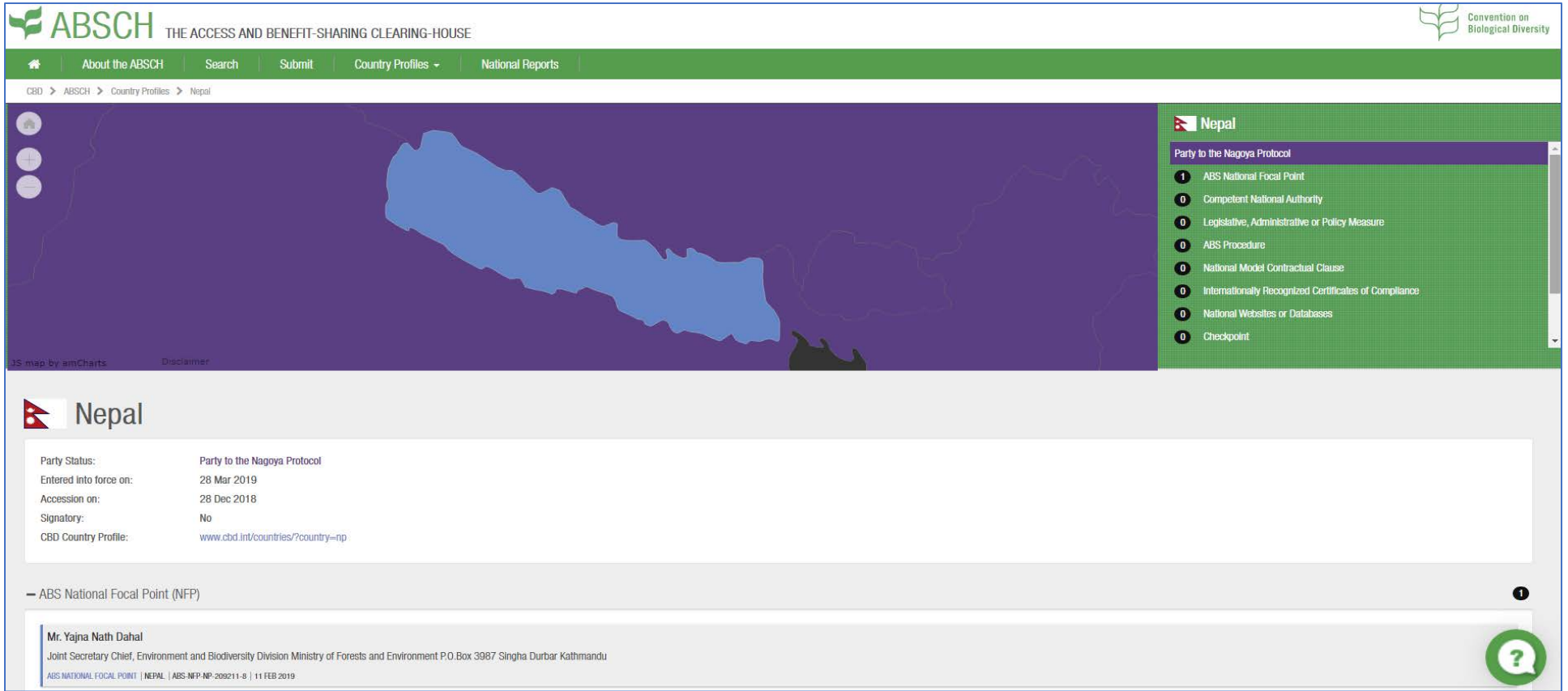
☑ 5. Decree of the Minister for Agriculture of 31 March 2016, No. WJZ/15163191, designating regulators of and National Contact Point for the Nagoya Protocol Implementation Act (Wet implementatie Nagoya Protocol)
NATIONAL / FEDERAL | REGULATORY OR ADMINISTRATIVE MEASURES | LEGALLY BINDING | ENTRY INTO FORCE: 23 APR 2016

☑ 6. Regulation of the Minister for Agriculture of 31 March 2016, No. WJZ/15145152, laying down provisions in implementation of the Nagoya Protocol Implementation Act (Regulation in implementation of the Nagoya Protocol Implementation Act)
NATIONAL / FEDERAL | REGULATORY OR ADMINISTRATIVE MEASURES | LEGALLY BINDING | ENTRY INTO FORCE: 23 APR 2016

# ABS Clearing-house : NEPAL

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- Nepal has only published the information of National Focal Point on ABS-CH
- On 28 March 2019, Nepal became party to the Nagoya Protocol.
- Nepal is in process of finalizing national ABS Bill which will ensure further information



# ABS Clearing-house : MADAGASCAR

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

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- Available information on the ABSCH are:

NFP : name and details

CNA : name of directorate having Biodiversity / ABS in charge, within the Ministry of Environment and Sustainable Development

MSR :

- measure on access to RPGAA related to ITPGRFA (Order n°11567-2017)
- measure on ABS (Decree n°066-2017)

NR : Interim report in November 2017

NDB: linkage with CBD CH

• Information on ABS procedure, National Model Contractual clause will be shortly published on ABSCH, as soon as implementing text of the ABS should be promulgated

ABS Website will be established to complete the NDB , it should contain all national information and events related to ABS (projects, awareness raising, capacity building session, etc.)

# ABS Clearing-house : State of Kuwait

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

# ABS Clearing-house : << KENYA >>

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- Most but not all of the information has been published and this is because the required information is not clearly understood



# ABS Clearing-house : << Jordan >>

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

No,
Because we are still working in preparing of the national frame work on Nagoya protocol through the global project funded by GEF and implemented by UNDP, but we published the project reports on national CHM.

# ABS Clearing-house : Guyana

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- Presently, only partial information required by the Protocol is available on the ABS-CH.
- That includes, information on the NFPs, CNAs, and draft legislation.
- It is important to note no IRCCs have been uploaded.
- This is because the necessary capacity to navigate the ABS-CH and to transfer information from Permit to CH.

# ABS Clearing-house : FRANCE

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- All the available information has been published
- More information will be added regarding some issues that are actually addressed (such as genetic resources of species utilised as models in research and development, that will not fall in the scope of French ABS legislation)
- Some more persons from 2 French overseas territories (New Caledonia and French Polynesia) shall be designated soon as national authorized users as well, given that they have specific ABS measures in these territories.

# ABS Clearing-house : European Union

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

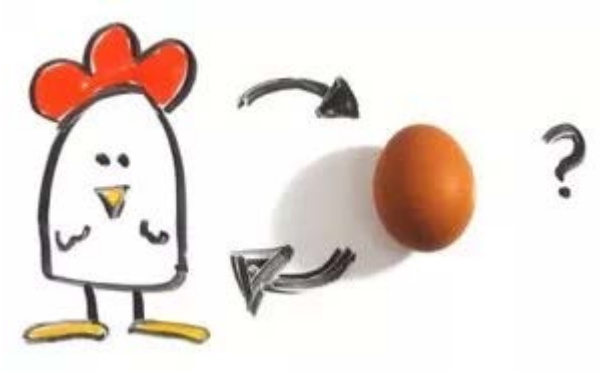
- All relevant law published on the ABS Clearing House:
  - EU ABS Regulation (Regulation (EU) 511/2014)
  - Implementing Regulation (Commission Implementing Regulation 2015/1688)
  - Guidance document (Commission's notice – 2016/C 313/01)

- ABS Clearing House is the primary tool of communication between the Parties

# ABS Clearing-house : Flanders / Belgium

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- Yes (subject to availability)
- Why?
  - key obligation(s) contained in Articles 13 and 14 of the Protocol
  - Very important information for potential users in order for them to be compliant



(Google won’t sort this one out…)

## ABS Clearing-house : << BENIN>>

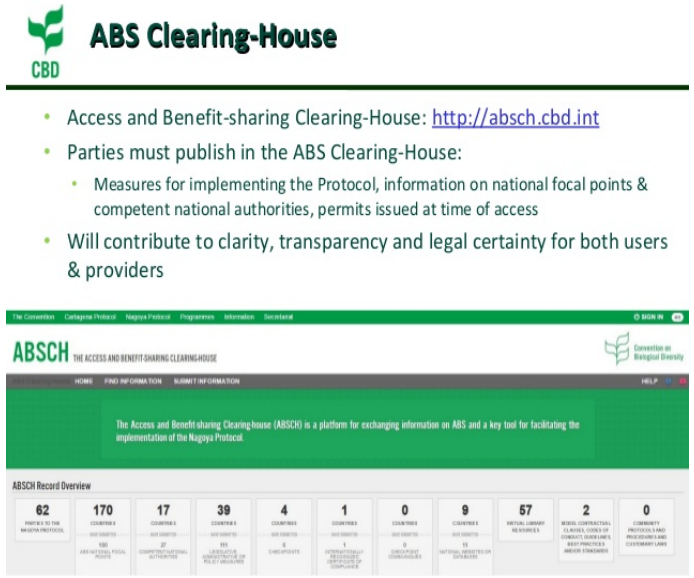
1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- NON
- - Nomination tardive de l'Autorité de Publication (AP)
- - Insuffisance d'information et de compétence sur la façon de poster les informations
- - Site incomplètement traduit dans la langue de travail du Bénin qui est le français
- - Lenteur dans la finalisation et l'officialisation des informations nationales

# ABS Clearing-house : << Côte d'Ivoire>>

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- ❑ Yes I think, my country has published relevant and available ABS information on the ABS Clearing-house;
- ❑ ABS National Focal Point and Publishing Authority are known;
- ❑ Legislative, Administrative or Policy Measures regarding ABS or link to ABS have been published;
- ❑ Concerning awareness activities information, all is not published because of some difficulties found on ABS clearing house process to fill.



# ABS Clearing-house : << Burkina Faso>>

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

- **Identity of Country's ABS National Focal Point and Publishing Authority**
- **Legislatives measures**
- **National CHM web site**
- **National interim report on the implementation of Nagoya protocol**

# ABS Clearing-house : Finland

1. Has your country published all the available ABS information required by the Protocol on the ABS Clearing-house? Please explain why or why not.

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- Finland has published all the available information in the ABSCH
- The ABSCH is significant part of compliance with the protocol and the uploaded information is important for the users of GR as well as the providing countries

ABSCH

# 2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

# ABS Clearing-house : << Bhutan >>

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- National Focal Point and Publishing Authority: Mr. Chencho Dorji, Head of the Bioprospecting and ABS Program, National Biodiversity Centre.
- Alternate Focal Point: Mr. Mani Prasad Nirola, Bioprospecting and ABS Program, National Biodiversity Centre.

Reason: National Biodiversity Centre has been identified to implement ABS regime in the country since 2003.

- Publishing Authority: Mr. Chencho Dorji, Head of the Bioprospecting and ABS Program, National Biodiversity Centre.
- National Authorized User: Mr. Mani Prasad Nirola
  - Plans to designate Checkpoints as NAUs and capacity building.
- Reasons: Relevance of work being alternate focal point. Also being the designated checkpoint

# ABS Clearing-house : Brazil

**2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?**

**National Focal Point:** Ministry of Foreign Affairs
ABS NATIONAL FOCAL POINT (NFP): Environment Division (DEMA1)

**Publishing Authority and National Authorized Users**: N/A

**Competent National Authority:** Genetic Heritage Governing Council (ABSCH-CNA-BR-202009-1)

- ✓ Drafting and implementation of norms related to access to GH, ATK and ABS
- ✓ Deliberations, consultations, norms and appeals
- ✓ 21 Members of Government, Academia and civil society (+ 2 alternates each)
- ✓ 2 Sectoral boards: "Traditional Knowledge Holders" and "Sectoral Board of Academia"

**Why were they chosen?**
Law 13.123/15 and Decree 8.772/16
Revoked Provisional Act. 2.186-16/2001, effective from June 30, 2000

# ABS Clearing-house : << PERU >>

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

## Nagoya Protocol on Access and Benefit-sharing

| | |
|---|---|
| • **General Director of Biological Diversity (DGDB) – Ministry of Environment (MINAM)** | **ABS Nagoya National Focal Point** |
| • **Specialist in Access to genetic resources, DGDB, MINAM** | **Publishing Authority** |
| • **Specialist in Biothecnology, DGDB, MINAM** | **National Authorized User** |

National regulation on ABS is regulated by the Supreme Decree N° 003-2009-MINAM "Regulation of Access to Genetic Resources". This regulation closely follow the main provisions of the Decision 391 of the Andean Community of Nations, and covers all genetic resources for which Peru is the country of origin, as well as their by-products, and the migratory species found for natural reasons in Peruvian territory.

MINAM is the national authority in biological diversity and Nagoya Protocol Focal Point.

# ABS Clearing-house : << Tajikistan>>

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?



**Neimatullo Safarov**
ABS National Focal Point,
Research Laboratory for Nature Protection of the Committee for Environmental Protection under the Government of the Republic of Tajikistan
nsafarov@biodiv.tojikiston.com
biodiv@biodiv.tojikiston.com



**Vladimir Lekarkin**
National Publishing Authority,
Research Laboratory for Nature Protection of the Committee for Environmental Protection under the Government of the Republic of Tajikistan
lekarkinv@hotmail.com
biodiv@biodiv.tojikiston.com

National authorized bodies are not currently identified.

## 2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

**National Focal Point**:

- ✓ ***Ministry of Environment and Natural Resources:***

******Mrs. Marina Hernandez***, Head of the Access to Genetic Resources Department, Biodiversity Direction, Under-Ministry of Protected Areas and Biodiversity



**Publishing Authority**:

- ✓ ***Ministry of Environment and Natural Resources***

**National Authorized User:**

- ✓ ***Ministry of Environment and Natural Resources***

**Why?...**



# ABS Clearing-house : Republic of Moldova

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

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According to the national legislation, regarding the ratification of the Nagoya Protocol and the CBD, Nagoya Protocol Decisions was established on the portal:

**www.CBD.int - Countries profiles - Republic of Moldova**

- **Nagoya Protocol on Access and Benefit-sharing**

| | |
|---|---|
| **Ms. Ala Rotaru** | **ABS National Focal Point** |
| **Ministry of Agriculture, Regional Development and Environment** | **ABS Competent National Authority** |



**Republic of Moldova**
Party Status: **Party to the Nagoya Protocol**
Entered into force on: **21 Nov 2016**
Ratification on: **24 Aug 2016**
Signatory: **Signed on 25 Jan 2012**
CBD Country Profile: www.cbd.int/countries/?country=md

- Publishing Authority and National Authorized Users in the Republic of Moldova – are not established

# ABS Clearing-house : << Ecuador>>

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

Ms. Ángela Cristina Gonzalez- Under Secretariat of Science, Technology and Innovation.- SENESCYT-

She is the authority in charge of promoting, fostering and strengthening the articulation between scientific research, innovation and industrialization.

Considering that vision we can have a more integral management of the ABS Regime.



# ABS Clearing-house : COSTA RICA

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

National Focal Point:

Melania Muñoz García melania.munoz@conagebio.go.cr

Publishing Authority:

Melania Muñoz García melania.munoz@conagebio.go.cr

National Authorized Users:

CONAGEBIO officials:
Maribell Álvarez Mora, lawyer maribell.alvarez@conagebio.go.cr
José Alfredo Hernández Ugalde, biologist jose.hernandez@conagebio.go.cr
Genuar Núñez Vega, biologist genuar.nunez@conagebio.go.cr

Chosen by their experience in ABS framework in Costa Rica

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

***National Focal Point***:

Ms Bozena Haczek, Head of the Unit in the Department of Nature Protection, Ministry of the Environment

***Competent National Authority***:

Minister of the Environment

## 2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

| National Focal Point | Publishing Authority |
|---|---|
| Dr. Sourioudong Sundara | Ms. Kongchay Phimmakong |
| Vice Minister | Assistant to the NFP |
| Ministry of Science and Technology | Science Department |

These people were designated as resource people who have supported the government for ratifying the Nagoya Protocol and they are requested from Ministry of Science and Technology to assist of setting up the interim ABS system when other people can later build on the activities.

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

**Ms. Elena Makeyeva**, PhD, Head of the National Coordination Centre on Access to Genetic Resources and Benefit-sharing, has been appointed as ABS NFP. Elena was one of the initiators of the accession of the Republic of Belarus to the Nagoya Protocol and implemented the UNEP-GEF Project "Global Support for the Ratification and Entry into Force of the Nagoya Protocol on Access and Benefit- sharing" (2013-2014). As a result of the project implementation, Belarus acceded to the Nagoya Protocol. In October, the National Coordination Centre on Access to Genetic Resources and Benefit-sharing was established, and Elena was appointed as its Head.

**Ms. Kseniya Panteley,** Research Scientist of ABS NCC, was appointed as Publishing Authority in 2019. Kseniya is a highly qualified specialist in the field of nature conservation activities. She worked for 7 years at the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, including as the Head of the Biological Diversity Department, and she knows the national legislation in the field of conservation and sustainable use of natural resources. During her work at ABS NCC (since 2017), she has studied the ABS Clearing-House thoroughly.

At present, there are no National Authorized Users in Belarus. We plan to hold a number of training workshops on the use of ABS CH for stakeholders and choose National Authorized Users from workshop participants, if required.

# ABS Clearing-house : INDIA

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

| | | |
|---|---|---|
| **National Focal Point** | Dr. Sujata Arora<br>Adviser, Ministry of Environment, Forest and Climate Change | Head of the Division handling the subject in Government of India |
| **Publishing Authority** | NFP | |
| **National Authorized Users** | Secretary, National Biodiversity Authority | Senior officer of CNA administering the national ABS law. |

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- **National Focal Point : Ministry of Environment**
- **Publishing Authority :** Ministry of Environment (FP for ABS)
- **National Authorisation Users:** No designation at present (will be explored under current ABS project legal work)
- **Reasons chosen: S**taff of the Ministry has better understanding on ABS issues and are responsible for granting PIC and access

# ABS Clearing-house : Cameroon

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- The National focal point is a pharmacologist
- The Publishing authority is the head unit of Clearing House in the ministry
- National Authorized Users are scientists and researchers (from universities, technical administration…)

# ABS Clearing-house : Antigua and Barbuda

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- NFP – Chief Environment Officer, Amb. Diann Black-Layne. Central Focal Point for most Environmental Conventions and Protocols
- Publishing Authority – Technical Coordinator, Dr. Helena Jeffrey Brown – Biodiversity portfolio at the Department of Environment

# ABS Clearing-house : Germany

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

**NFP = PA:**

Federal Ministry
for the Environment, Nature Conserv
and Nuclear Safety

- Competent for reporting at internat. & EU level
  - Managing country profile in ABS CH
  - Submitting interim national reports
  - Publishing due diligence declarations as CPCs on ABS CH

**CNA = NAU:**

BfN
Federal Agency
for Nature
Conservation

- Competent for national implementation of compliance measures
  - Receiving & checking due diligence declarations
  - Supporting NFP with drafting ABS CH content

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- Information on the NFP is published on the ABS-CH
- Eavin L. Parry (*Environmental Scientist in the Department of Environment*) was selected as the ABS-NFP
- In the case of SKN, the ABS-NFP is designated as the Publishing Authority.
- An Environmental Officer in the Department of physical Planning and Environment has been designated as a NAU.
- Persons were selected based on expertise in the field, exposure and knowledge of ABS issues, seniority to grant access and official responsibility for this subject area.

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

• In the Bolivarian Republic of Venezuela, the Ministry of Popular Power for Ecosocialism (MINEC) is the National Environmental Authority and operational and technical focal point of the Convention on Biological Diversity (CBD), therefore coordinates the implementation of the provisions of the CBD At national level, this competence was established in the Law on Biological Diversity Management (2008).

# ABS Clearing-house :URUGUAY

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

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The Ministry of Foreign Affairs (MRREE) is generally the political focal point of the international conventions. In fact, the Environment Directorate is the political focal point of the Convention of Biological Diversity and its complementary protocols.

The Ministry of Housing Land Management and Environment (MVOTMA) through the National Environment Directorate (DINAMA) executes the CBD and the protocols.

- Convention on Biological Diversity.

- 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.

- Cartagena Protocol on Biosafety.

* Environment Director: Embajador Fernando Marr.

- Publishing Authority: National Environment Directorate.

* National Environment Director: Ing.Quim. Alejandro Nario.

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- Within the UK the Secretary of State for the Department for Environment, Food and Rural Affairs (Defra) is responsible for complying with the measures stipulated within the Nagoya Protocol and within relevant EU and UK legislation.

- Within Defra, Mr Keith Barber has been appointed as the National Focal Point for the Nagoya Protocol. He was chosen as he is also the Policy Advisor responsible within Defra for the Nagoya Protocol. Keith also fulfils the role of Publishing Authority.

Department
for Environment
Food & Rural Affairs

# ABS Clearing-house : Switzerland

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- National Focal Point: scientific officer in charge of the implementation of the NP
- Publishing Authority: same as NFP
- National Authorized Users:
  - contractor in charge of national biodiversity platform
  - scientific officer in charge of international negotiations
  - lawyer responsible for NP from legal service



**2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?**

- The National Focal Point is Ms Lactitia Tshitwamulomoni. The Department of Environment, Forestry and Fisheries has chosen Mrs Tshitwamulomoni because she is a technical programme manager responsible for coordinating the development and implementation of national ABS legislation in South Africa.
- The Publishing Authority is Ms Lactitia Tshitwamulomoni. The Department of Environment, Forestry and Fisheries has chosen Mrs Tshitwamulomoni because she is the leader of the Secretariat responsible for processing ABS related permit applications.
- The National Authorized Users are Mr Ntambudzeni Nepfumembe, Mrs Bridgette Modiba and Ms Nomusa Mbuyazi. The Department of Environment, Forestry and Fisheries has chosen these 3 officials because they are responsible for providing support to the technical programme manager responsible for the development and implementation of national ABS legislation in South Africa including serving as a Secretariat responsible for processing ABS related permit applications.

# ABS Clearing-house : << Serbia>>

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

National Focal Point and Publishing Authority is chosen from the Sector for Nature Protection and Climate Change of the Ministry of Environmental Protection. There are no National Authorized Users, yet .

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

Au Sénégal, la Direction des Parcs Nationaux (DPN) du Ministère de l'Environnement et du Développement Durable (MEDD), est la structure focale de la Convention sur la Diversité Biologique.

- Les points focaux de la CDB, du protocole de Cartagena et du protocole de Nagoya sont désignés parmi le personnel de l'institution focale.
- Pour le moment, c'est la DPN à travers son point focal désigné qui est habilitée à autoriser et à publier les informations relatives à APA

In Senegal, the Directorate of National Parks (DPN) of the Ministry of Environment and Sustainable Development (MEDD) is the focal structure of the Convention on Biological Diversity.

- The focal points of the CBD, the Cartagena Protocol and the Nagoya Protocol are designated among the staff of the focal institution.
- For the moment, it is the DPN through its designated focal point that is empowered to authorize and publish information relating to APA

# ABS Clearing-house : Rwanda

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- FP: CYIZA Beatrice
- Publishing: Beatrice
- Why: National Focal point is well positioned to know what to be published

## 2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

At present, CBD NFP looks after the matters related with ABS and Nagoya Protocol

- ABS-CH - ABS National Focal Point
- ABS-CH National Authorized User
- ABS-CH Publishing Authority
- ABS-CH Training Publishing Authority

NP NFP is selected based on experience and academic background. Until new NFP is designated, CBD NFP will continue working for NP

# ABS Clearing-house : The Netherlands

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- NFP: Centre for Genetic Resources (CGN- part of Wageningen University) – appointed by law as NFP because of their extensive knowledge of genetic resources and ABS
- PA: CGN
- National Authorized users: Ministry of Agriculture, Nature and Food Quality, CGN and NVWA

Netherlands Food and Consumer Product Safety Authority
*Ministry of Agriculture, Nature and Food Quality*

Ministry of Agriculture, Nature and Food Quality

ABS Focal point

# ABS Clearing-house : NEPAL

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- National Focal Point - **Mr. Yajna Nath Dahal**, Joint Secretary and Chief of Environment and Biodiversity Division, Ministry of Forests and Environment - Also the focal person of CBD
  - ✓ Environment and Biodiversity Division of the Ministry of Forests and Environment is the focal agency for the Convention on Biological Diversity
  - ✓ Chosen by the Ministerial level decision.

# ABS Clearing-house : MADAGASCAR

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- NFP : Lolona RAMAMONJISOA RANAIVOSON is a specialist on genetic resources area, within a title of Doctor HDR, a government agent in the Ministry of Environment and Sustainable Development

- Publishing authority : Voahangy RAHARIMALALA, working at the Environment National Office, Member of the supporting committee to ABS activities in Madagascar, former member of the IAC of ABSCH, Assistant of CHM NFP (CBD)

- Current national Authorized Users: ABS NFP, Publishing authority

(CNA and others persons such as GR promoters should be nominated)

# ABS Clearing-house : State of Kuwait

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- The National Focal Point is the Environment Public Authority, it is also the publishing authority.
- It was chosen because it is the Focal Point for the CBD and the governing authority to all matters of the environment.
- The National Authorized Users have not yet been designated.

# ABS Clearing-house : << KENYA >>

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- **National Focal Point** :Dr. Ibrahim M. Mohamed Principal Secretary, Ministry of Environment & Forestry
- **Publishing Authority**: Mr. Mamo Mamo , Ag. Director General National Environment Management Authority
- **National Authorized Users** : Mr. Joseph Masinde Desk Officer ABSCH Kenya National Environment Management Authority
- The Ministry is the body in charge of policy formulation facilitating the enabling policies, legal and regulatory reforms for promoting sustainability of the environment. Domestication of MEAs
- NEMA is the custodian of the ABS legal framework and issues the ABS permits . National ABS Clearing House. NAU is the desk officer in charge of the ABSCH

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

Ministry of environment is the focal point and the umbrella for the Nagoya protocol. The publishing authority and the national component authority is not chosen yet, because the national association is not having enough understanding for Nagoya protocol yet, so the global project work in capacity building for association until can nominate the by-law establish national committee for ABS.



# ABS Clearing-house : Guyana

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- The ABS NFP and PAs was chosen by virtue of being the UNCBD NFP as well; since it's a protocol under that convention.
- NAUs were chosen based on their work on the implementation of the UNCDB (and its protocols)

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- Mrs Anca LEROY (Ministry for an ecological and solidary transition) is France's National Focal Point. She has been following Nagoya Protocol since the early discussions.
- Mrs Hélène KERISIT (Ministry for an ecological and solidary transition) is the publishing authority.
- Mrs Florence HERVATIN (Ministry of Research) and M. Guillaume POIRIER (Ministry for an ecological and solidary transition) are national authorized users.
- Some more persons from 2 French overseas territories (New Caledonia and French Polynesia) shall be designated soon as national authorized users as well, given that they have specific ABS measures in these territories.

# ABS Clearing-house : European Union

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- EU National Focal Point – policy officer responsible for implementation of the Nagoya Protocol in the EU
- Publishing Authority – administrative assistant
- Selected for efficiency reasons

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- National Focal Point & Publishing Authority:
  - Federal Minister for Sustainability and Tourism

- National Authorized Users:
  - Environment Agency Austria

  With Federal law Gazette I No. 36/2019 the Ministry employed the Environment Agency Austria to carry out respective tasks.

# ABS Clearing-house : << Côte d'Ivoire>>

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- Mrs. Amari Koffi Alaki Véronique is ABS National Focal Point and also Publishing Authority for my country because of progressive commitment to Nagoya protocol.
- She was chosen for assuring the implementation of article 14 provisions even if there is no legal framework. it is just a temporary decision.
- However, there is not National Authorized Users because of lack of legal framework. It seems difficult for national stakeholders to share information concerning their scope and there is nothing we can do to compel them to do it.

According to me, this kind of problem could be solved by a legal framework adopted.

# ABS Clearing-house : << Burkina Faso >>

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- Country's National Focal Point and Publishing Authority: **OUOBA Daogo**
- National Authorized Users: **SO Jean Bosco**

- OUOBA Daogo was chosen because I was the assistant of the former focal point, and so I knew the Nagoya Protocol dossier on APA.
- SO Jean Bosco was chosen because he was the first National focal point of the Nagoya Protocol

# ABS Clearing-house : Flanders / Belgium

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- Country's National Focal Point : Ms. Salima Kempenaer (Federal level)
- Publishing Authority: Mr. Han De Koeijer (RBINS) – temporary (process designation regions)
- National authorized users = ongoing process

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- Correspondant national : **M. Melkior Ogouwole KOUCHADE** Tél.: +(229)97262757 Email: kmelkior@yahoo.fr : Cadre chargé du suivi des Accords et Convention au niveau de l'Institution responsable de la mise en œuvre du protocole : Direction Générale des Eaux, Forêts et Chasse.
- Autorité de publication **BOSSOU Bienvenu** Tél. +(229)97084927 Email: bmbc1957@gmail.com : Cadre coordonnateur du Projet d'appui à la mise en œuvre des Accords APA, chargé de la capitalisation des données.
- Utilisateurs nationaux autorisés : **Melkior KOUCHADE et BOSSOU Bienvenu**

# ABS Clearing-house : Finland

2. Who has been chosen as your country's National Focal Point, Publishing Authority and National Authorized Users? Why were they chosen?

- **The national focal point referred to in Article 13, paragraph 1 of the Nagoya Protocol in Finland is the Finnish Environment Institute (also the publishing authority)**
- **The Finnish Environment Institute was nominated as the National Focal point by the Finnish Act on the Implementation of the Nagoya Protocol to the Convention on Biological Diversity**
- **The Institute was involved in the drafting of the Act and was thus knowledgeable about the protocol and the ABS obligations**
- **The competent authorities referred to in Article 13, paragraph 2 of the Nagoya Protocol and Article 6, paragraph 1 of the EU Genetic Resources Regulation in Finland are the Finnish Environment Institute and Natural Resources Institute Finland**

ABSCH

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

## ABS Clearing-house : << Bhutan >>

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

May 2018: Webinar was convened with the support of ABSCH Secretariat, CBD in Bhutan.

Officials of NFP, checkpoints and relevant stakeholders were introduced to the working modality of the ABSCH.

**Challenges**

- Operating ABSCH was challenging being the online system
- Confidentiality of the information about the users and GR/TK used

# ABS Clearing-house : Brazil

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

**N/A**

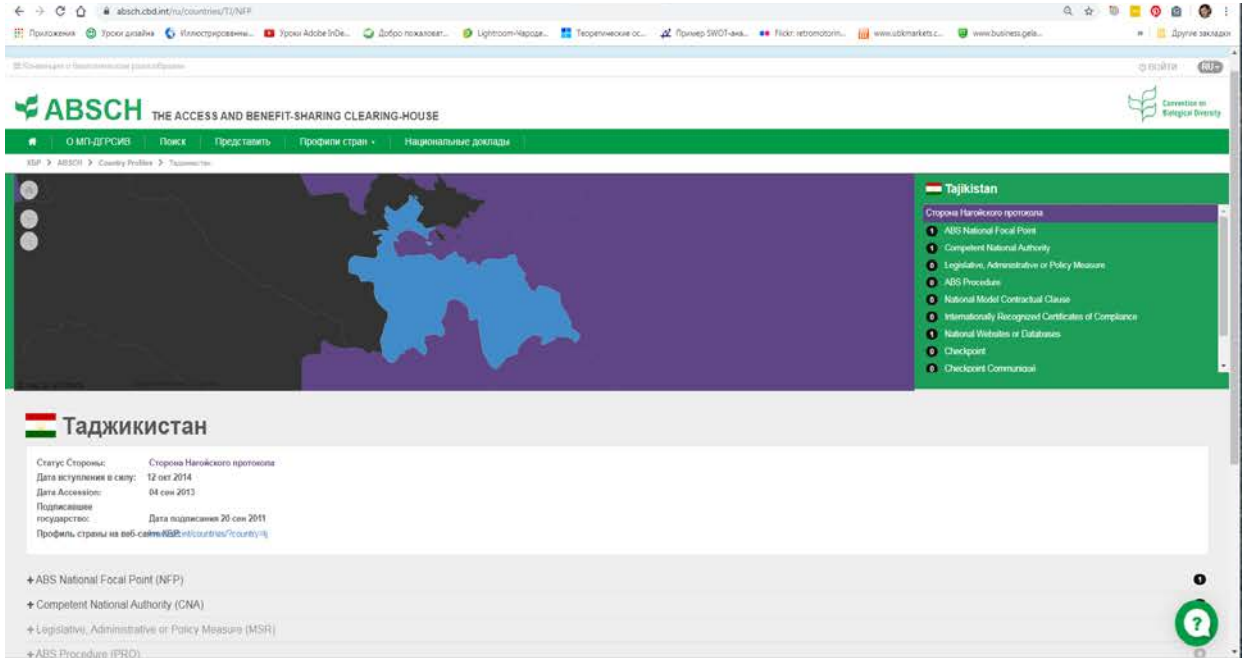
# ABS Clearing-house : PERU

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Maintain updated institutional records at the level of authorities and contact persons linked to the regulation of access to genetic resources, due to internal changes in the competent national authorities. Registration requires an administrative procedure that is not immediate, it is also necessary to remove the previous ones and incorporate current ones.
- Standardization of the authorization information send from the Competent Authorities to the Nagoya Protocol Focal Point.
- The drafts send from authorized national user to the publishing authority can be edited to make changes, but cannot be saved because is blocked. Is required a final editing option.
- Andean regional regulations cannot be stored on the platform because the option of linking it to the 4 countries of the region is needed.

# ABS Clearing-house : << Tajikistan>>

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?




- The interface is very user-friendly.
- More information published in Russian language would be desirable (as one of the UN languages and used in the countries of the region).
- It would be interesting to know what is the possibility of compatibility with the national ABS CHM portal (which is under development).
- The experience of other countries in integrating global ABS CHMs with the national portals.

# ABS Clearing-house : Dominican Republic

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

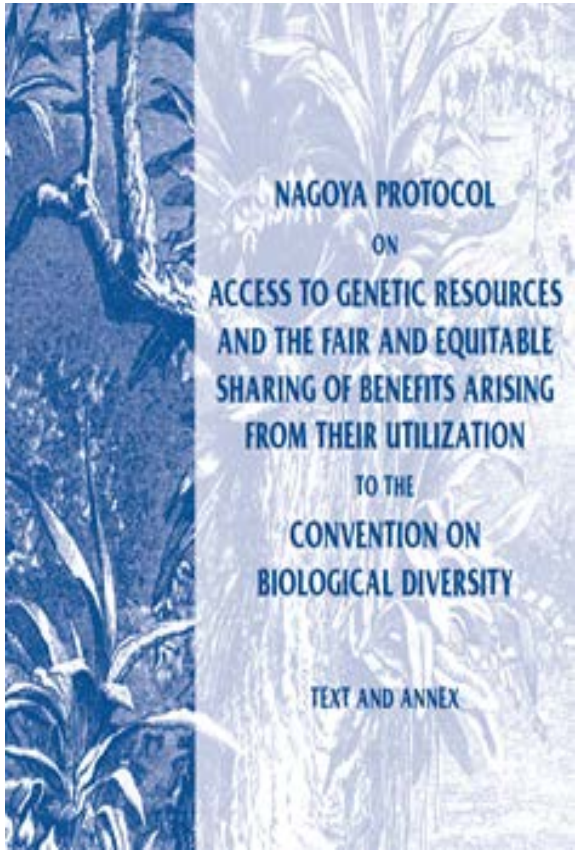
We definitely recognize the **ABS Clearing House** as:

- ✓ A **useful tool** for the **implementation of the Nagoya Protocol**

**Also…**

- ✓ It has served to… **keep ourselves evaluating the procedures that we have as a country regarding ABS**

- ✓ **Difficulty**: **Sustainability*** / Not enough okeeping updated the information regarding the utilization of genetic resources in our country.



# ABS Clearing-house : Republic of Moldova

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

**For the ABSC CLEARING-HOUSE portal of CBD: https://absch.cbd.int/countries/MD the following information regarding the Republic of Moldova was placed:**



- **ABS National Focal Point (NFP)**
- **Competent National Authority (CNA)**
- **Legislative, Administrative or Policy Measure (MSR)**
- **Interim National Reports on the Implementation of the Nagoya Protocol (NR)**

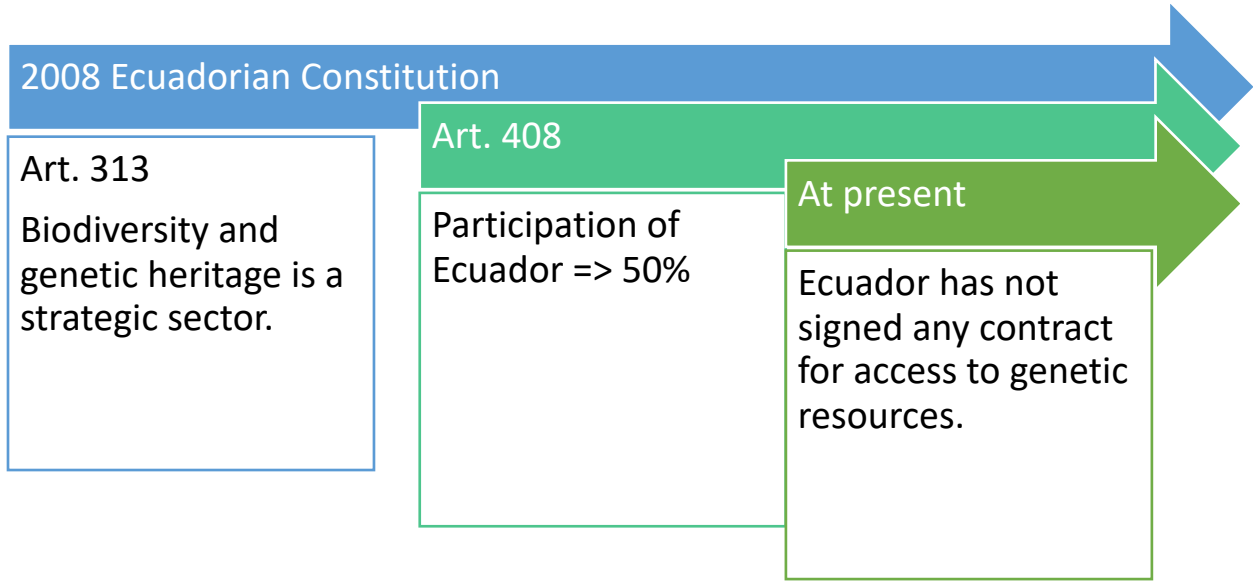
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***Experience:***

I am the author of the Republic of Moldova's *Law on ratification of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS)* (2016) and the *Governmental Order (2011) of the Republic of Moldova signed of the Nagoya Protocol.* I've participated in official consultation process, finalized by approval by the Government and Parliament.

# ABS Clearing-house : << Ecuador >>

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?




Ecuador is in the process of issuing a new regulation in application of the Nagoya Protocol.

# ABS Clearing-house : COSTA RICA

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

## ABS-CH experience has been good in general:

Several researches and companies have contacted ABS Focal Point to start the aproach with CONAGEBIO and submmit permits request

Usefull to find information quikly

Important to share national information

## The main concerns:

Creation and incrementation of capacities in checkpoints to rich an efficient international monitoring and control

# ABS Clearing-house : Poland

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

ABS CH is not being updated regularly by provider countries and therefore it cannot be used as a reliable source of information neither by users who want to comply with NP nor by CNAs who want to ensure compliance in their country.

# ABS Clearing-house : << Lao PDR >>

3. **Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?**

There is no issue with the ABS Clearing House because it is an accessible online portal. There is only a concern from the publishing authorizer to train colleague of using the online portal. This is because only online training is available from the CBD and mainly e-study and try to use the site by practicing.

As a PA perspective, lacking of confident in transferring knowledge to colleagues seems to identify as an issue probably.

# ABS Clearing-house : << Belarus>>

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

No big problems when working with ABS CH. All issues are quickly resolved when contacting the CH Technical Support Unit.

In near future, Belarus plans to develop and post a National Model Contractual Clause on the ABS CH and update information in the Legislative, Administrative or Policy Measures (MSR) section.

Recently, we have prepared and placed in the ABS Procedure (PRO) section a description of the procedure for accessing the genetic resources of Belarus, including in the form of a diagram.



# ABS Clearing-house : INDIA

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

| Accomplishments |
| --- |
| • First to issue IRCC |
| • Published more than 620 IRCCs |
| • Published information on legislative, administrative and policy measures on ABS |
| • Information on national ABS procedures published in all UN languages. |

**Changes required : User friendly Search options**

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

## Challenges:

- The Publishing Authority needs to be aware of the changes and should be *au fait* with using the CHM
- Publishing Authority should work closely with CNA to update requested information.
- Only few people in the country are aware and have capacity to use the CHM

## Important questions:

- Is there a possibility to have an on online permitting system linked directly to the CHM?
- Can the CHM be used to track the use of GR?(e.g. link to the Patent database)
- Can the CHM be used as a one stop-shop ??

# ABS Clearing-house : << Cameroon >>

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Conception of 10 national websites of clearing houses *(portailchm.sie.cm)* (Sept. 2017);
- Facilitator on training workshop of 10 regional chiefs of service of the Ministry of Environment, Protection of Nature and Sustainable Development on ABSCH platform and national website of ABSCH (*www.portailchm.sie.cm/abs/*) under GIZ-COMIFAC funding (Nov 2017);
- Facilitator of Training workshop of 58 chiefs of service of the Ministry of Environment, Protection of Nature and Sustainable Development on clearing house web portal *(portailchm.sie.cm)* of Cameroon under GIZ-ProPFE funding (June to August 2018);
- Facilitator on elaboration of national strategy and actions plans of clearing houses under GIZ-ProPFE funding (2018)

# ABS Clearing-house : Antigua and Barbuda

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Biggest challenge is finding time to upload information while we juggle projects.
- We also just reviewed our legislation which was very time consuming

# ABS Clearing-house : Germany

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

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- Challenges:
  - Finding & understanding ABS measures for **all** provider states
    - Are there such measures?
    - When did they enter into force?
    - What do they require?
    - Who is the authority in charge of issuing relevant ABS documents?
    - Is the information up-to-date?

- Concerns:
  - Incomplete, outdated & incomprehensible information
    - Makes legal access difficult or even impossible for users
    - Hinders efficient & effective compliance checks

- Question:
  - What keeps / prevents countries from managing their country profiles as needed?

- Accomplishments:
  - ABS CH is easy to use
  - Functioning SCBD helpdesk
  - Possibility to automatically convert EU due diligence declarations into CPCs

# ABS Clearing-house : Saint Kitts and Nevis

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Apart from availability of information on areas such as: National Websites and databases, Checkpoints information related to IRCC; there are no major technical challenges in accessing and using the ABS-CH

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- As a challenge, we hope to set up the ABS Information Exchange Center because of its importance to monitor the use of the country's genetic resources, in addition to establishing an adequate exchange of information as the main actor in the implementation of the Protocol.

# ABS Clearing-house :URUGUAY

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

One of the first challenges was to make the national information compatible with the international platform (ABSCH). This was made through a friendly form easy to be understood by users, in order to have the necessary information for the application for access to genetic resources.

Another concern was to systematize and adapt the information in accordance with our legislation while developing a national platform.

However, at this step we consider that we still need to make some adjustments to our forms to make them more compatible with ABSCH platform.

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

## Challenges and Concerns

- DEFRA have dealt with several requests from individuals and organisations who wish to access the UK's Genetic Resources (GR). The UK, as evidenced on the ABS-CH, does not regulate access to its GR. However, the UK has several laws pertaining to Intellectual Property rights, land ownership and protected site access which must be considered prior to accessing UK's GR. This position needs to be better reflected on the ABS-CH.

- How do we help all countries upload information and make it clear to users what they need to do to comply?



# ABS Clearing-house : Switzerland

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- How (and if) to publish notifications where everything is declared and classified as confidential by the user?

- Forms on the ABS Clearing-House should not ask for more information than needed

- Countries should make sure that information about e.g. responsible people and regulations they publish is and stays up to date and complete

- How can users be motivated to look information up themselves instead of directly writing to the NFP?

## 3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

**Challenges:**

- Sometime when you are updating the information on the ABS Clearing-House, the system does not want to save the updated information and it does not give the feedback on why is it not saving.
- How to use the Checkpoint Communique effectively.

**Primary Concerns:**

- None

**Important questions:**

- Under the National Records, there are two new features, namely (PRO and NMCC). Why Parties where not officially notified to provide the required information.
- Under the Announcements, when does the event listed expires?

**Accomplishments:**

- Successfully published 28 IRCCs
- Availability of the Country's ABS legislation and Regulations, ABS Guidelines and Posters on the ABS Clearing House
- Published the interim national report on implementation of Nagoya Protocol

# ABS Clearing-house : << Serbia>>

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

The Access and Benefit-sharing (ABS) Clearing-House as a key tool (online platform) established by the Nagoya Protocol, introducing a transparent procedures for access, and to monitor the utilization of genetic resources. It influenced on duties and responsibilities of NFPs playing the role of an ABS knowledge base while requiring continuous updating of published content. Because it can be used by everyone, the number of questions regarding ABS increases day by day, bringing an increased number of commitments to each focal point.

# ABS Clearing-house : SENEGAL

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

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En tant que nouveau Point focal désigné:

Les défis sont notamment:

- Mettre en place le cadre institutionnel et réglementaire pour la mise en oeuvre du protocole
- Mettre en oeuvre la stratégie et le plan d'action national APA déjà élaborés
- Elaborer des modèles de demandes d'accès et de permis pour l'utilisations des ressources génétiques et des saviors traditionnels associés
- Identifier des points de contrôle à travers le pays;
- Etc.
- As a new designated Focal Point:
- The challenges include:
- Put in place the institutional and regulatory framework for the implementation of the protocol
- Implement the National ABS Strategy and Action Plan already developed
- Develop models of access and permit applications for the use of genetic resources and associated traditional saviors
- Identify checkpoints across the country
- Etc.

# ABS Clearing-house Rwanda

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Challenges: ABS-CHM Rwanda is still in process
- Availability of Data and collection
- Lack of legal framework

- Achievement:
- Training of stakeholders conducted

# ABS Clearing-house : Pakistan

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

Once the implementation regimen is established, a dedicated personnel will be deputed for provision of data to ABSCH. The experiences related with ABSCH will be shared once that is done.

The challenges, concerns, questions or accomplishments will be shared once the administrative and legal mechanism is in place.

# ABS Clearing-house : The Netherlands

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Quite some countries have only published information on the NFP and nothing else. Only 67 countries have published names and contact details of their CNA
- Not everything translated in English – problem for users to find out access regulation
- Sometimes difficult to get reply from NFP
- Users see some improvement in information

# ABS Clearing-house : NEPAL

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Nepal yet to provide a relevant information on ABS CH.
- Once the national bill is finalized, the national administrative, legal and policy frameworks will be defined and that will pave the way forward.
- The ministry is on process to develop national Traditional Knowledge Database; this will be further linked to ABS Clearing-House.
- The main challenge is the lack of technical capacity and awareness on ABS process.
- How to invite potential bio-prospectors to invest in Research & Development of genetic resources of Nepal, is the primary concern. Nepal wants to at least pilot the bioprospecting cases as soon as possible and for that international support is required.

# ABS Clearing-house : MADAGASCAR

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

**Challenges**:
Demonstrate a dynamic ABS mechanism
Disseminate clear and complete information enabling users to make access application

**Concerns**:
Have a suitable translation to share information both in french and in english
Follow the common format of the different items in the ABSCH

**Questions**:
Is it possible to nominate more than one publishing author?

# ABS Clearing-house : State of Kuwait

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- The biggest challenge is the fragmentation of data across several government and non-government organizations and the lack of co-ordination.
- Primary concerns are the ability to gather all ABS data in one organization and the consistency of such data.
- The important question is whether the collected data reflect the actual ABS situation.
- The greatest accomplishments are:
  - The identification of local organizations that keep and manage genetic resources and data.
  - The proposal to add an addendum to the environmental legislation pertaining to ABS.

# ABS Clearing-house : << KENYA >>

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Get everyone interested in activities of ABSCH
- No continues trainings of information collection
- Limited personnel
- Personnel limited knowledge on MEAs issues
- What are the benefits of having Permits on the ABSCH
- How do you get communities involved
- How do get the designated Checkpoints actively participate
- Many ABS permits have been uploaded on ABSCH
- Kenya at least has a legal framework on ABS

# ABS Clearing-house : << Jordan >>

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

**Challenges:**

National partners have some difficulties in understanding the ABS concept and principles;
Creating ABS agreements and reflecting them on the ABS CHM

**Accomplishments:**

1) Awareness raising campaigns done by the GEF/UNDP project
2) During drafting of the bylaw, multiple stakeholders meetings was conducted in order to have participants from different sectors;
3) A draft strategy on Bio prospecting of genetic resources is being prepared by the UNDP/GEF Project that will help in creating partnerships between private, public sectors and local communities

# ABS Clearing-house : Guyana

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Challenges:

Inputting information for the IRCCs – the permits presently does not have all the information required for the IRCCs.

It is not possible to publish and IRCC without completing all fields.

## ABS Clearing-house : << FRANCE>>

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- One current challenge is to articulate the national ABS legislation with French overseas ABS legislations (New Caledonia and French Polynesia) and thus to have a fluid process on the ABSCH
- One small difficulty lies in the technical issues we encounter sometimes on the platform (when publishing IRCC for instance)
- However, it is very easy to get feedbacks from the ABS Clearing-House team
- Furthermore, it is very convenient that the ABSCH team can pre-fill the IRCC drafts based on the charts we send, before we publish them

# ABS Clearing-house : European Union

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Overall positive experience
- The use of the system is largely intuitive

# ABS Clearing-house : Austria

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Since the Federal law implementing the obligations under the Nagoya Protocol and Regulation (EU) No. 511/ 2014 (Federal law Gazette I No. 36/2019) was passed recently, Austria is with some activities according to Nagoya Protocol still not advanced. We uploaded the available national information, we looked up some information needed, but we are not yet used to the ABS Clearing House on a regular basis.

# ABS Clearing-house : << Côte d'Ivoire>>

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?



- The main challenges is data availability. Researching for data takes time. Also, most of stakeholders don't fully understand the Nagoya Protocol and the necessity to collaborate.
- Also, it is sometimes difficult to fill properly steps of data publication. Indeed, on ABSCH we do not answer properly very often the questions because they are specific and need details. Unfortunately most of the time, such kind of provisions are not in our national texts.
- Succeeding to publish texts make us very happy because we comply with the provisions of the Nagoya Protocol.

## ABS Clearing-house : << Burkina Faso >>

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- ✓ Choice of checkpoints;
- ✓ Functionality of checkpoints;
- ✓ Functionality of the ABS Clearing House;
- ✓ Confidentiality of the information to be placed on ABS Clearing House

# ABS Clearing-house : Flanders / Belgium

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Only few checkpoint communiqués and relatively few IRCCs
- Complexity of local ABS-regulation(s) in several countries, or lack of information, therefore difficulty in assisting Belgian users in complying with other Parties'measures

# ABS Clearing-house : << BENIN >>

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- **Grandes réalisations**
  - **Publication :** CN; ANC; Mesures législatives, administratives; stratégie nationale APA; rapport national intérimaire sur la mise en oeuvre du PN/APA

- **Préoccupations principales**
  - Elaborer un guide pratique d'accès aux RG et CTA y compris les autres documents sectoriels préalables et le poster sur le CHM/APA
  - Visualiser le mécanismes d'accès aux RG et CTA ou d'obtention du permis APA ainsi que des autres documents sectoriels préalables et le poster sur le CHM/APA
  - Comment aborder la question des points de contrôle, du certificat de conformité reconnu à l'échelle international (CIRC), Ccommuniqués de point de conrôle (CPC).
  - Renforcement des capacités de l'AP

- **Grands défis**
  - Faible compétence sur la manière de poster les informations
  - Difficultés à comprendre certaines rubriques du CHM à mettre à jour

# ABS Clearing-house : Finland

3. Please reflect on your experiences with the ABS Clearing-House. What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- The ABS Clearing House is an essential tool for finding information
- However, the potential users find it difficult to use
- Researchers (and other potential users of genetic resources and traditional knowledge) would like to be able to directly spot countries regulating access to GR and TK

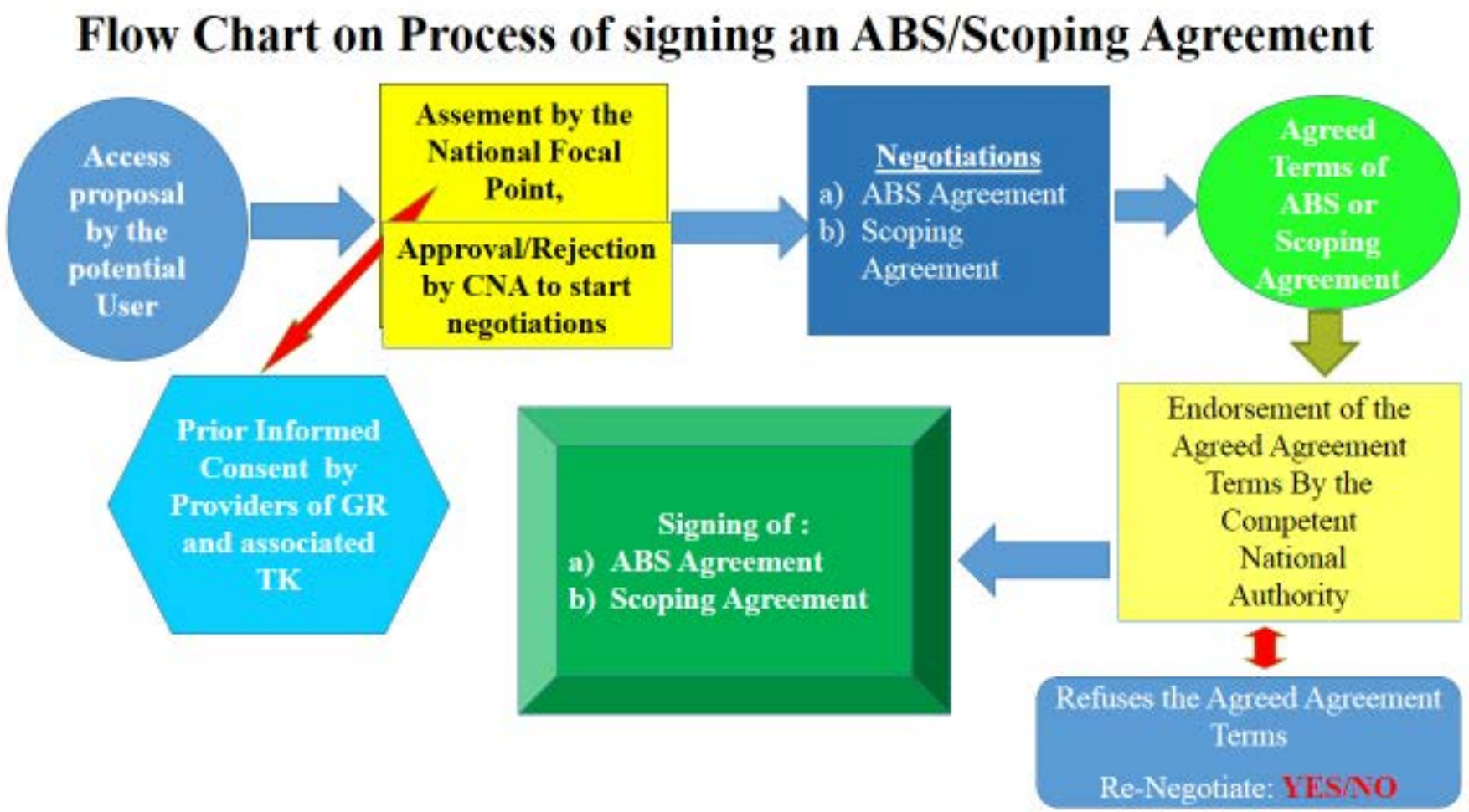
# Permits and Certificates

# Permits and Certificates

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

# Permits and Certificates : << Bhutan >>

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.



# Permits and Certificates : Brazil

**1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.**

- **Article 3 of the Law 13.123/15**: *"the Access to GH or ATK for purposes of research or technological development and economic exploitation of finished product or reproductive material arising from the access can only be carried out following their registration, authorization or notification in an electronic system,* ***SisGen****, with details of the activities"*

Same approach applies to ATK when it does not have an identifiable origin

- Registration obligation is **prior** to:
  - ✓ international shipment (including DSI –MTA)
  - ✓ request of intellectual property rights
  - ✓ commercialization of intermediate products
  - ✓ publication of final or partial results
  - ✓ notification of finished product or reproductive material developed from the access
  - **Specific situations** (Article 13):
    - ✓ Areas of national security: Council of National Defense approval
    - ✓ Brazilian territorial waters and exclusive economic zone - Maritime Authority approval

**1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.**



## ASSOCIATED TRADITIONAL KNOWLEDGE:

✓IF Access involves **ATK** with **an identifiable origin**, **PIC is required** and clarifications must be provided to the indigenous population, traditional community or traditional farmers:

- Possible impacts expected to occur from the activity involving the access to ATK
- The rights and responsibilities of each party in performing the activity and its results
- The preferred means of benefit-sharing, whether monetary or non-monetary

# Permits and Certificates : PERU

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

- Access to genetic resources by users must therefore be based on prior informed consent (PIC) and mutually agreed terms (MAT). In addition, Peru has taken important steps in developing legal instruments to conserve and protect the traditional knowledge of indigenous people associated with biodiversity, including genetic resources.

**Decision 391:**

- Includes accessory contracts (agreements) that are signed in order to carry out activities connected with the genetic resources or its by-products, between the applicant and any other relevant actors in the access. Users have to provide a full explanation of how the genetic resources or its by-products will be acquired and used.

**Law N°27811: Regimen for the Protection of Collective Knowledge of Indigenous Peoples related to biological resources**

- The Law N°27811 establish the obligation that access to collective knowledge is subject to the PIC of the indigenous people through their representative organizations, the access contract shall incorporate an annex stipulating the fair and equitable benefit-sharing arise from its use(1). This annex must be signed by the supplier of the traditional knowledge (community) and the applicant for the access.

(1) Protecting Shared and Widely Distributed Traditional Knowledge Issues, challenges and options. M. Muller. 2013.

# Permits and Certificates : Republic of Moldova

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

In order to access the genetic resources in the country, which a user would usually follow, the legal framework for this purpose is in the elaboration stage.

Thus, according to the Ministry's work plan for 2019, the provisions for amending the Law of the Animal Kingdom and the Law of the vegetal Kingdom are included, for the purpose of implementing the Nagoya Protocol.

But, some provisions for implementation of the Nagoya Protocol and permissive mechanism are included in the following legal acts:

- **Law on animal kingdom, 1995**;
- **Law on vegetal kingdom, 2007**;
- Government Decision regarding the approval of the standard forms of permissive acts, 2018

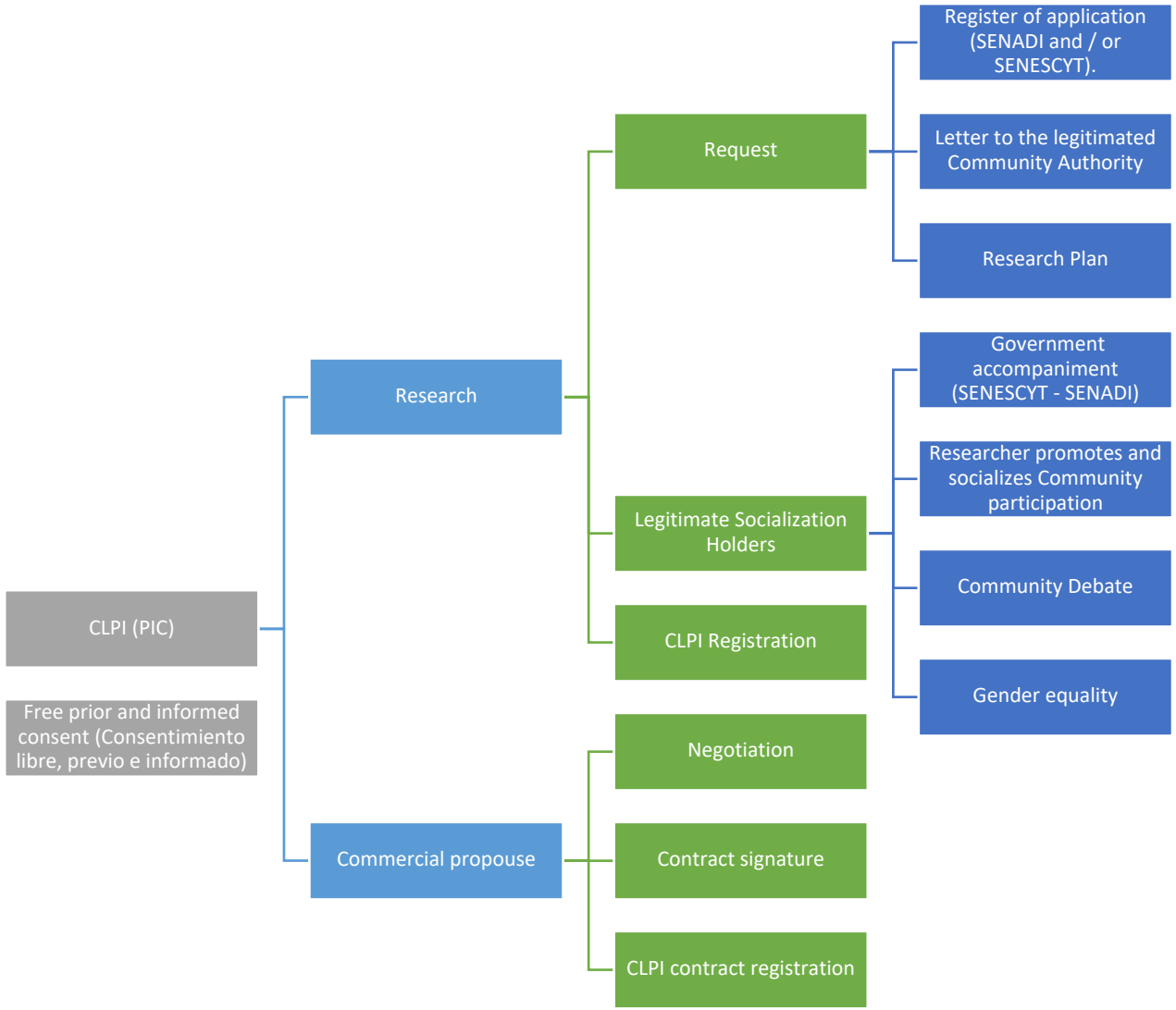
- Also, **the Strategy on Biological Diversity of the Republic of Moldova for 2015-2020 and the Action Plan for enforcing it,** included:

**Specific objective D. Implement measures to increase the benefits of using natural resources and ecosystem services**

**Scope of Action 1. Promote access to genetic resources and equitable sharing of benefits from using these resources**

# Permits and Certificates : << Ecuador>>

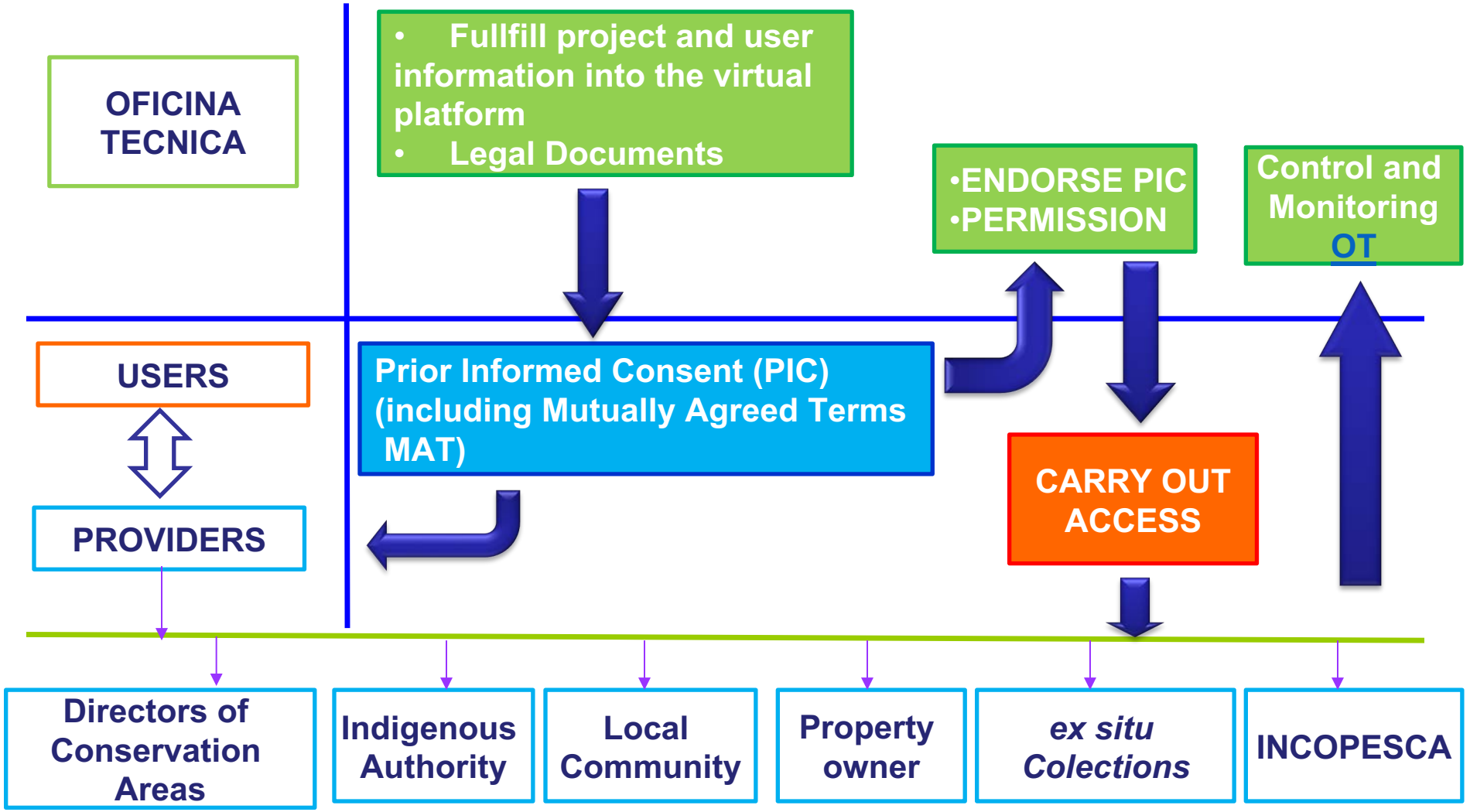
1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.



# Permits and Certificates : COSTA RICA

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

WE ARE WORKING ON AN ITERATIVE FLOWCHART THAT WILL BE READY BY THE WORKSHOP



# Permits and Certificates : Poland

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

Not applicable

# Permits and Certificates : << Tajikistan>>

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

Currently, the procedure for gaining access to genetic resources is initiated from the user who apply with official letter to one or another relevant body.

Further on, a bilateral or multilateral memorandum of cooperation is prepared and signed.

After that, the applicant receives the right to collect, export and study biological resources.



# Permits and Certificates : << Lao PDR>>

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.




In the absence of a specific ABS regulation and a formal administrative system, NCA creates an administrative procedure that enables it to handle requests for access to genetic resources on a case-by-case basis. The potential user can contact the national focal point given in the CBD website and provide information in the application form with requested supported documents to NCA. The NCA with consultation with the NFP and relevant authorities shall analyze the submitted information and making decision whether to issue NRCC or IRCC or PIC or reject it.

During the analyze procedure, MAT between user and provider will be checked and reviewed for genetic resources utilization in the collaboration agreements to ensure the NP compliance. Then user can conduct R&D based on the agreed activities with the provider or NCA.

# Permits and Certificates : Dominican Republic

1. If prior informed consent (PIC) is required to access genetic resources in your country, please **describe the procedures (steps) a user would typically follow**.

**Where to find it in our Regulation?**

**Articles 2.1 and 3.1** of our specific **Regulation on Access and Benefit Sharing (ABS) of Genetic Resources, 2018.**

**Steps ***Summary*****

1. Complete Access Application **Form**
2. Indicate **Type of Access Requested**
3. Make a **Full Description of the Investigation**
4. Indicate the **methods to be used for the collection** of the material;
5. Work **Schedule**
6. **Affidavit** signed by the applicant responsible for the investigation;
7. **Environmental bond** for a value of **one million Dominican pesos (US$20,833.00 / EU$15,625.00)**
8. **The requesting party must present a proposal for the distribution of monetary benefits and / or non-monetary benefits deriving from the use of the resource and / or traditional knowledge associated, as the case may be.**



**-The procedure is the same for commercial and non-commercial purposes- 2 contracts; one to access the genetic resource and if necessary, a second one for benefit sharing. They can last up to 3 years. (Ministry's monitoring, User reports).**

# Permits and Certificates : << Belarus>>

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

A provider of genetic resources or their potential user may choose any convenient way (telephone, email, in person) to contact the National Coordination Centre on Access to Genetic Resources and Benefit-sharing (ABS NCC) and provide information in either Russian or English pursuant to the application form.

ABS NCC shall apply to the National Competent Authority (NCA) (the Ministry of Natural Resources and Environmental Protection) to obtain prior informed consent. The Ministry shall analyze the submitted information and make a decision whether to issue PIC or reject it (see a chart).



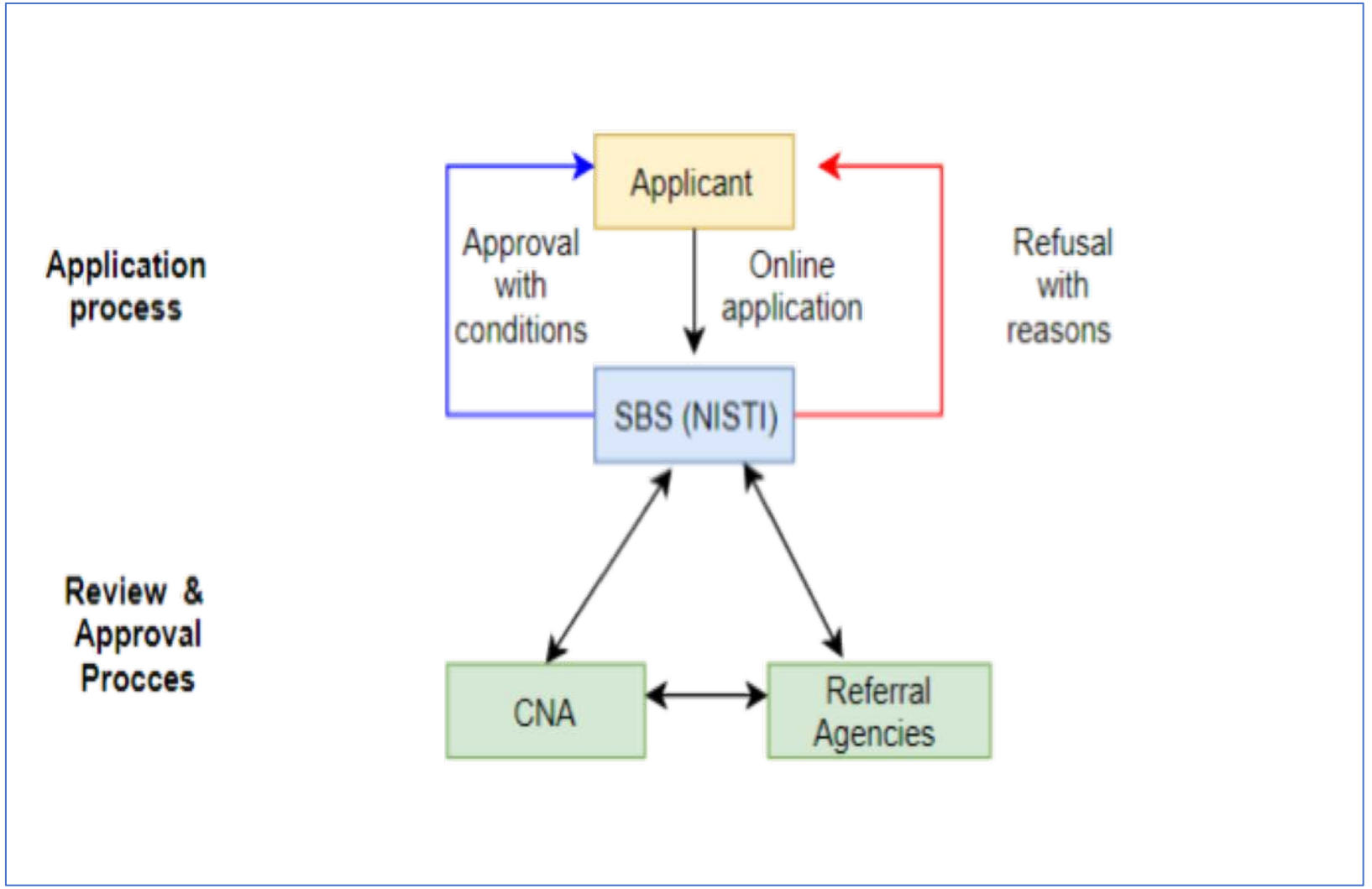
# Permits and Certificates : INDIA

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

| STEPS | ACTION BY | REMARKS |
|---|---|---|
| APPLICATION | APPLICANT | ABS Application www.absefiling.nic.in |
| CONSULTATION | COMPETENT NATIONAL AUTHORITY | Consultation with BMC through State Boards |
| AGREEMENT | APPLICANT & CNA | Execution of Agreement between Applicant and CNA |

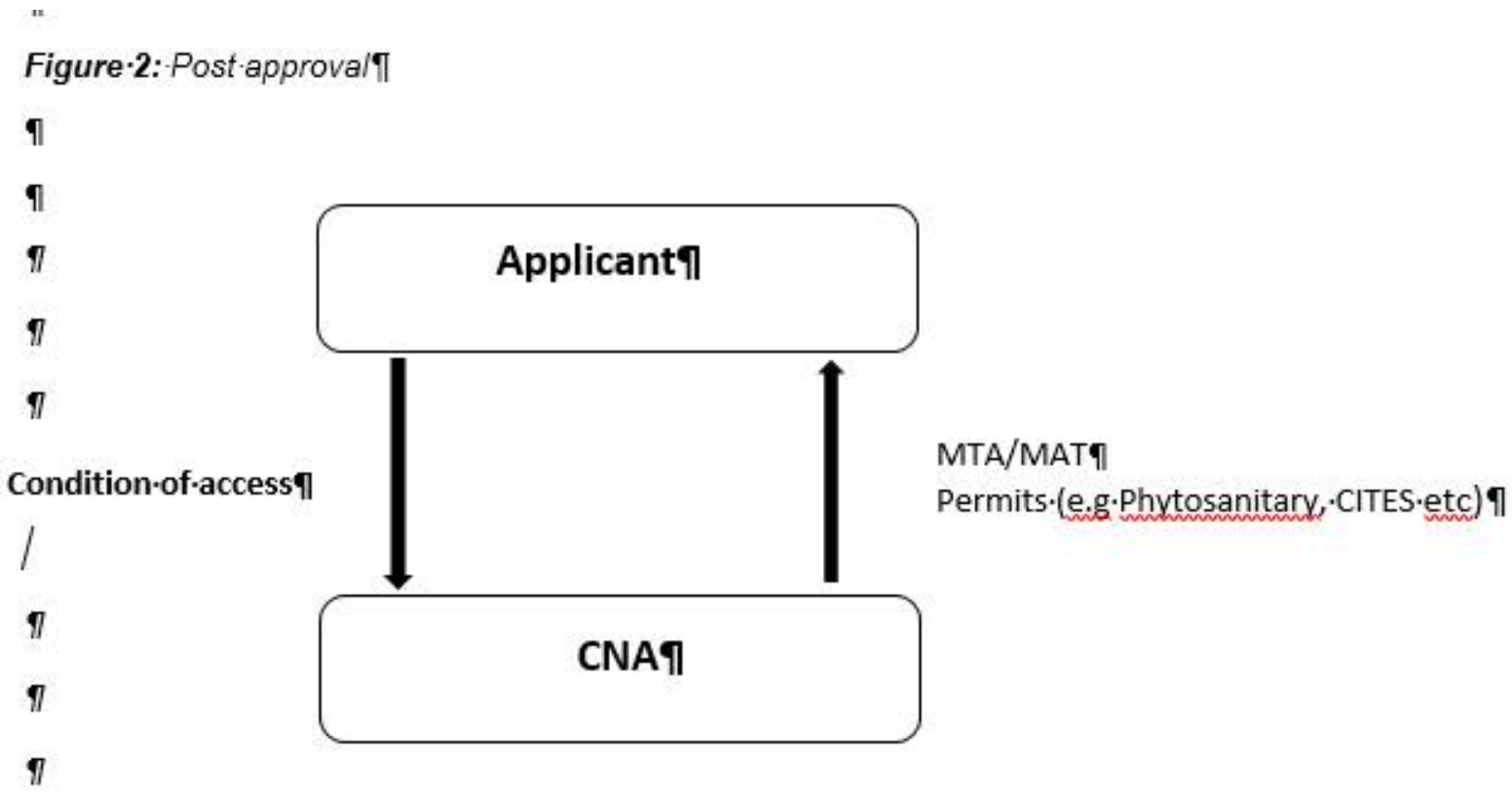
# Permits and Certificates : Seychelles

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.



# Permits and Certificates : Seychelles

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.



# Permits and Certificates : << Cameroon >>

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

The user will need to make a written request or fill the request form with all attached documents .

The request will be treated within 60days maximum by the administration and approval for the issuance of a PIC given by the National ABS Committee- After which the minister of Environment playing the role of the National Competent Authority will issue a PIC.

This PIC will serve as authorization to start negotiation for a MAT.

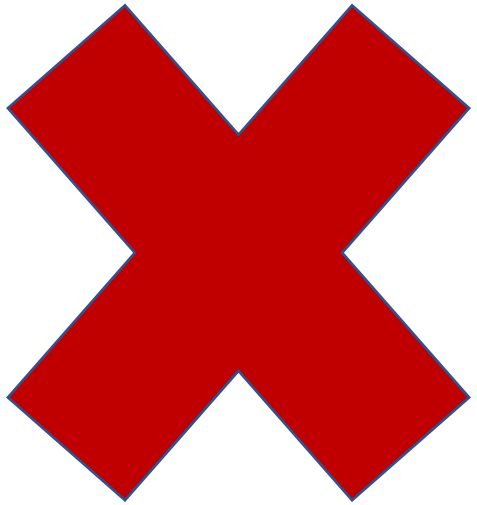
# Permits and Certificates : Antigua and Barbuda

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

1. User submits the Application for Access to Genetic Resources. It must be accompanied by:
   a) Research proposal
   b) Declaration of ability to sign on behalf of research institution
   c) Environmental impact assessment if requested
2. Focal point shares application with committee of Government agencies and non governmental organisations and community groups if necessary
   a) Decision committee takes 2 weeks to discuss
3. Decision is communicated to the applicant

# Permits and Certificates : Germany

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.



**A**(ccess)

- **Regulated by EU MS**
- **In Germany, generally free (no PIC)**

**B**(enefit Sharing)

- **Regulated by EU MS**
- **In Germany, not required (no MAT)**

**C**(ompliance)

- **Based on EU legislation**

# Permits and Certificates : Saint Kitts and Nevis

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

- Prior informed consent (PIC) is required to access GR in St. Kitts and Nevis
- The starting point of the access procedure will vary, depending on whether the resources are being accessed in St Kitts or in Nevis. The Department of Environment (CNA) shall be the receiving entity of all applications for ABS permits, in St Kitts.
- In Nevis, the Department of Planning and Environment shall be responsible for receiving and processing applications for ABS permits. If any application for a permit to conduct scientific research on the genetic properties of a biological resource are presented in any other department, that department should forward the application to the Department of Environment (in St Kitts) or to the Department of Physical Planning and Environment (in Nevis).

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

• The Applicant who performs the procedure to access the genetic resource in territories belonging to indigenous communities and / or communities with ancestral knowledge associated with the genetic resource, must make prior and informed public consultation to said communities and send to MINEC the act signed by all community members in an explanatory meeting of the project to be carried out.

# Permits and Certificates : URUGUAY

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

According to Ministerial Resolution 1844/2017, which establishes a Provisional Regime of Access to Genetic Resources, the Prior Informed Consent (PIC) is granted by the National Environment Directorate (DINAMA) of the Ministry of Housing Land Management and Environment (MVOTMA) .

Therefore, the negotiation is carried out between DINAMA and the user.

***Link to the procedure:***

***http://www.mvotma.gub.uy/ambiente/conservacion-de-ecosistemas-y-biodiversidad/biodiversidad/recursos-geneticos/solicitud-de-acceso-a-recursos-geneticos***



# Permits and Certificates : United Kingdom

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

The UK does not regulate access to its genetic resources









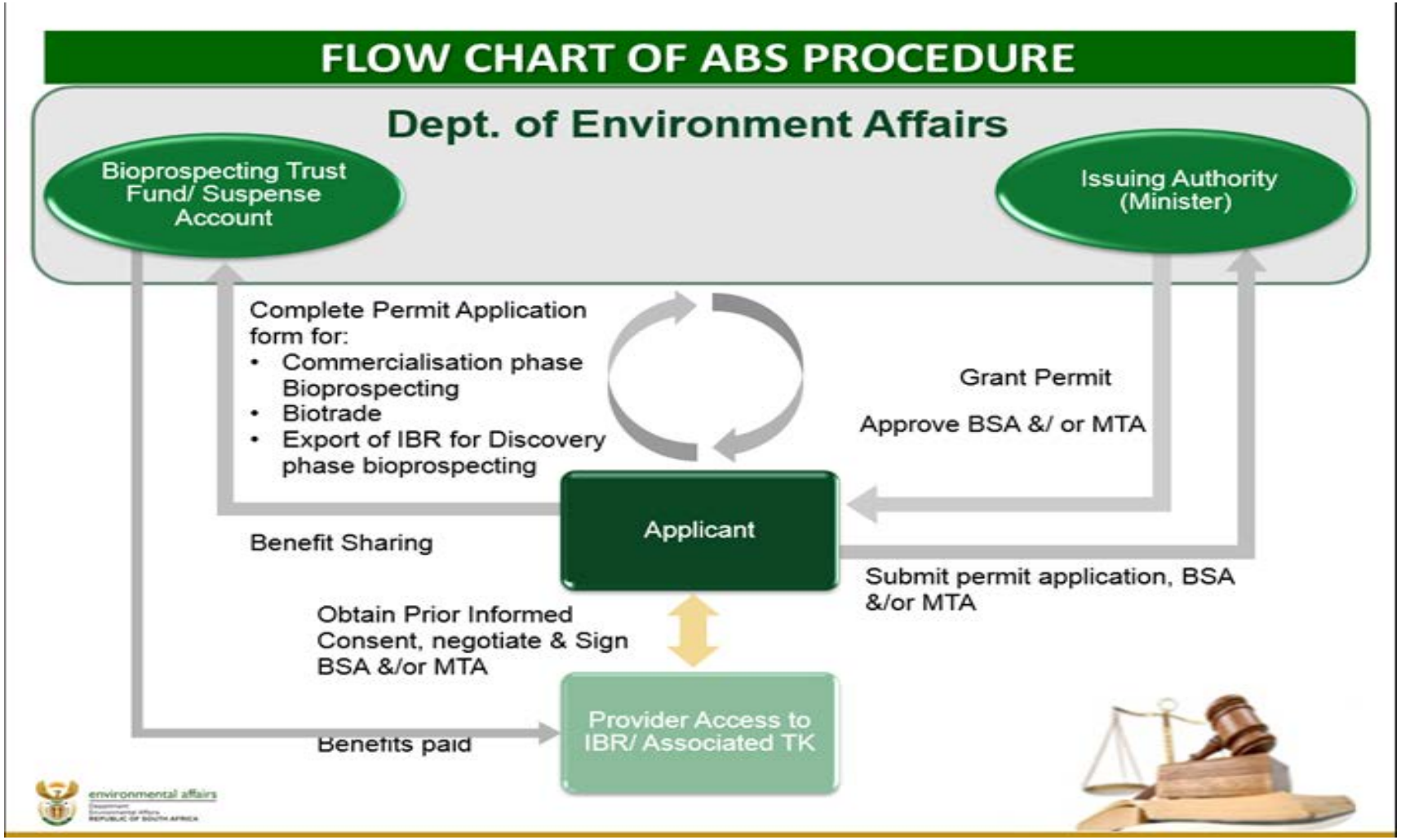
# Permits and Certificates : Switzerland

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

(not applicable – PIC is not required)

# Permits and Certificates :

**1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.**



# Permits and Certificates : << Serbia>>

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

---

No

# Permits and Certificates : SENEGAL

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

Pour le moment, le Sénégal n'a pas encore établi un processus formel d'accès aux ressources génétiques.

Il sera necessaire d'avoir un consentement préalable en connaissance de cause dès que les bases légales d'accès aux ressources seront établies.

For the moment, Senegal has not yet established a formal process of access to genetic resources.

It will be necessary to have prior informed consent as soon as the legal bases of access to resources are established

# Permits and Certificates : Rwanda

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

- PIC is required to access genetic resources in Rwanda (In accordance with the Ministerial orders in process):

- The Article 9 provides for Requirements for obtaining Prior Informed Consent

# Permits and Certificates : The Netherlands

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

- Not applicable

4. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

The implementation of Nagoya Protocol needs legislative and administrative support. A draft Act has been prepared by Pakistan namely *Pakistan Access to Genetic Resources and Benefit-sharing Act*. It has not been enacted yet. However, there are clauses and procedures defined for PIC in the draft Act.

PIC is well defined in Draft Act 2(33); procedures defined in chapter 2 clause 7 ; Chapter 3 clause 10 & 17;

In the draft Act, Schedule 1-A section 3.6 restricts the users / people intending to access the genetic resources to activities linked with PIC

**(The draft Act will be displayed and relevant sections elaborated)**

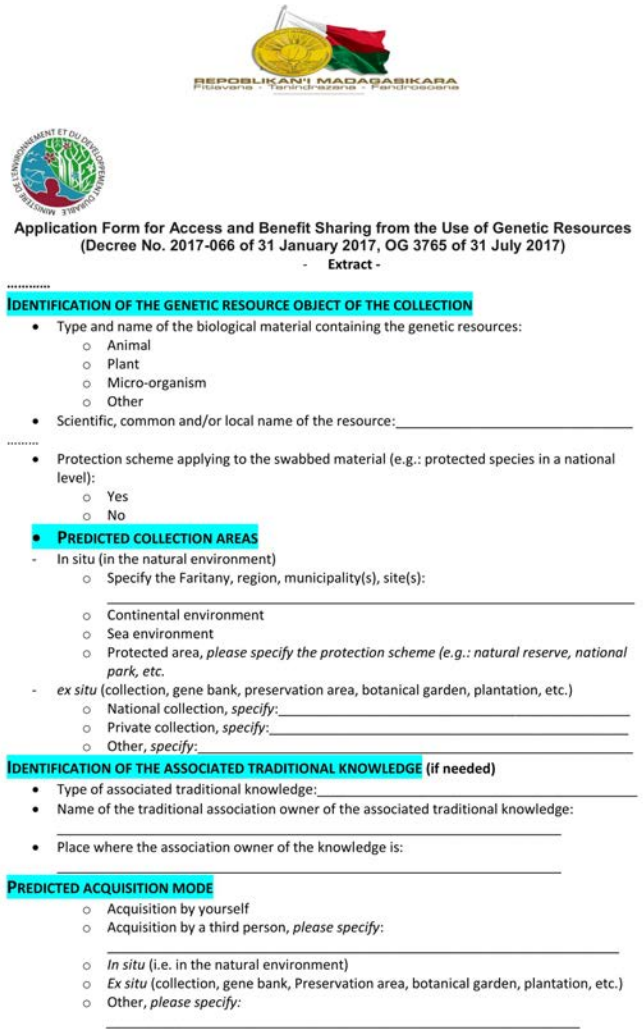
# Permits and Certificates : NEPAL

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

- The draft ABS Bill of Nepal has clearly mentioned that the prior informed consent (PIC) is required to access genetic resources in Nepal.
- According to the draft ABS Bill, it is mandatory to get PIC from the individual, organization and local communities who has ownership over the genetic resources and associated TK before accessing such resources. For this, the national users need to contact through Provincial Genetic Resources Management Council and the international users need to contact through National Genetic Resources Management Council before reaching to the owner of the GR and TK.
- Once the bill will be endorsed, the regulations will be developed which will clearly describe further steps for PIC.
- We are also interested to see best PIC procedure that really facilitates the ABS process.

# Permits and Certificates : MADAGASCAR

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.



REPOBLIKAN'I MADAGASIKARA
Fitiavana - Tanindrazana - Fandrosoana

**Application Form for Access and Benefit Sharing from the Use of Genetic Resources**
**(Decree No. 2017-066 of 31 January 2017, OG 3765 of 31 July 2017)**
**- Extract -**

.....

**IDENTIFICATION OF THE GENETIC RESOURCE OBJECT OF THE COLLECTION**

- Type and name of the biological material containing the genetic resources:
  - Animal
  - Plant
  - Micro-organism
  - Other
- Scientific, common and/or local name of the resource:_____

.....

- Protection scheme applying to the swabbed material (e.g.: protected species in a national level):
  - Yes
  - No
- **PREDICTED COLLECTION AREAS**

- In situ (in the natural environment)
  - Specify the Faritany, region, municipality(s), site(s):
    _____
  - Continental environment
  - Sea environment
  - Protected area, *please specify the protection scheme (e.g.: natural reserve, national park, etc.*
- *ex situ* (collection, gene bank, preservation area, botanical garden, plantation, etc.)
  - National collection, *specify*:_____
  - Private collection, *specify*:_____
  - Other, *specify*:_____

**IDENTIFICATION OF THE ASSOCIATED TRADITIONAL KNOWLEDGE (if needed)**

- Type of associated traditional knowledge:_____
- Name of the traditional association owner of the associated traditional knowledge:
  _____
- Place where the association owner of the knowledge is:
  _____

**PREDICTED ACQUISITION MODE**

- Acquisition by yourself
- Acquisition by a third person, *please specify*:
  _____
- *In situ* (i.e. in the natural environment)
- *Ex situ* (collection, gene bank, Preservation area, botanical garden, plantation, etc.)
- Other, *please specify:*
  _____

➔ notification of the CNA to the applicant to get PIC from local stakeholders:

- landowners,
- populations (with development and use of Community Biocultural Protocol),
- holders of traditional knowledge,
- administration,
- private owners of resources,
- natural resources managers

➔ *PIC collection facilitated / accompanied by technical representative of CNA*

# Permits and Certificates : State of Kuwait

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

- To access genetic resources, a formal letter is first sent to the concerned organization.
- The request is either declined or a committee is formed to assess the request and respond.
- A memorandum of understanding is discussed in length to govern the access and use of the genetic resources and data.
- Restrictions and guidelines are put in place to govern, limit and monitor the access.

# Permits and Certificates : << KENYA >>

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

- The applicant may use the following general steps to acquire PIC and MAT

1. If the potential GR user is a foreigner, the applicant must identify a local collaborator who is a lead agency/ research institution, academic institution, NGO, CBO or private person/institution.

2. Upon receipt of research licence and researchers' pass, the potential user must liaise with the local partner to visit NEMA for assistance and reference purposes.

3. The applicant will then establish contact with the resource provider through NEMA and the public administration for purposes of seeking PIC and MAT.

4. The potential GR user will then liaise with NEMA and local administration to call for a community meeting comprising relevant stakeholders to negotiate PIC and MAT.

The Output of the meeting which will form part of the documentation to be submitted

1. Confirmed minutes of the meeting which must be duly signed. Attendance list duly signed by the participants complete with their contact details.

2. Evidence of the information provided by the GR user to the community.Any additional evidence e. g. photos, videos etc.

3. At the meeting, the community will identify and authorize a person who will sign the PIC and MAT on their behalf.

4. The potential GR user will incorporate the agreed concerns from the public meeting in the project proposal document.

5.The potential GR user and the providers will complete and sign the PIC and MAT.

6. The potential GR user will submit copies of the duly completed access permit application, PIC, a project proposal, MAT and minutes of the public meeting among other requirements to NEMA

# Permits and Certificates : << Jordan >>

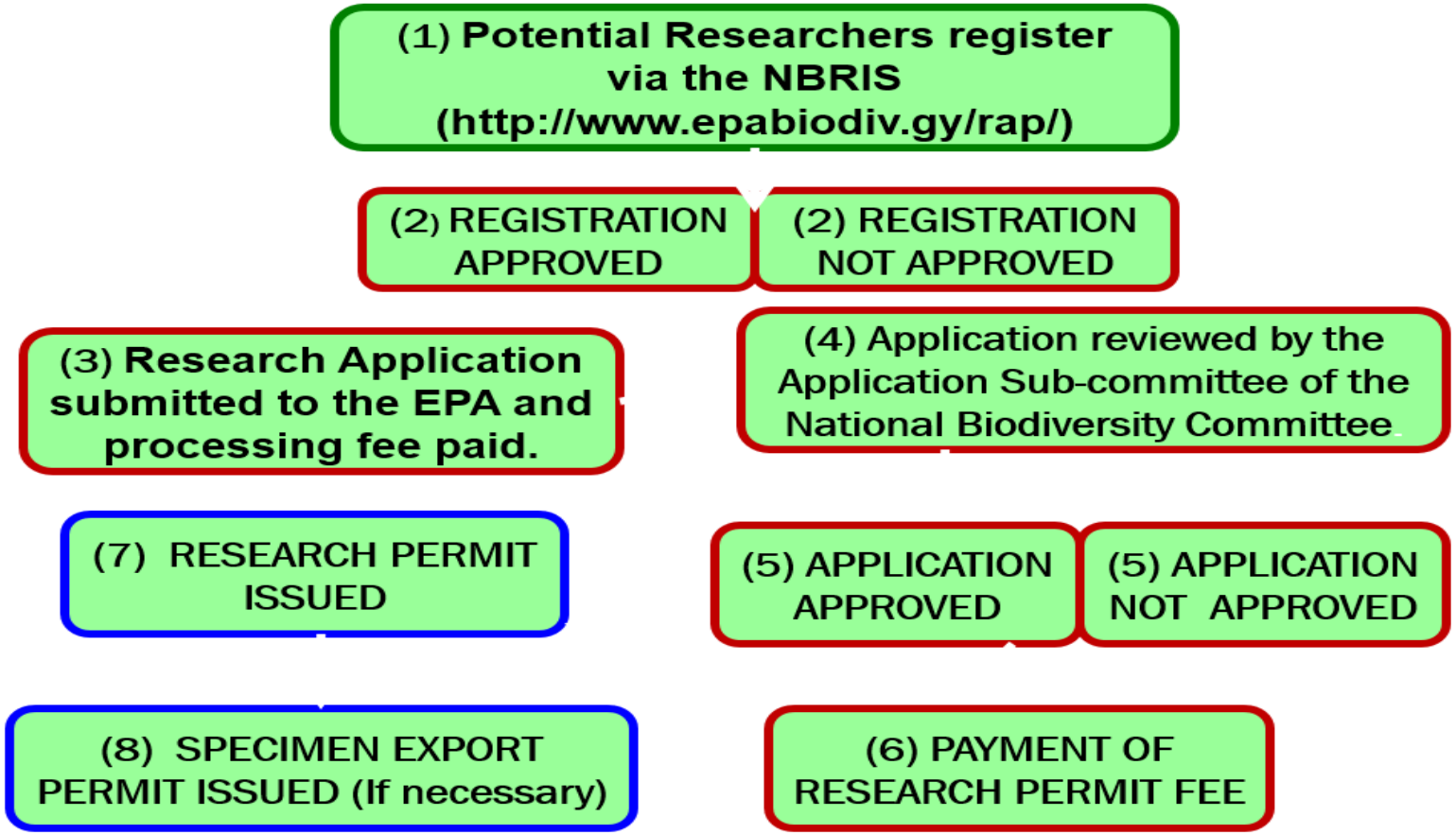
1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

The user should sent a formal letter to the focal point about his concern about access of genetic recourses and traditional knowledge with the PIC format , then the request sent to national committee component.
Through the national committee component , committee includes all stakeholders.

# Permits and Certificates : Guyana

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

- PIC is required – Research Process



## Permits and Certificates : << FRANCE>>

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

- France has regulated access to genetic resources and traditional knowledge associated to genetic resources under its sovereignty since the 1st of July 2017, which now requires PIC & MAT
- Users can fill a form on an online system or send it by email to apa@developpement-durable.gouv.fr
- Once the form is complete and after its examination, an acknowledgment of receipt is delivered, which is proof that PIC was granted and MAT was established
- Afterwards, this decision is registered in the ABS Clearing-House so that it can become an IRCC

# Permits and Certificates : Finland

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

- **There is no need for PIC and MAT for Finnish genetic resources in respect to the Nagoya protocol**
- However, PIC and possible MAT will be required in case that traditional knowledge of the Sami people is used together with genetic resources.

- There will be a database (in the future) containing Sami traditional knowledge
- The right to access to the knowledge in the database is applied for from the NCA
- The competent authority shall notify the Saami Parliament of the application
- The delivery of knowledge from the database to the user requires that the competent authority approves the mutually agreed terms between the Sami 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 Saami people
- Where necessary, the NCA shall negotiate with the Saami Parliament on the mutually agreed terms

# Permits and Certificates : European Union

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

- Access:
  - Left to individual Member States; no EU legislation
  - Countries with access legislation: Spain, France, Croatia, Malta, Bulgaria
    - → these countries require PIC
    - IRCC issued by FR (153), ES (43), BG (3), MT (1)
- Compliance
  - Harmonized implementation across EU
    - ➔ EU ABS Regulation (511/2014)
    - ➔ EU Implementing Regulation (2015/1866)
    - → Commission Notice – Guidance document (2016/C 313/01)

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

- Austria has not adopted legislation specifically regulating access to genetic resources or questions of benefit sharing within its national jurisdiction. Prior informed consent (PIC) and mutually agreed terms (MAT) as foreseen in the Nagoya Protocol are therefore not applicable in Austria.
- Access to genetic resources collected in situ in Austria is consequently free and only subject to the existing requirements of Austrian public and private law. General public law may prohibit or limit the collection of genetic resources or require prior approval to access.
- Relevant provisions can for instance be found in federal and provincial legislation on forests, agriculture, hunting, fishing, nature conservation, animal welfare or GMOs. Additional limitations may apply from private law considerations such as access restrictions to private land. Furthermore intellectual property rights protected under patent law may be applicable. A complete list of relevant provisions is in progress.

# Permits and Certificates : << Côte d'Ivoire>>

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

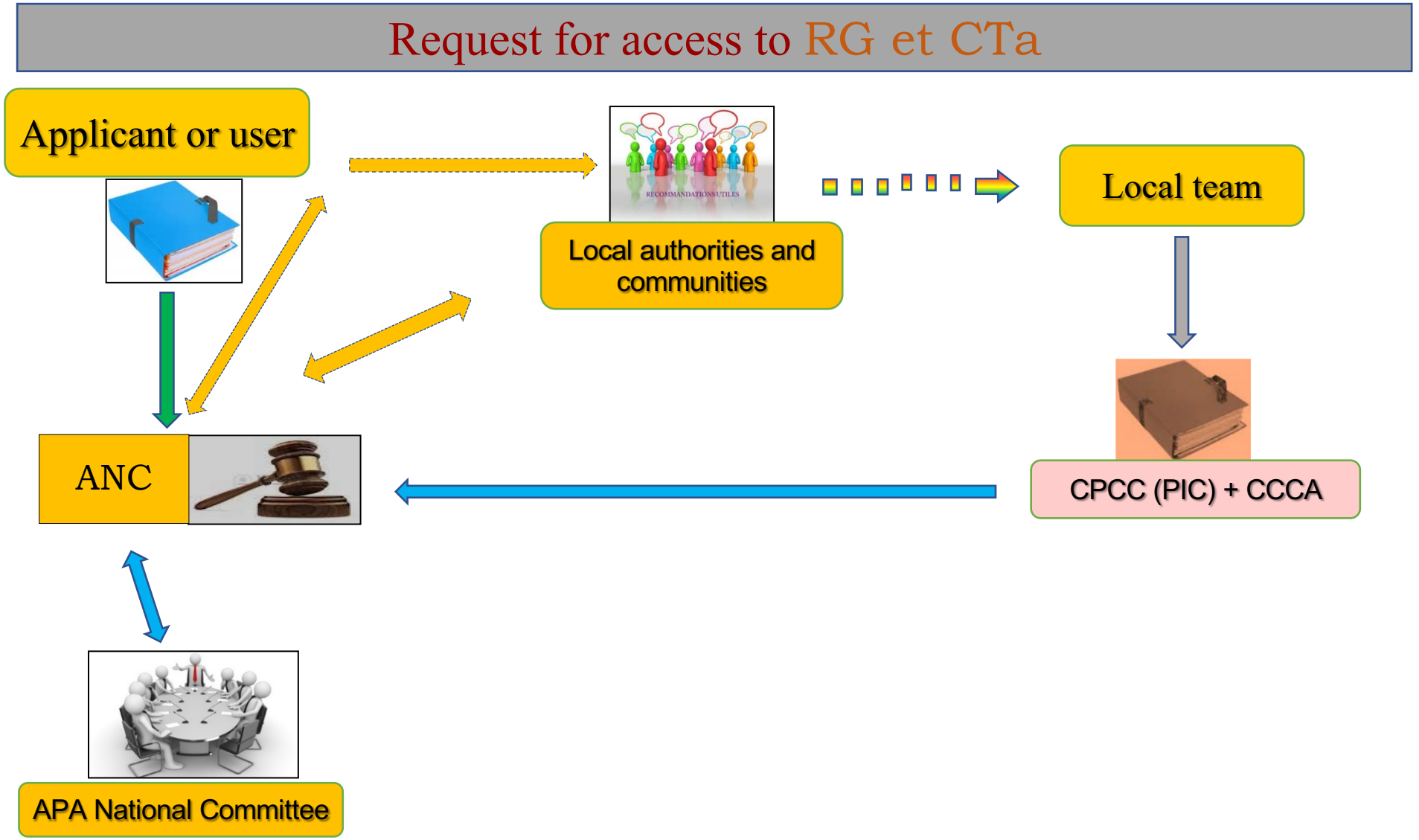
Although there is no formal legal framework yet, stakeholders have validated a draft Access and Benefit Sharing Decree that is being adopted. In this draft decree, the procedure is the following whatever the type of genetic resources and the place of use:

- ❑ Contact the focal point ;
- ❑ Provide an access or permit request form provided by the ABS Focal Point;
- ❑ Develop an ABS Basic Agreement Model provided by the ABS Focal Point;
- ❑ Send a letter of declaration to the National Competent Authority, therefore the Ministry of the Environment, enclosing all the files;
- ❑ Analysis of the file by the National Competent Authority;
- ❑ Possible stakeholder consultation organized by the National Competent Authority;
- ❑ Analysis of the file by the National Competent Authority;
- ❑ PIC or not.



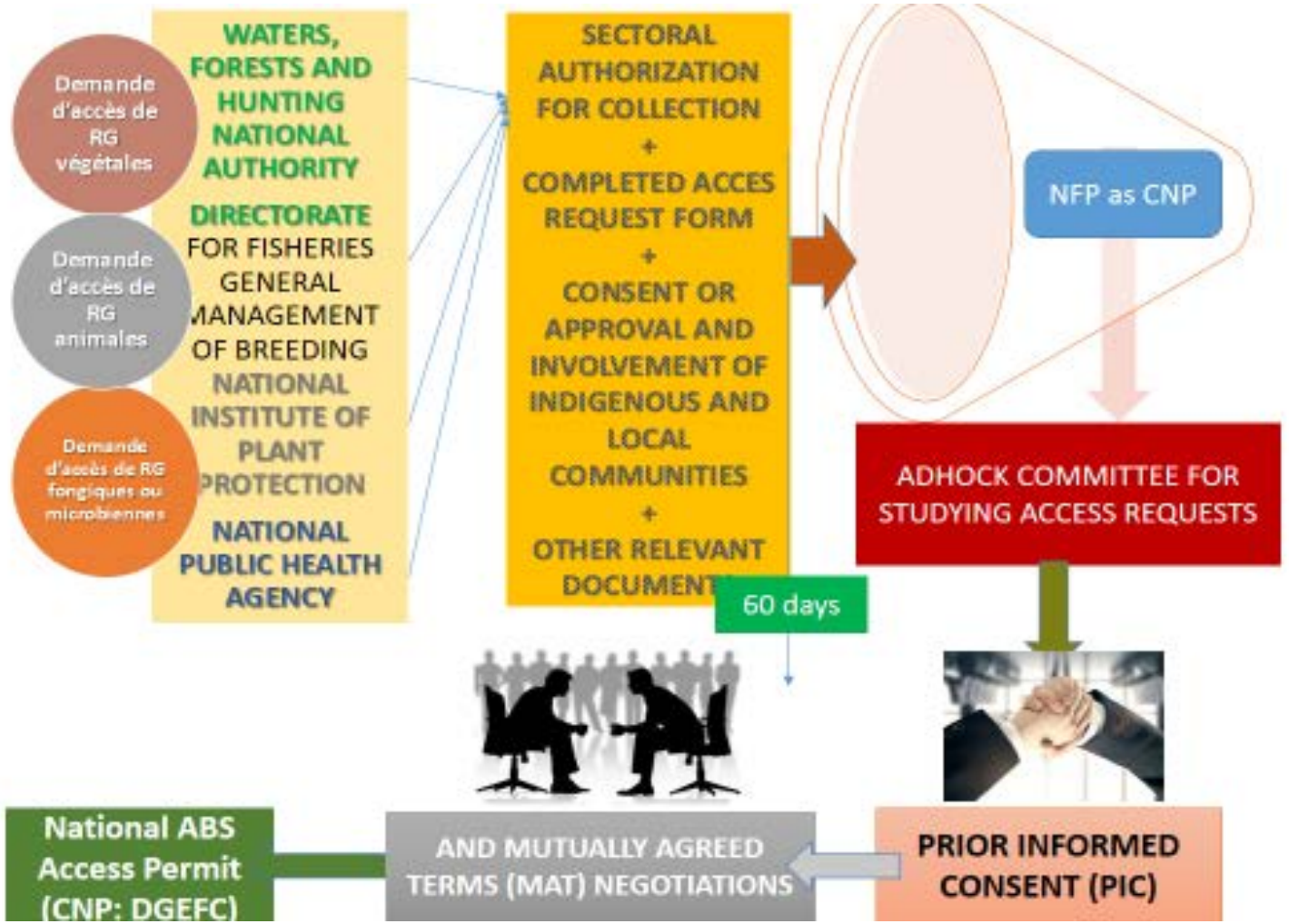
# Permits and Certificates : << Burkina Faso >>

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.



# Permits and Certificates : << BENIN >>

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.



# Permits and Certificates : Flanders / Belgium

1. If prior informed consent (PIC) is required to access genetic resources in your country, please describe the procedures (steps) a user would typically follow.

- NO PIC required to date
- Adopted legislation in Flanders
- Legislation in last stage of adoption in Wallonia
- Legislation in process of development at other levels (Federal Authority & Brussels-capital).

# Permits and Certificates

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

**ABS procedure**

- National TV
- Inflight magazine
- Office/NBC Website
- Seminar, workshops and expos
- Distribution of brochures, pamphlets, posters

**ABS Clearing House**

- ABS Clearing House: Legislative , Administrative or Policy Measures

**2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)**

- **CGen** to **promote debates and public consultations** on the topics dealt in Law 13.123/15 and to **publicize** its technical standards and deliberations.

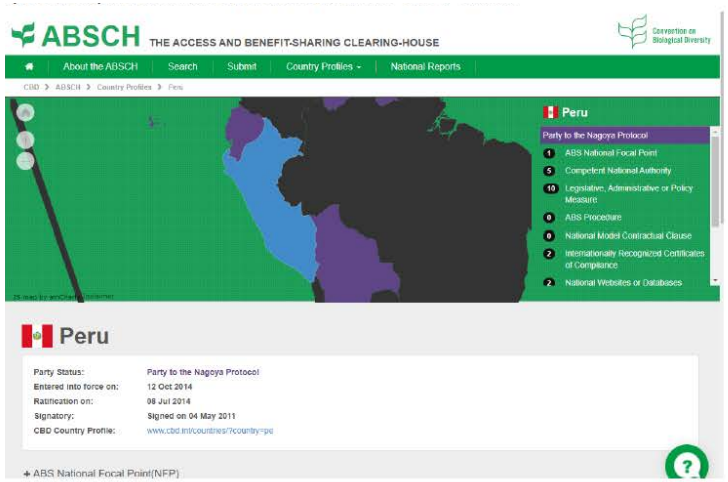
- **Ministry of Agriculture, Livestock and Supply – MAPA to** elaborate, **publish** and periodically review the reference **lists** of domesticated species or that were introduced into the national territory, **used in agricultural activities**.

# Permits and Certificates : PERU

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

Peru informs users and providers about National ABS regulations by the following activities:

- Official website of ABS National Focal Point and ABS Competent National Authorities.
- The ABS Clearing – House: Legislative, Administrative and Policy National Measures.
- Biosafety Clearing House Peru (BCH Peru): National Laws and regulations relating to LMOs.
- Guidance on the scope of application and core obligations of the Nagoya Protocol.
- Guidance material on traditional knowledge on access and benefit sharing.
- ABS Regional Regulation training workshop: To users and providers.




Ministerio del Ambiente – MINAM
http://genesperu.minam.gob.pe/recursosgeneticos/que-es-accesos-a-recursos-geneticos/

Servicio Nacional Forestal y de Fauna Silvestre - SERFOR
https://www.serfor.gob.pe/servicios-de-investigacion/autorizacion-acceso-recursos-geneticos

Colaborative actions between competent autorities and related institutions
https://portal.concytec.gob.pe/index.php/noticias/1769-concytec-acceso-a-recursos-geneticos-permite-fortalecer-la-investigacion-en-el-peru
Workshop – streaming for researchers

# Permits and Certificates : << Tajikistan>>

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

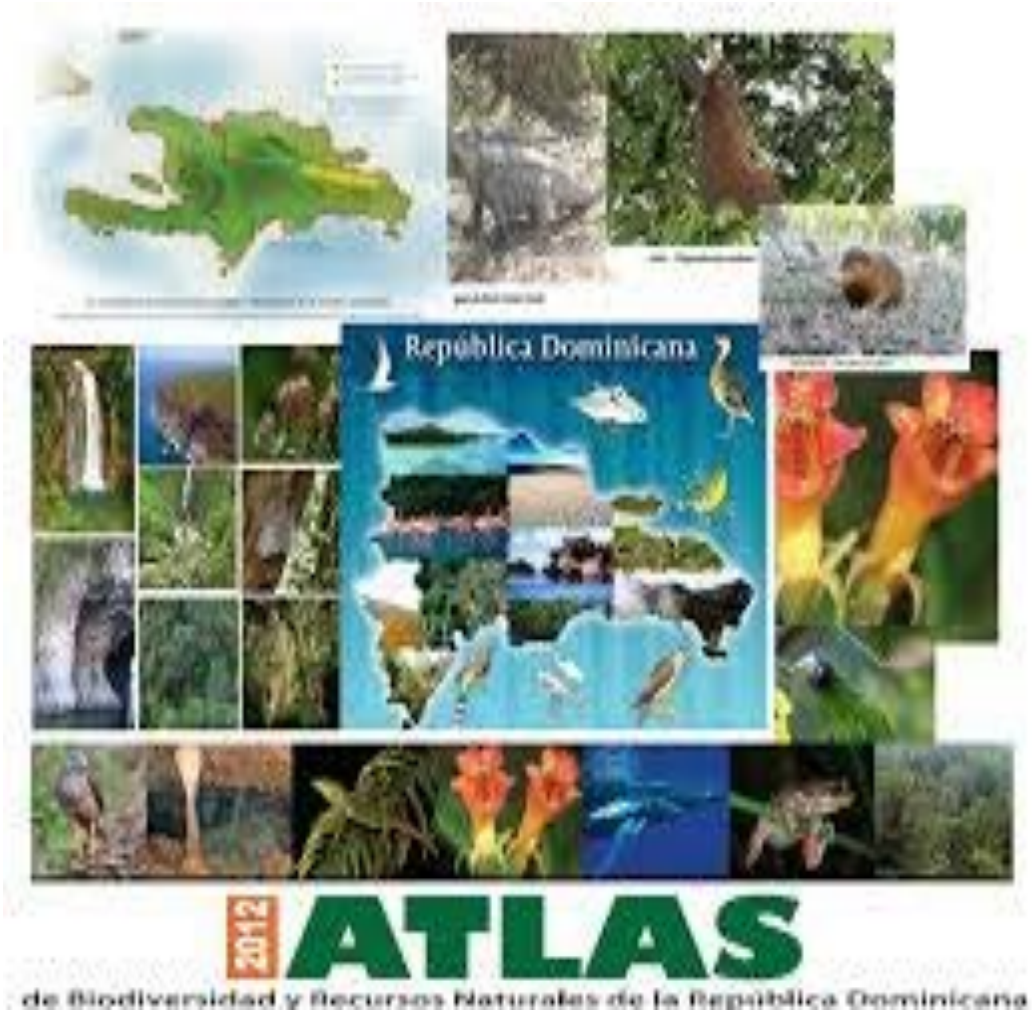
Through the website of the National Biodiversity and Biosafety Center

biodiv.tj



# Permits and Certificates : Dominican Republic

2. Please elaborate on **how your country informs users on the national ABS Procedures**? (for example, through an online system, guidance material, ABS Clearing-House… etc.)




✓ **Website:**

http//www.ambiente.gob.do

✓ **Specific Legislation (available online):**

Regulation, Guide and ABS Policy

✓ **Workshops:**

Investigators, users, communities and private enterprises

# Institutional Framework for the Implementation of The Nagoya Protocol in the Dominican Republic

**CNA/FP**

Ministry of Environment and Natural Resources. CNA for all GR

**PIC**

**Ministry of Environment and Natural Resources;**

•If it is related to a Traditional Knowledge: **Ministry + Local Community in question** through a contract (**MAT**).

**MAT**

**Granted with a contract to Access Genetic Resources, signed by the Minister and the User.**

**Checkpoints**

1. Ministry of Environment and Natural Resources; 2, Ministry of Higher Education, Science and Technology

**Other Structures**:

National Committee of Biodiversity (Decree N. 451-11 and N. 441-12)

# Permits and Certificates : Republic of Moldova

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

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In accordance witch the national legislation, our country is issuing for flora and fauna species 2 types of permits: for CITES Spp - Permit/Certificate CITES and for non-CITES Spp - Permit for export/import of wild plants/animals.

Permissive mechanism are included in the following legal acts:

- **Law on animal kingdom, 1995**;
- **Law on vegetal kingdom, 2007**;
- Government Decision regarding the approval of the standard forms of the permissive acts, 2018.

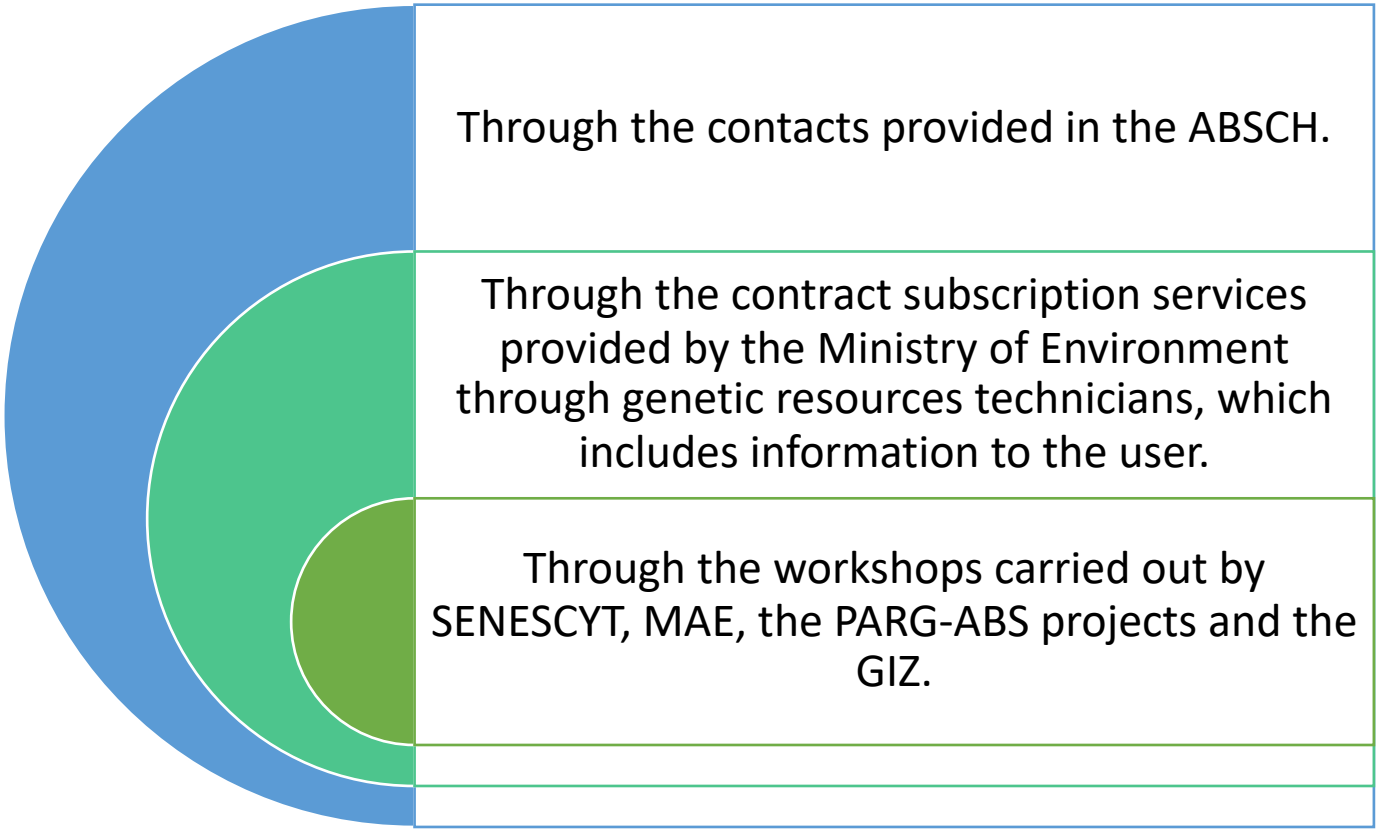
# Permits and Certificates : Cambodia

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- Users will be informed through:
  - ABS Clearing-house
  - Publication materials
  - Legislation distribution to the public institutions
  - Capacity building events

# Permits and Certificates : << Ecuador >>

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)



# Permits and Certificates : COSTA RICA

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)




Web site www.conagebio.go.cr




ABS CH








Capacity building activities/ Workshops with experts (e.g. bioeconomy) / Meetings with companies

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

Not applicable

# Permits and Certificates : << Lao PDR>>

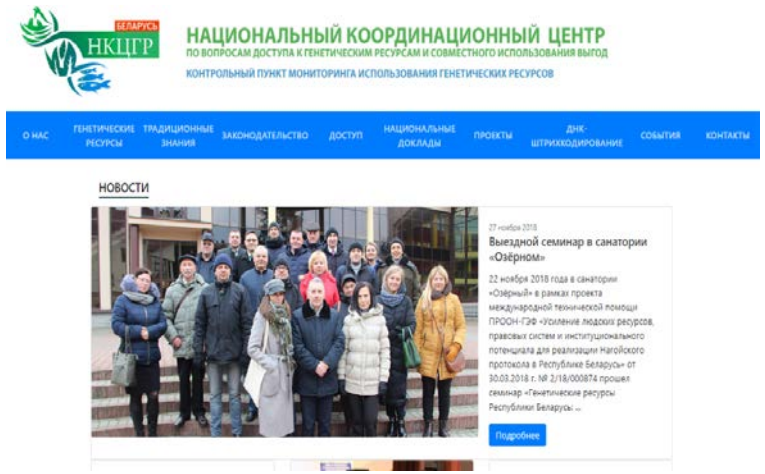
2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

There are two way approaches recently for the users on the national ABS procedure. One is through the NFP contact and another is to local authorities or collaborating partners.

# Permits and Certificates : << Belarus>>

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

Informing of stakeholders with regard to the legal regulation of access to genetic resources of the Republic of Belarus and the terms their use, including benefit-sharing, is one of the main ABS NCC functions, and is carried out through the website of the National ABS CH available at: **abs.igc.by**

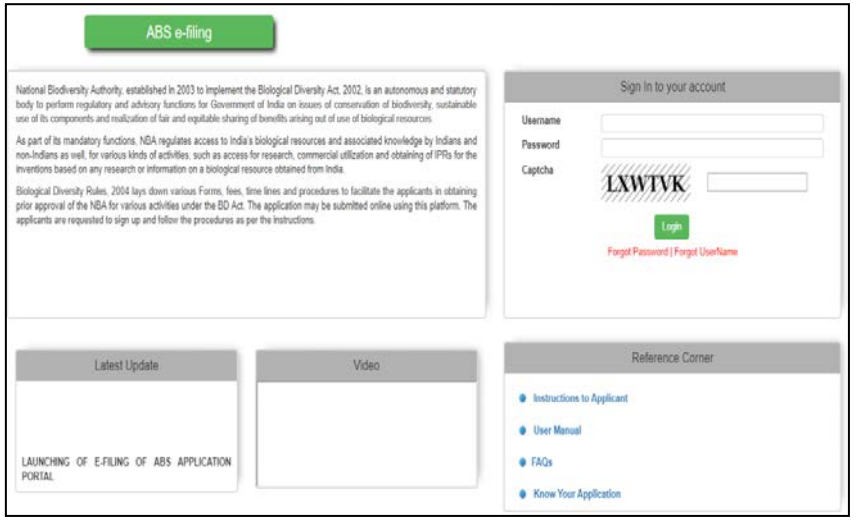



ABS NCC regularly holds information workshops for potential providers of genetic resources (National Parks, Reserves, Scientific Institutions, Breeding Centers, etc.) as separate thematic activities and during visits of different institutions. ABS NCC also publishes information in periodicals, the mass media, takes part in biology-related conferences, paying particular attention to the conferences/workshops on the conservation of biological diversity and genetic resources.

# Permits and Certificates : INDIA

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

| |
|---|
| Online Application Portal |
| ABS Clearing-House |
| Publications |
| User Manual |
| Video Tutorials |
| Helpline |
| Capacity building workshops (patent attorneys/industry/ academia) |
| Advertisements |
| Social media platforms |









2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- Requests received by email addressed directly to the ABS or CBD Focal Point from applicants.
- Information on ABS Procedures provided to applicants via email with guidance on where to get application form and other information
- Through workshops and smaller working sessions ad-hoc
- Change from being ‘reactive’ to ‘Proactive’
- Seychelles presently developing an online permit system which will also act as a one stop shop for ABS issues

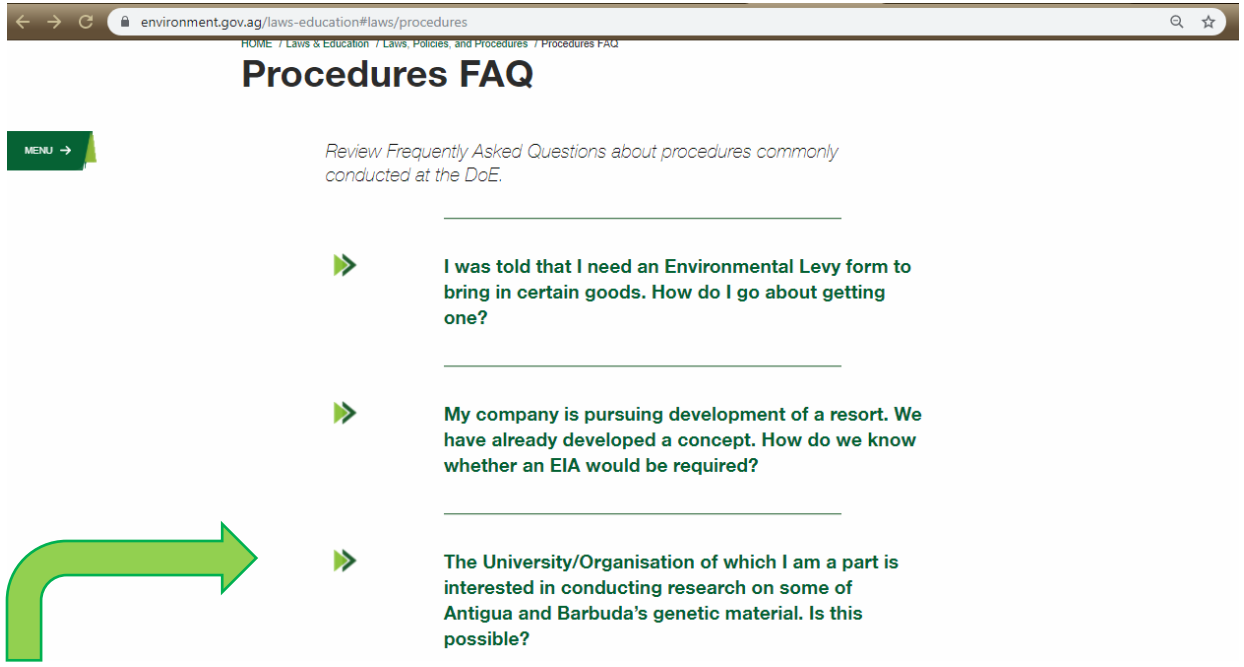
2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- Cameroon informs users on the national ABS Procedures through ABS Clearing–House, local medias and workshops;
- Brochures and hand bills describing the ABS procedures is being finalize for public distribution;
- Also, sensitization workshops and meetings with key stakeholder are organize to present the draft law and the ABS procedures.

# Permits and Certificates : Antigua and Barbuda

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- Information on the NFP is on the ABSCH
- Potential users contact us directly with information they receive from our website [www.environment.gov.ag](http://www.environment.gov.ag)



2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

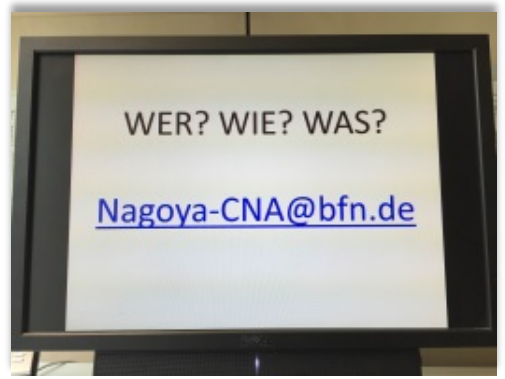
- National Clearing-House



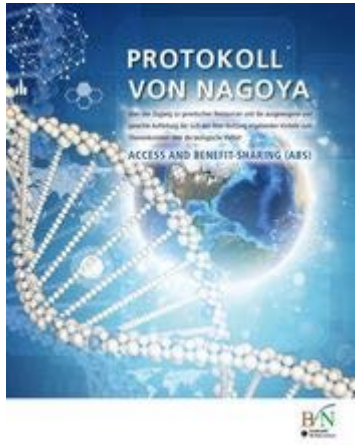

- FAQs




- ABS helpdesk




- Awareness raising materials (broshure, flyer, poster)









# Permits and Certificates : Saint Kitts and Nevis

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- Apart from brief guidance on ABS application procedures found on the Department of Environment website, there are no other directions to inform users on the national ABS Procedures

## Permits and Certificates : << República Bolivariana de Venezuela >>

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

• Our country reports on the national ABS procedures on the Ministry's website and all the forms to make an application are available on the website of the Ministry of Popular Power for Ecosocialism, through the following link: www.minec.gob.ve/ biological Diversity/

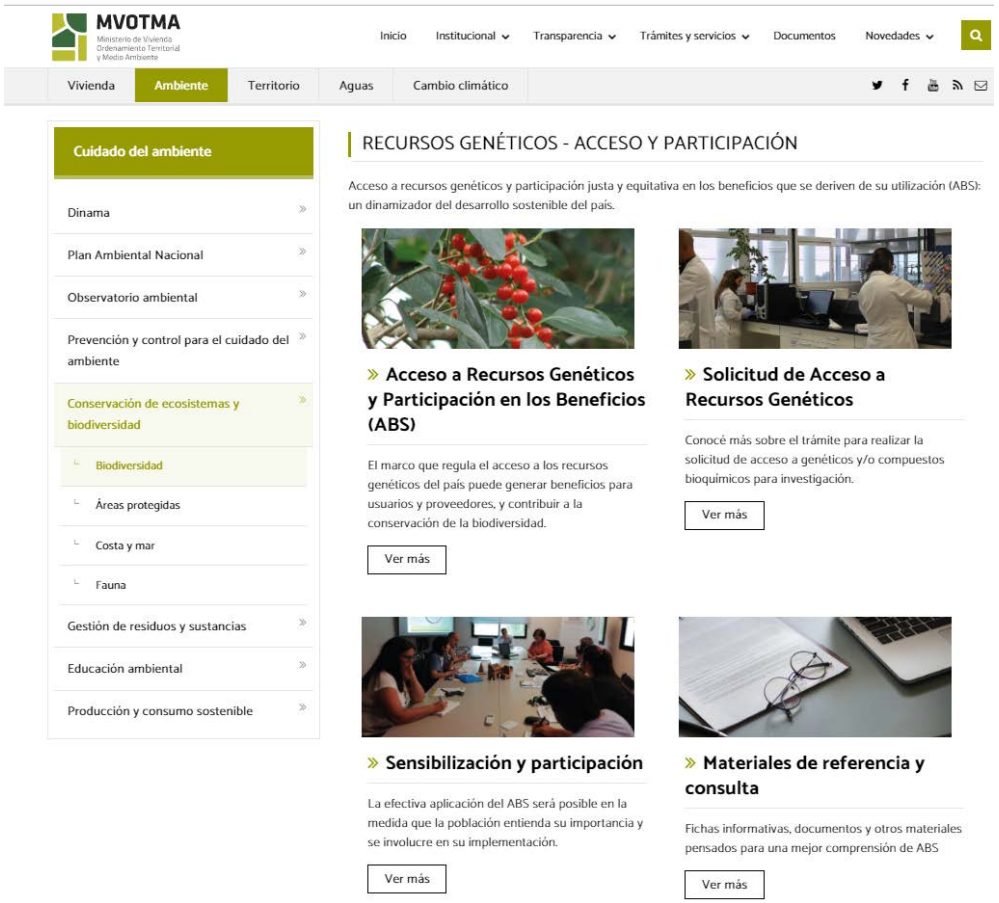
# Permits and Certificates : URUGUAY

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

ABS procedures are indicated on the MVOTMA website where you will find the necessary information:

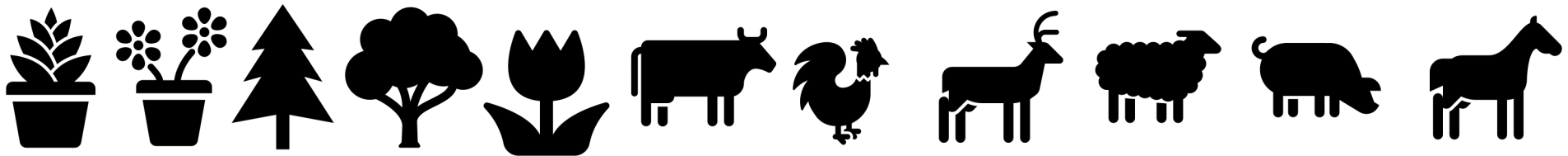
- The framework that regulates the access to the country's genetic resources,
- The procedure for requesting access to genetic and/or biochemical compounds for commercial and non-commercial use;
- Reference and consultation materials.

***Link to the Ministry webpage: http://www.mvotma.gub.uy/recursos-geneticos***



2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

N/A



# Permits and Certificates : Switzerland

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

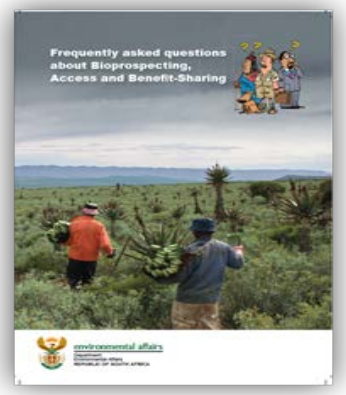
- ABS Clearing-House
- Explanatory guide to the Act and Ordinance
- Guidance material (SCNAT, BAFU NFP Website, FAQ for Ordinance, other offices)
- Notification forms where users have to confirm compliance (e.g. BAFU, SNF, Swissmedic)
- Talks at stakeholder association meetings
- Yearly «user» conferences
- Help desk answers questions from users by mail and phone

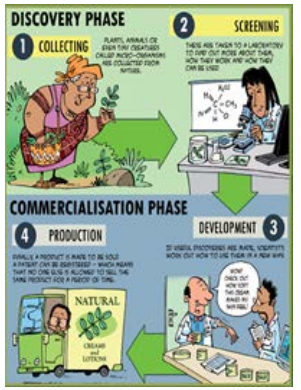
## 2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- Through the departmental website: www.environment.gov.za and ABS Clearing House.
- Capacity building and awareness raising workshops.
- South Africa have 11 official languages, and the ABS guidelines are translated in all the 11 languages to ensure that the user understands the procedures.
- Promotional materials such as posters, pamphlets and booklets.





# Permits and Certificates : << Serbia>>

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

Unfortunately, the Nagoya Protocol is still not operational in Serbia. Implementation will be fully in place in 2020, after the revision of the national legislation related to nature protection. It is planned, beside the ABS CHM, to establish a separate web page wit hyperlink to the main government websites (Ministry of Environmental Protection, Government of the Republic of Serbia, etc.).

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

Du moment où le Sénégal n'a encore terminé de mettre en place le processus complet d'accès à ses ressources, les utilisateurs, à partir du ABS clearing-House, prennent contact avec le point focal à travers son adresse mail.

A partir des types d'informations demandées par un potential utilisateurs, le point focal donne la situation du pays relative à APA

From the moment that Senegal has not yet finished implementing the entire process of access to its resources, users, from the ABS clearing house, contact the focal point through their email address.

From the types of information requested by a potential users, the focal point gives the situation of the country relative to APA

# Permits and Certificates : Rwanda

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- N/A
- The system yet to be established
- Provisions in the draft Ministerial Orders

5. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

Once the system will be in place, the procedures elaborated in the Act will be practiced. The users will be informed through official communication as per official procedures. In addition, the guidance materials will be produced by provincial governments to inform the users about the procedures. Additional measures will also be possibly used.

Currently only e-mail enquiries are being made and responded via emails. However, the draft Act has been placed on the website of the Ministry of Climate Change (Pakistan)

http://mocc.gov.pk/moclc/userfiles1/file/Pakistan%20Access%20to%20Genetic%20Resources%20and%20Benefit-sharing%20Act,%202012_.pdf

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- Not applicable

# Permits and Certificates : NEPAL

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- It is still under discussion and might be addressed by providing relevant information on ABS Clearing House. However the ABS regulations, which will be developed after the endorsement of ABS Bill, will further elaborate this procedure.
- We would like to know about the best information tool used by the other countries that have been successfully used to inform the users.

# Permits and Certificates : MADAGASCAR

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- National ABS procedures are published in Clearing-House in different forms: full text of national regulation (French and English version) , flow chart, step by step description
- An online information system is envisaged through a website
- NFP is receiving users request by e-mail, phone call or skype call

# Permits and Certificates : State of Kuwait

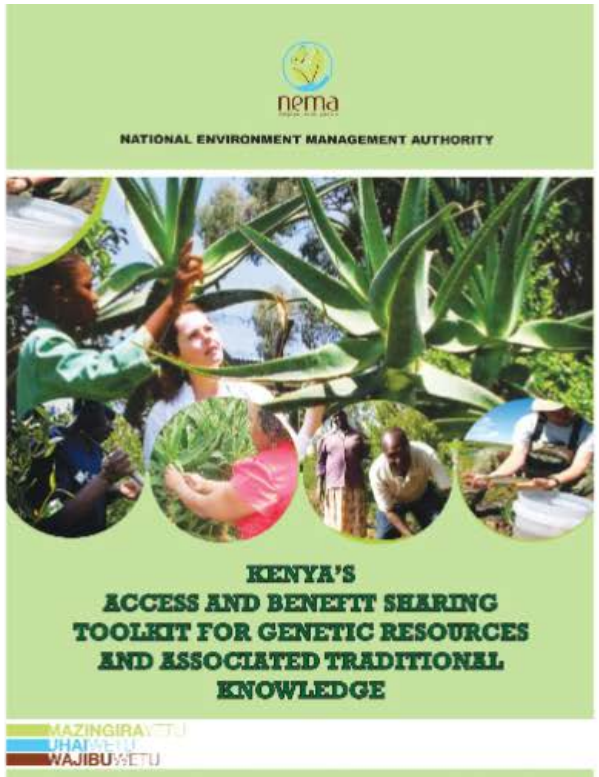
2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- Currently all access is limited and governed by private organizational procedures.
- When the ABS clearing-House is authorized and operational, information will be available through an online system with guidance materials disseminated to concerned organizations.

# Permits and Certificates : << KENYA >>

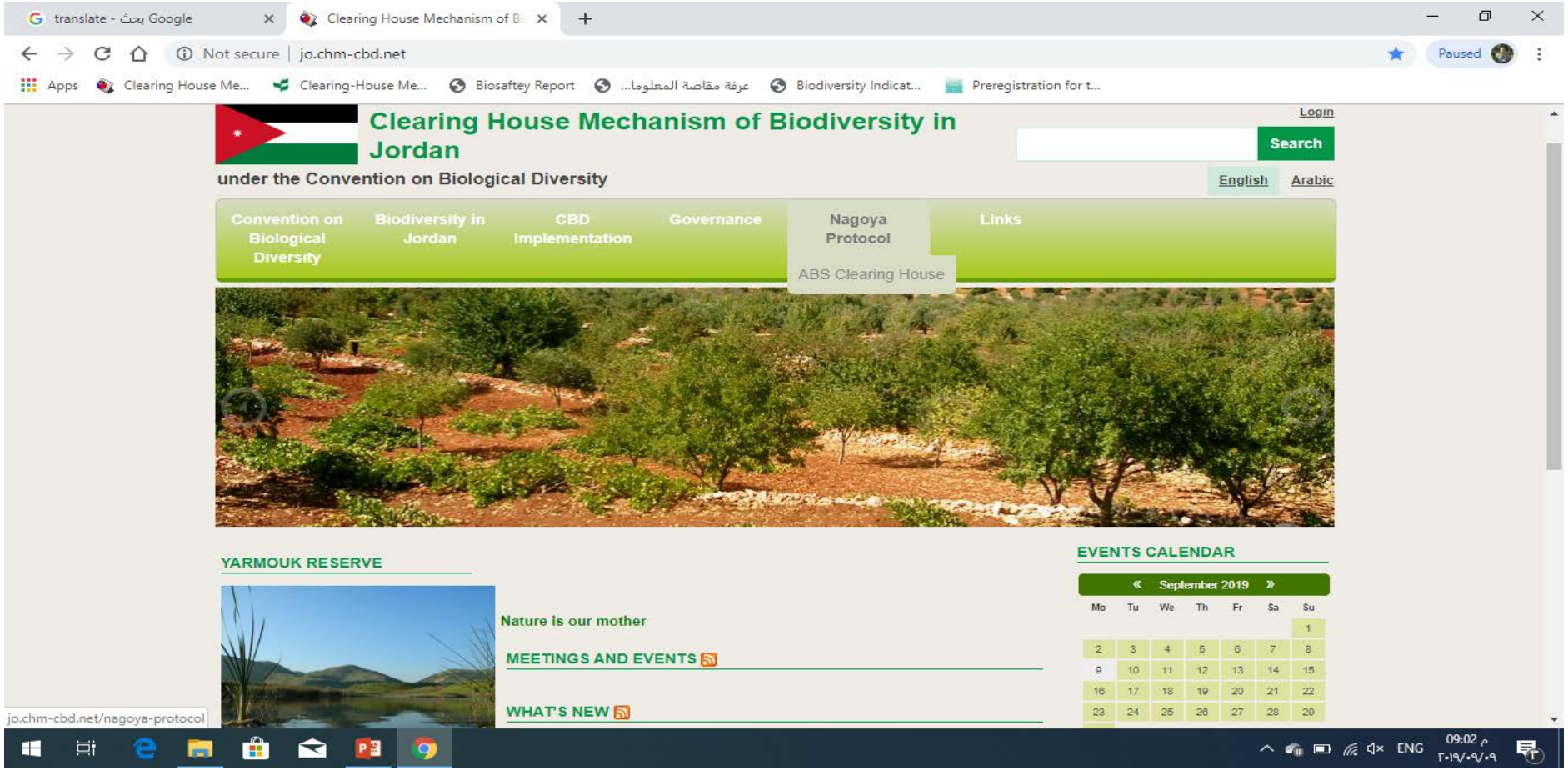
2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- Printed hard copies
- Available on the NEMA Website and ABSCH
- Developed a toolkit available on the websites



2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

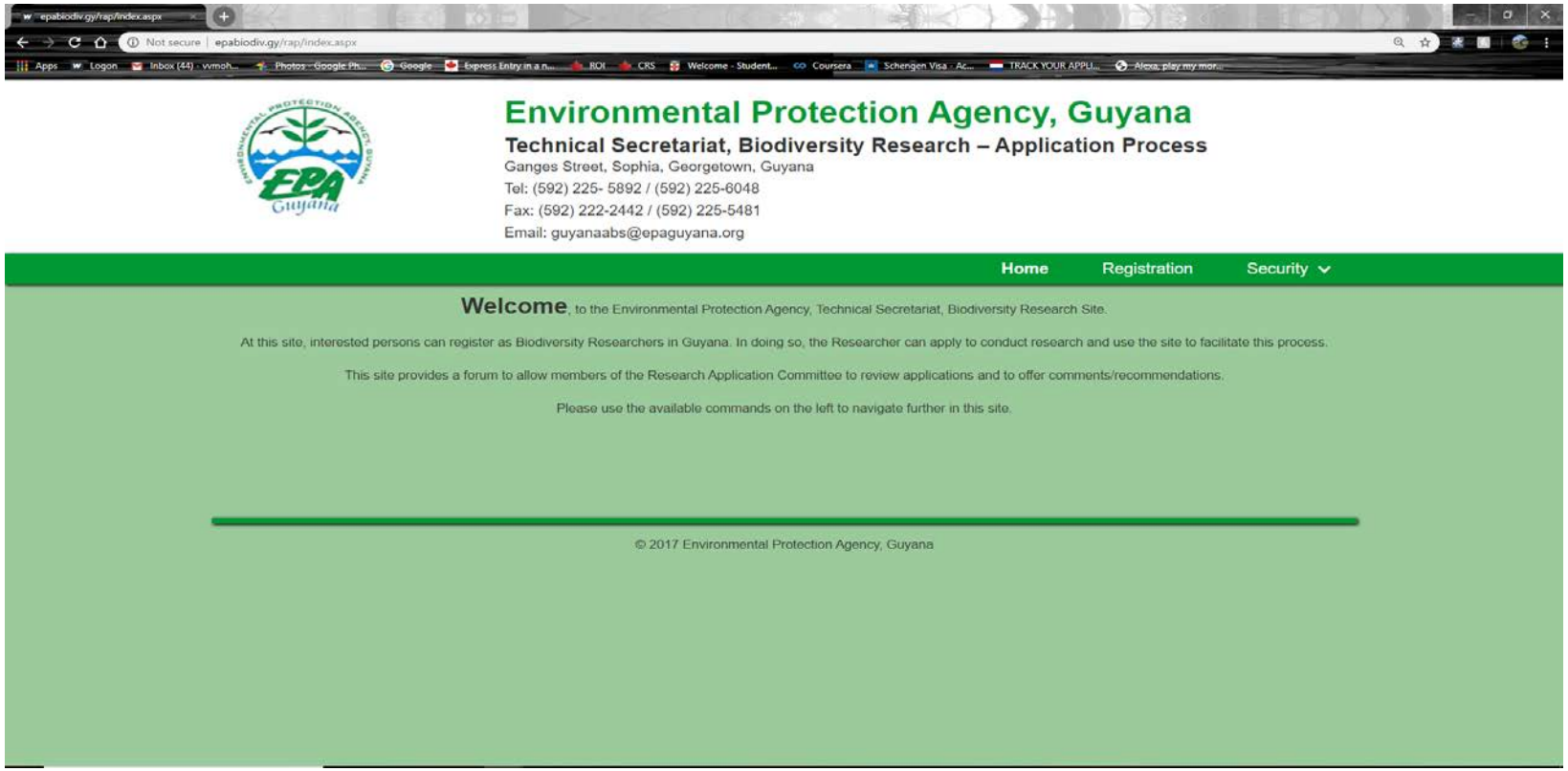
Through Ministry of environment website.
National clearing house (on line form)
Advertising in daily newspaper, and announce through municipalities and NGOs.



# Permits and Certificates : Guyana

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- Via online portal



# Permits and Certificates : Finland

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- Potential users are informed via a website + e-mails
- Guidance material (in the website)
- Queries by email and phone
- Information in the ABSCH



# Permits and Certificates : European Union

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- No such procedures at the EU level

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

Different information procedures exist :

- Through the Ministry's website (in French and English)
- Through the ABS Clearing-House (in French and English)
- Through meetings with users : workshops, conferences…
- Through informal ABS groups

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- Information on the Nagoya Protocol is made available via the Austrian ABS Website: www.biodiv.abs.at
- Information on the free access to genetic resources collected in terms of the Nagoya protocol in Austria is available in English and German
- a first study on legal regulations of access to genetic resources in Austria (not Nagoya) was carried out in 2014
- a new revised version is planned, the results will be published on the Website

# Permits and Certificates : << Côte d'Ivoire>>

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)




- For now, the only way is to contact the ABS Focal Point by email or phone for the whole procedure to follow.

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

❑ **Currently:**

- Physical contacts by the applicants;
- Telephone contacts by applicants

❑ **Planned Information Strategy: Design the procedure on paper, audio, audio-visual, etc. and publish via**

- ABS Clearing House;
- Workshops;
- Awareness workshops and training of actors;
- CHM-Burkina;
- Tel, radio, websites, social networks

## Permits and Certificates : << BENIN >>

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

- Les procédures nationales APA sont décrites dans les Directives Nationales APA et les documents types d'accès (formulaires types de demandes d'accès, de CPCC et de CCCA) y sont annexés et postés sur le CHM/APA
- Souvent les Utilisateurs contactent le PF/APA par courriel pour s'informer. Celui-ci leur demande de se référer au CHM/APA et/ou leur envoie les documents appropriés.
- Ensuite ils échangent soit par courriel, soit par leurs représentants sur place ou par conférence skype jusqu'à finalisation des documents pouvant être soumis à l'ANC pour étude.

# Permits and Certificates : Flanders / Belgium

2. Please elaborate on how your country informs users on the national ABS Procedures? (for example, through an online system, guidance material, ABS Clearing-House… etc.)

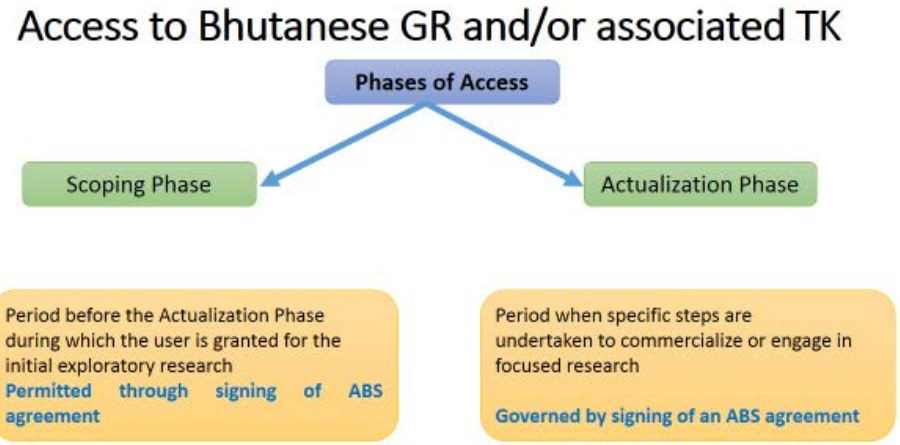
- General information available on (old) exchange (CHM) website (http://www.biodiv.be/convention/nagoya-protocol-access-and-benefit-sharing )
- Regional approach = round tables, conferences, workshops,…
- Future: new collaboration-website (tbc)

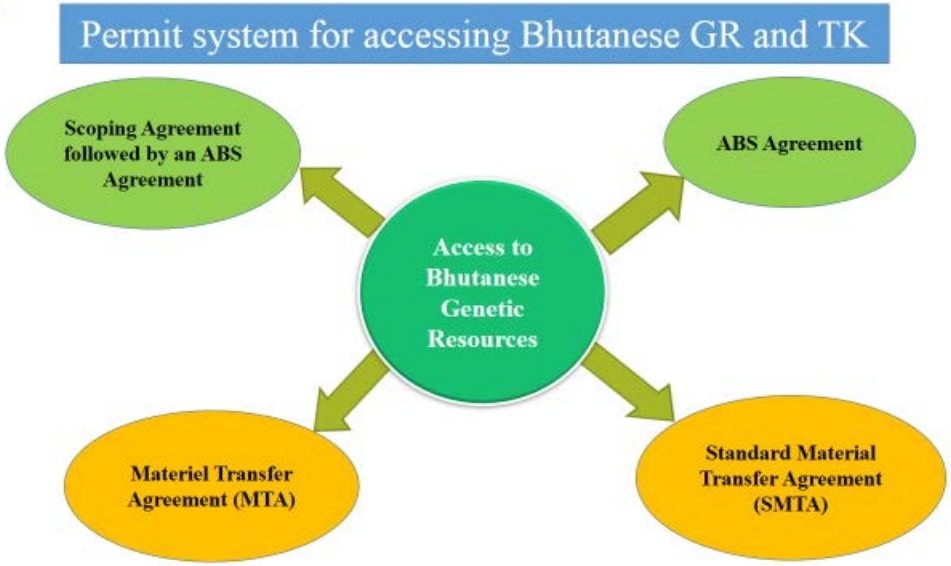
Permits and Certificates

# 3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country

# Permits and Certificates : << Bhutan >>

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?



**3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?**

**Access Registry:**

**Native Genetic Heritage** – *genetic information from plants, animals, and microbial species, or any other species, including substances originating from the metabolism of these living organisms*

**BR is not a Nagoya Protocol Party: foreign RG ABS aren't monitored so far (exc. quarantine)**

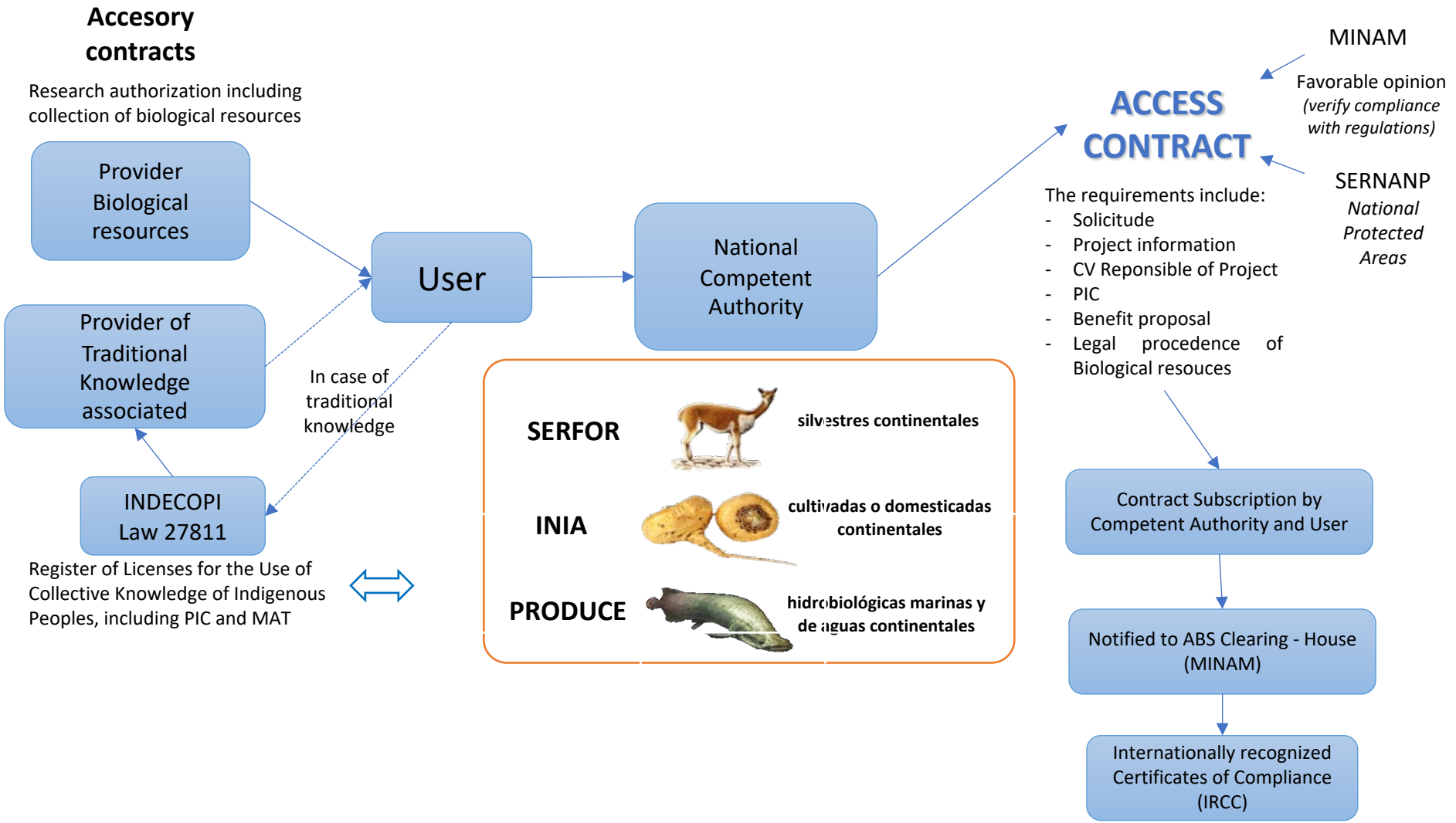
- Electronic form - SisGen (National System of Management of GH and ATK)
- Article 13 - Law 13.123/15 - According to each case, automatic request of prior authorization:
  - National Defense or the Navy Command
- SisGen will automatically issue proof of registration of access
- User can request a certificate of compliance with CGen

**Benefit Sharing obligations:**

- **Scientific research**: **no** benefit-sharing obligation
- **Technological development**:
  - Intermediate products: **no** benefit-sharing obligation
  - **finished product**: requirement of finished product notification
    - **traditional farmers** and their cooperatives, micro-businesses, small businesses or individual entrepreneurs: **no** benefit-sharing obligation
    - GH is the **main element** that adds value to product
      - ✓ BS is **mandatory**

# Permits and Certificates : PERU

## 3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?



# Permits and Certificates : << Tajikistan>>

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

When concluding an agreement for gaining access to biological resources, including genetic resources, all types of information shall be submitted to the relevant authorities.

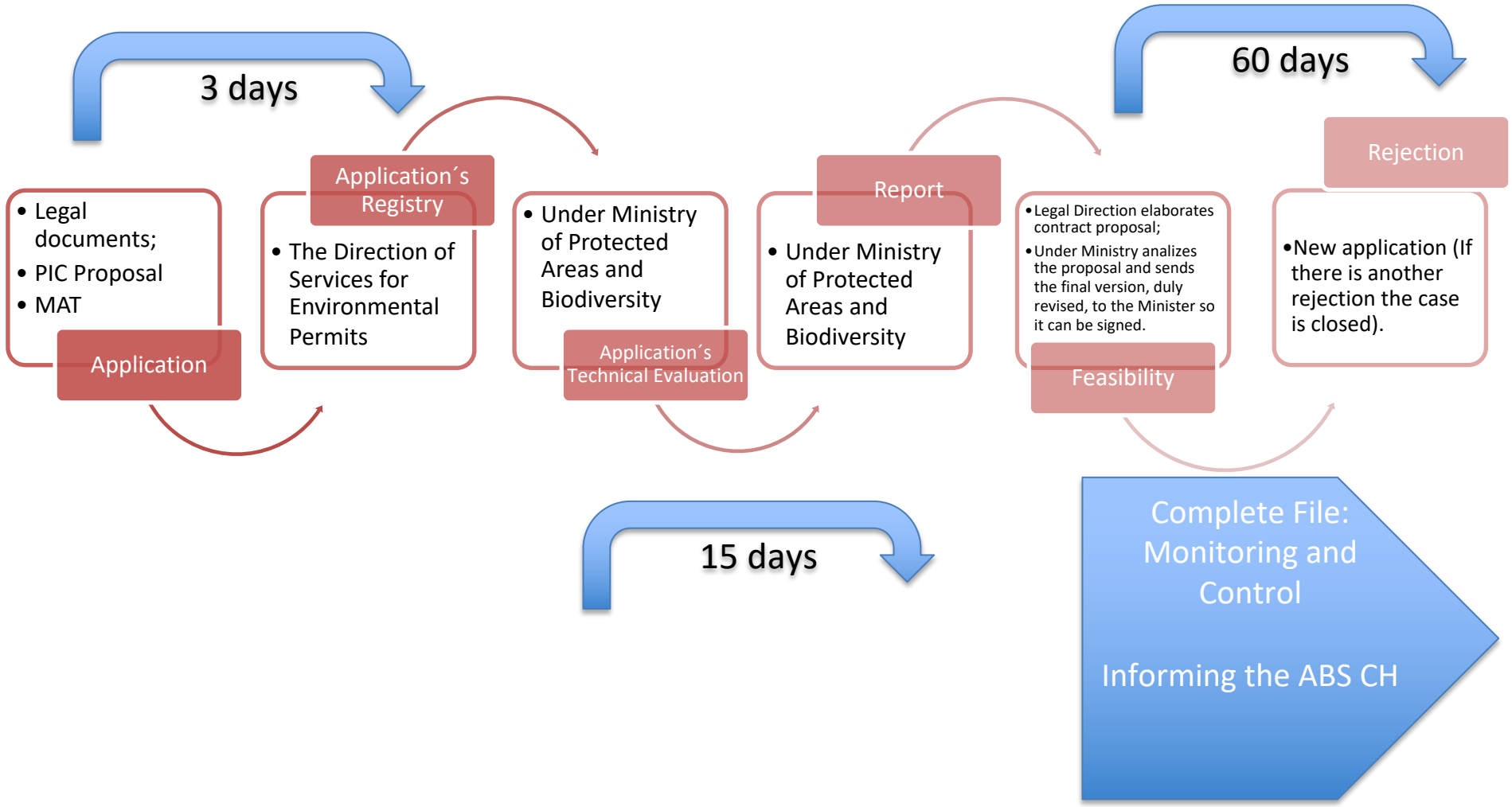




The draft law which is being developed under the UNDP / GEF project provides for the issuance by the competent national authority of a document confirming the right of access to genetic resources of the Republic of Tajikistan.

# Permits and Certificates : Dominican Republic

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?



# Permits and Certificates : Republic of Moldova

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

- In our country, the import /export of any species from the wild fauna or flora (biological resources) and product and derivative of them, requires a permissive act issued by the Environment Agency - subdivision of the Ministry (MARDE), according to the Law on animal kingdom (nr. 439/1995) or Law on vegetal kingdom (nr. 239/2007). For CITES species – there is necessary to obtain the CITES permit/certificate, but for non-CITES species – Permit for export/import of wild plants/animals.

The Information about the permissive acts issuance process it's available on the official portal of the Environment Agency: http://mediu.gov.md

- The taxes for plants /animals export are established according to the Law on animal kingdom (nr. 439/1995) and Law on vegetal kingdom (nr. 239/2007), and are transferred to the state budget. There is a difference for animal / plant taxes and those that are designated as a genetic resources, for which the fee is much higher.

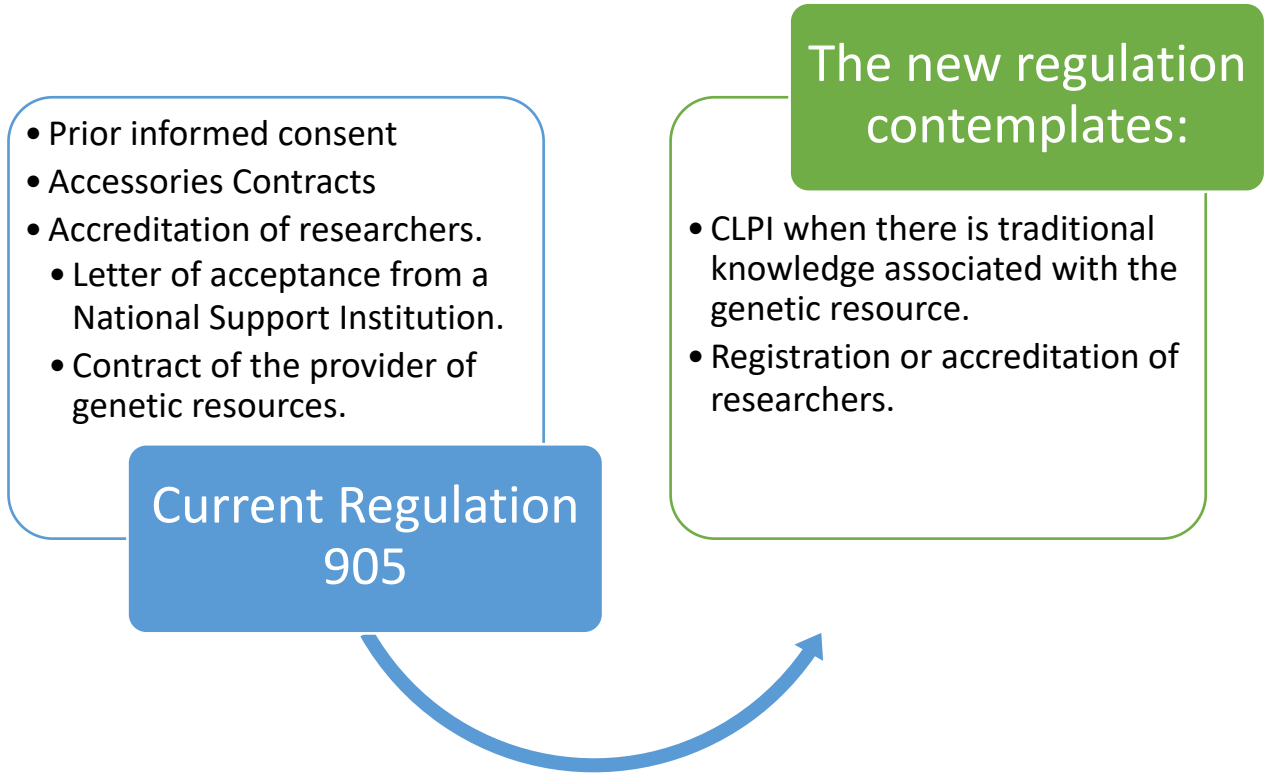
As an example, the fee for the plants export are as following:

- medicinal plants, food, aromatics, tannins, dyes and ornamental of the wild flora, whole or in the form of roots, rhizomes, bulbs, stems, branches, shells, flowers, leaves, fruits, seeds and buds, in living, fresh or semi-processed state – **0.50 lei / kg**;

- but for seeds of forest species and other species of wild flora (genetic resources)- **3.00 lei / kg**.

# Permits and Certificates : << Ecuador >>

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?



# Permits and Certificates : COSTA RICA

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

No other aditional elements needed for ABS permit/exportation of samples

Just when apply:

- CITES
- Sanitary permits (according to the importing country requirements)



3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

Not applicable

# Permits and Certificates : << Lao PDR >>

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

Collaborating contracts/agreements are applying into the utilization of genetic resources and traditional knowledge associated with genetic resources that lay down the terms and conditions for the research activities. Based on the provision of the Nagoya Protocol, the agreements might be seen as prior informed consent equivalents and use for the permission as well mutually agreed terms.

In relation to medicinal resources, there is a list of Medical Natural Resources controlled by Research Institute of Traditional Medicinal, Ministry of Health that the requirements of permission need to be done before access to the pharmaceutical resources under Pharmaceutical Natural Resource No. 155/PM, dated 30th September 2003 and the Instruction on the Implementation of Decree on Medical Natural Resources No. 252/MoH, 2007. For genetic resources are under agriculture sector, there is the Minister Declaration on Management and Agricultural Plant Utilization, ref 3919/DA, dated 12 December 2012 which is indicated the exchange crops for R&D, production and commercialization need to ask permission from Ministry of Agriculture and Forestry. For example: for exchange crops activities should apply for (1) Phyto Sanitary Certificate; (2) Material Transfer Agreement (MTA); and (3) Import or Export Permission. In addition, Lao PDR is a party of IGPRFA, so STMA is applied for the resource exchanges.

# Permits and Certificates : << Belarus>>

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

During the procedure for PIC, ABS NCC shall check whether mutually agreed terms between the provider and user of genetic resources are specified in the collaboration contract (agreement) and comply with the Nagoya Protocol.

Mutually Agreed Terms (MAT) shall include as follows:

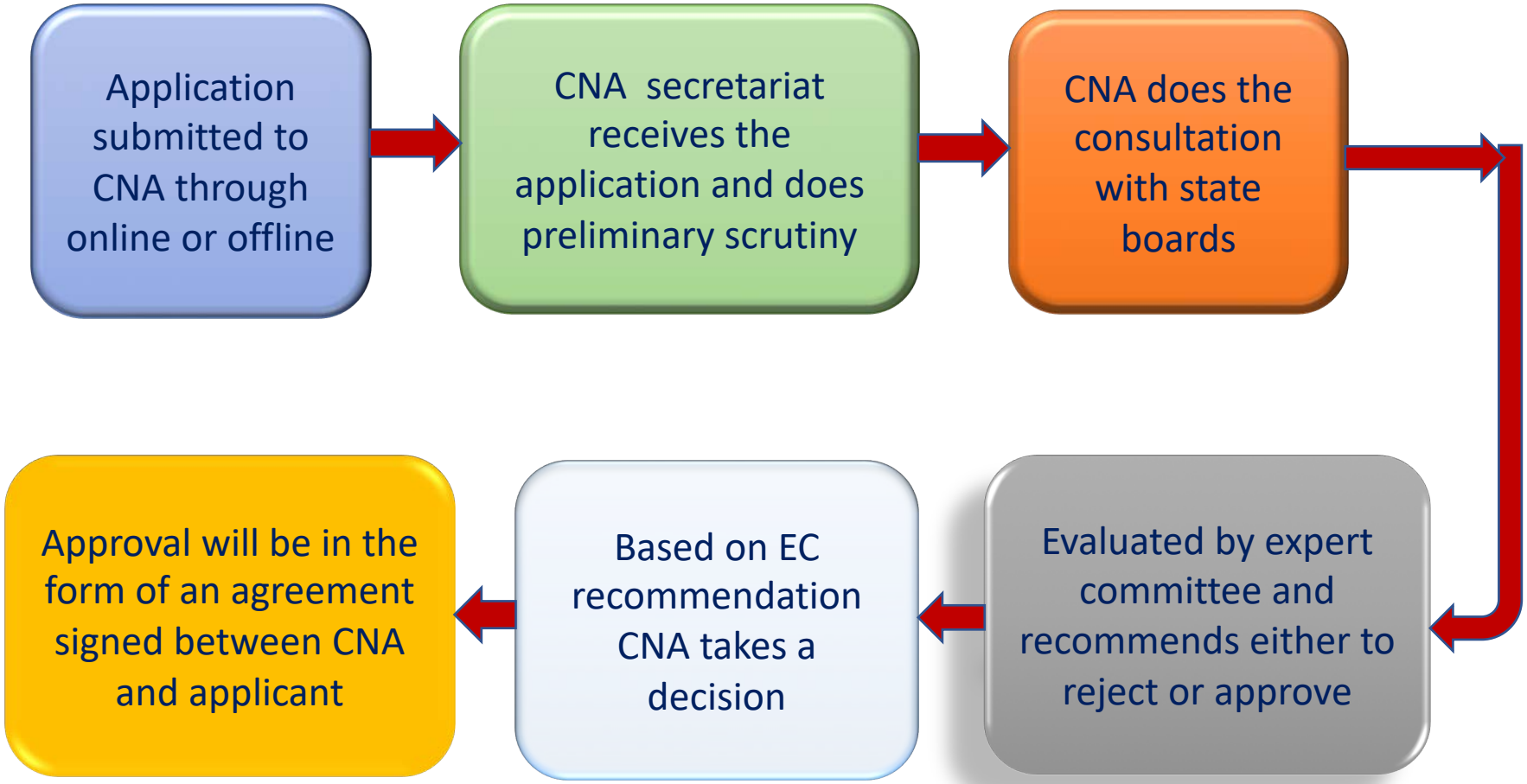
- Terms on sharing of benefits arising from the transfer of a genetic resource, including intellectual property rights
- Terms on subsequent use by the third Party if it is a case
- Provision on an intent change.

ABS NCC advises an applicant and assists in bringing MAT in line with the Nagoya Protocol requirements providing model clauses, if required, or in preparing a supplementary contract to the collaboration contract (agreement).

After signing a contract (collaboration agreement) with the agreed terms, ABS NCC shall apply with the Ministry of Natural Resources and Environmental Protection to obtain a permit for access to genetic resources, which serves as evidence of compliance with the Nagoya Protocol requirements.

# Permits and certificates : INDIA

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?



# Permits and Certificates : Seychelles

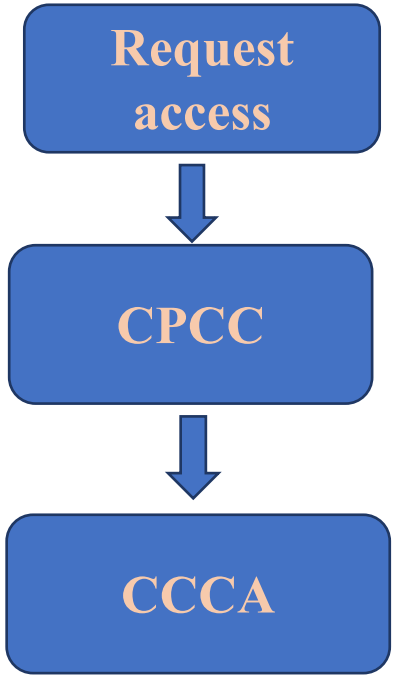
3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

- Permit for non commercial research is issued by Seychelles Bureau Of Standards (SBS)- NISTI to undertake this role
- Applicant needs to be granted access by CNA and agree on conditions of MTA prior to release
- In certain instances, additional permission may also be required on providers (e.g. private landowners)
- CITES Permit (if GR species is listed on the Annexes)
- Phytosanitary Certificate may be required depending on the countries of export

# Permits and Certificates : << Cameroon >>

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

**Research**



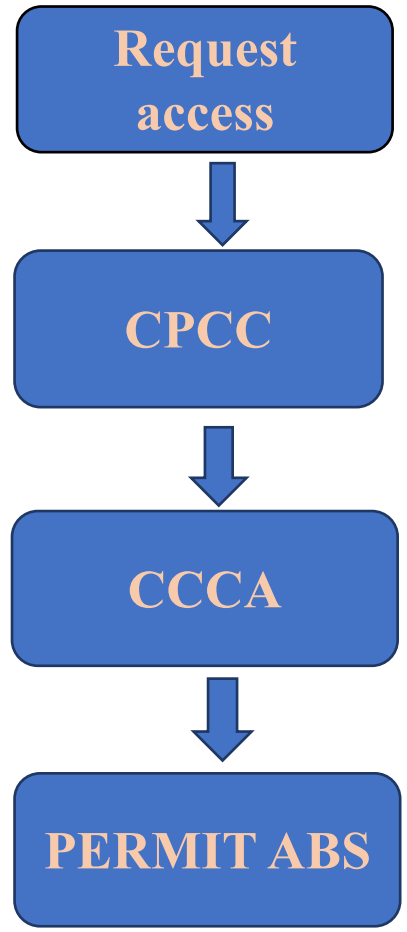

he user submits an application accompanied by the ABS form accompanied by the required documents to the Minister of the Environment, National Competent Authority

The Minister of the Environment, on the advice of the ABS National Committee, has 60 days to respond to the request of CPCC. The CPCC thus authorizes the user to get in touch with the local community concerned in order to negotiate the CCCAs, under the supervision of the Ministry in charge of the Environment.

A copy of the signed CCCAs from the user and the representative of the local community is forwarded to the Ministry of the Environment

The ABS Permit is issued to the user by the Ministry in charge of the environment on simple written request, after receipt of the CCCAs

**Commercialisation**



# Permits and Certificates : Antigua and Barbuda

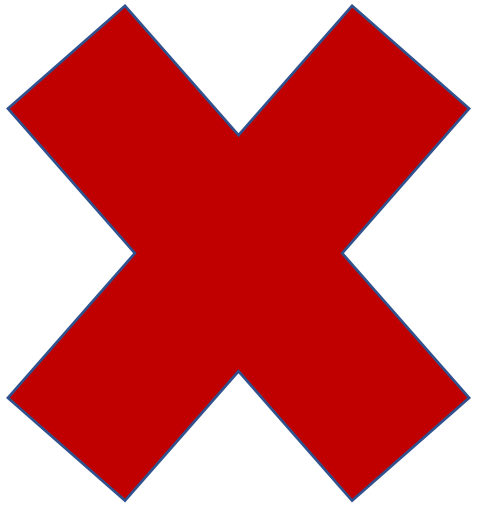
3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

- The Department of Environment communicates the request for access to the following Government agencies
  - Fisheries Division (for marine research – additional marine research permit required)
  - Forestry Division (for terrestrial research – no additional permit required)
  - Department of Marine Services
  - Ministry of Legal Affairs and Justice
  - Plant Protection Unit (additional phytosanitary permit needed for export)
  - Veterinary and Livestock Division (additional permit for export of animal material needed)
  - Department of Agriculture

# Permits and Certificates : Germany

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

- Not applicable



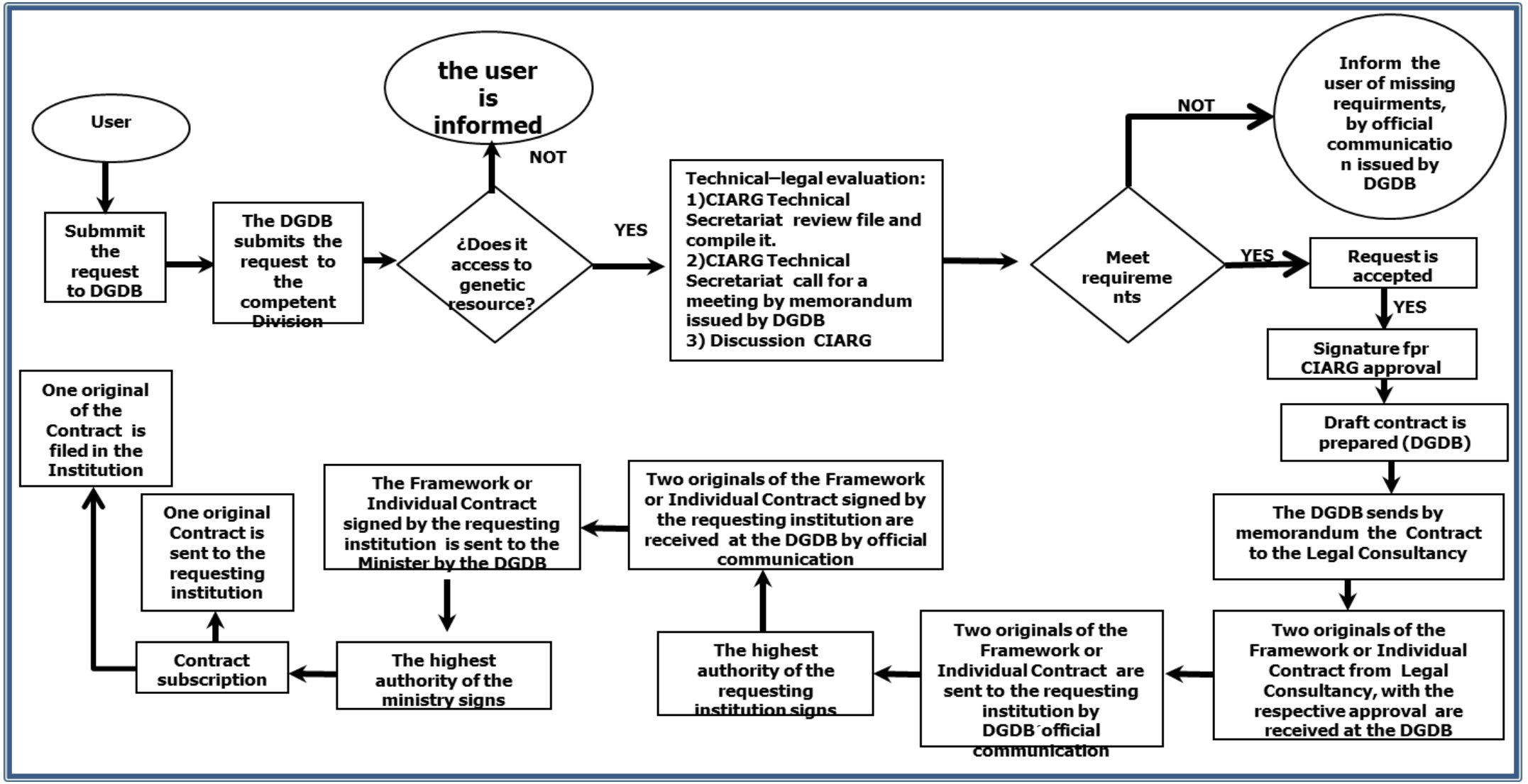
# Permits and Certificates : Saint Kitts and Nevis

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

- Currently research applications are reviewed by the Relevant Authority and Competent National Authority (CNA). With the advice of the ABS Focal Point, the Permanent Secretariat signs an ABS Agreement on behalf of the Government with the Research parties. This Agreement includes MAT and constitutes an ABS permit.

# Permits and Certificates : << República Bolivariana de Venezuela >>

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?



# Permits and Certificates : URUGUAY

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

We are currently studying all the scientific collection processes that have competence regulations of this Ministry and that are prior to the request for access to genetic resources, in order to avoid duplication of information from users:

1.- Scientific collection for terrestrial fauna.

2.- Import and export permits.

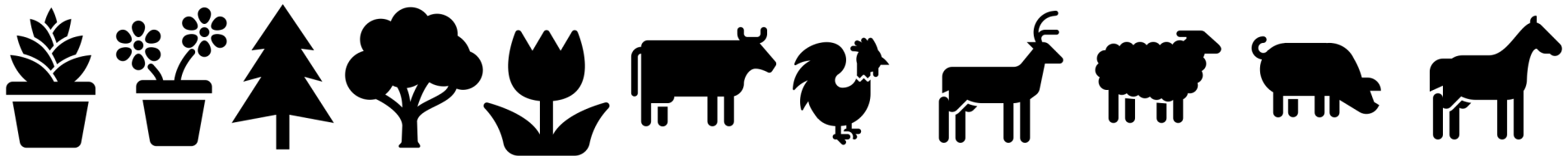
3.- Collection of samples in Protected Areas.

4.- Collection in jurisdictional waters.

All these procedures are prior required for constituting an ABS permit.

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

N/A



# Permits and Certificates : Switzerland

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

(not applicable – ABS permit is not required)

## 3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

- The notification for discovery phase of bioprospecting undertaken in South Africa is signed-off by the Director.
- The export permit for discovery phase of bioprospecting and commercialization phase of bioprospecting are approved by the Minister and signed-off by the Director- General.
- Material Transfer Agreements and Benefit Sharing Agreements are approved and signed –off by the Minister
- The user maybe be required to also obtain the following additional permit/s, if applicable:
  - Cultivation permits
  - Harvesting permits
  - TOPS permits
  - CITES permits
  - Phytosanitation permits



# Permits and Certificates : << Serbia>>

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

Unfortunately, the Nagoya Protocol is still not operational in Serbia. Implementation will be fully in place in 2020, after the revision of the national legislation related to nature protection.

# Permits and Certificates : SENEGAL

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

- Pour le moment, le Sénégal n’a pas établi un processus formel interne.
- Les situations sont gérées cas par cas.

- For the moment, Senegal has not established a formal internal process.
- Situations are handled case by case

# Permits and Certificates : Rwanda

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

- N/A
- The system yet to be established
- Provisions in the draft Ministerial Orders

6. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

Pakistan is a federation of four provinces and two federating units who are the constitutional custodians of the natural resources and federation is the only legitimate authority to allow international imports/exports. This situation is also causing delay in putting NP measures in place.

We visualize as in case of CITES, we may have provincial permits based on which Government of Pakistan will issue the ABS permits.

# Permits and Certificates : The Netherlands

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

- Not applicable

# Permits and Certificates : NEPAL

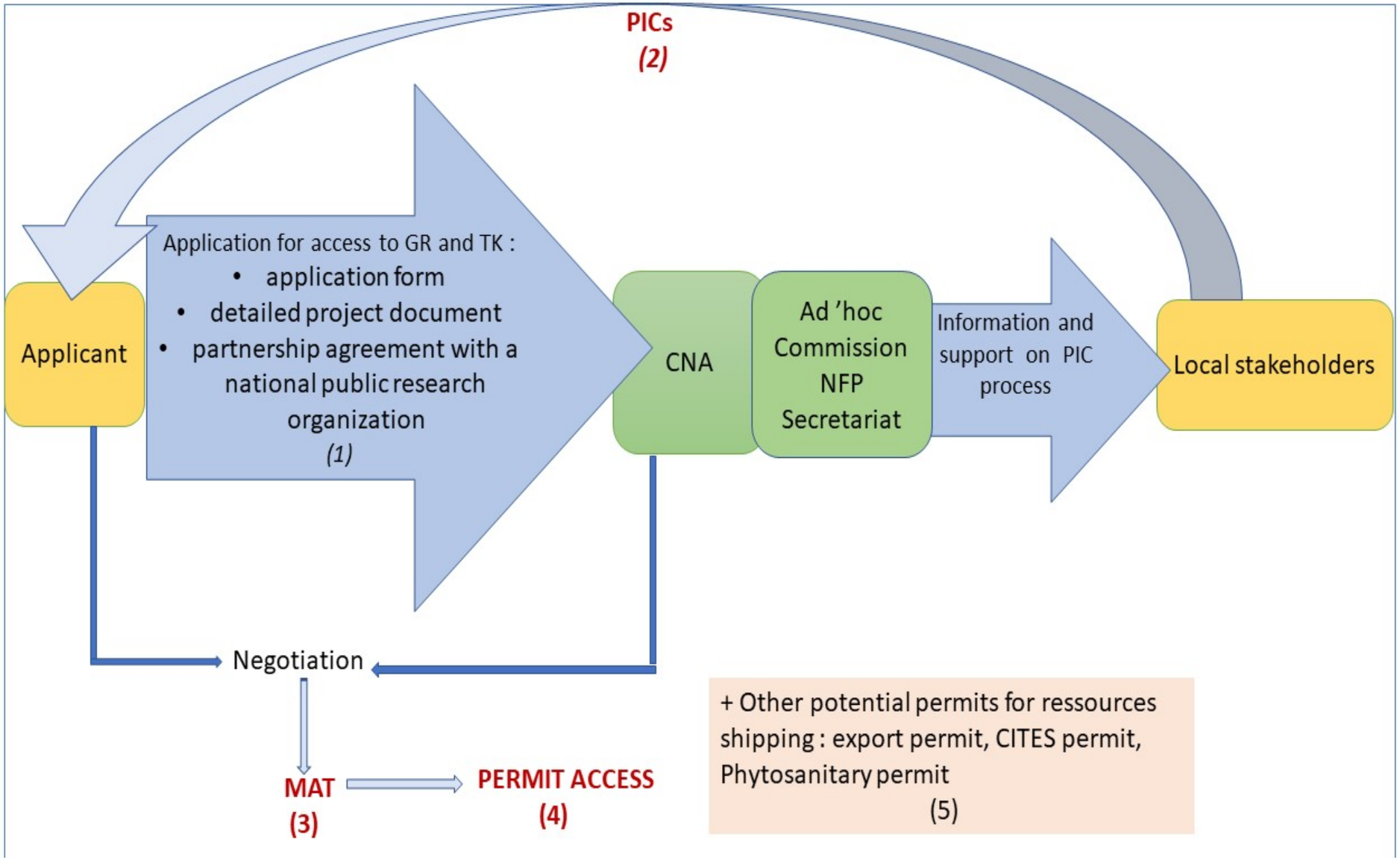
3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

The draft ABS Bill has provisioned following process for ABS permits (planned):

- Any person or organization wishing for access to genetic resources and genetic materials shall be first required to file an application to the National Council in the case of foreigners and to the Provincial Council in the case of Nepali nationals.
- The council will then conduct the public hearing in coordination with the relevant Local Genetic Resources Management Committee.
- The council may form the dialogue committee of experts for further discussion and clarification.
- The dialogue committee then recommend either Provincial Council or National Council for issuing permits.
- On the recommendation of the committee, the Provincial Council or National Council will sign the agreement with the applicant.
- Within the 30 days of the agreement, the Provincial Council or National Council will issue the permit for the access and use of GR and associated traditional knowledge.

# Permits and Certificates : MADAGASCAR

3. Describe the internal process and elements (additional permits, permissions, sign-offs)

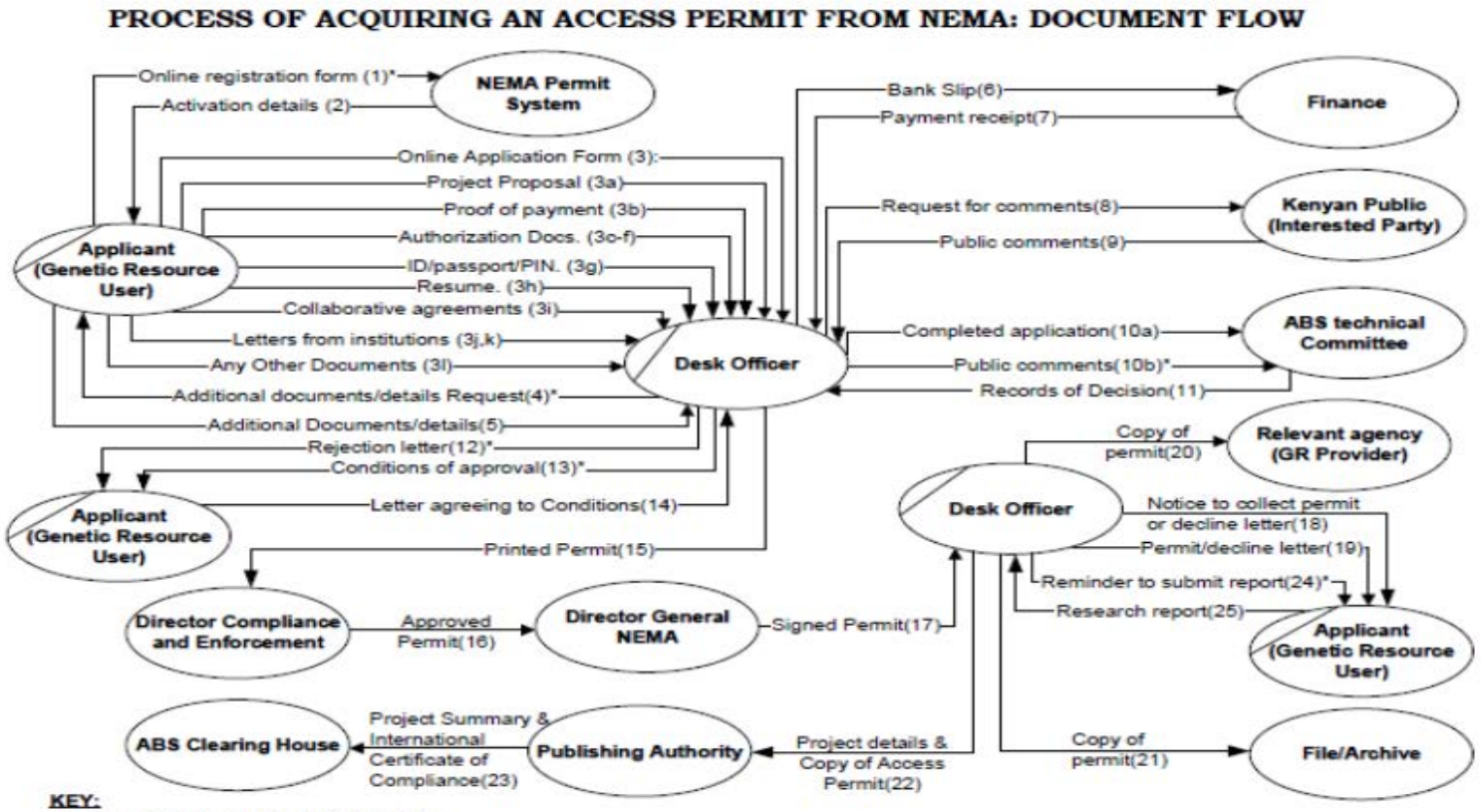


# Permits and Certificates : State of Kuwait

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

# Permits and Certificates : << KENYA >>

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?



# Permits and Certificates : << Jordan >>

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

The provider send demand to Ministry of Environment (focal point), ministry prepare for national component committee meeting to discus the demand and give the decision

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

- When applying for a permit the following supplementary documents must be submitted along with the application:

Research proposal
Institutional linkages
Budget
Research period
Training component
Collection destination
Team members

Secondary permits:
Amerindian Lands
Protected Areas
Provider agencies – wildlife, forestry, fisheries, etc.

# Permits and Certificates : Guyana

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

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Research Permit

Signed by both parties; EPA and Researcher;

Gold Seal of the EPA attached; and

Guidelines for Biodiversity Research in Guyana attached.

Export Permit

Signed by both parties; EPA, and the Exporter;

Complete list of the specimens to be exported (including the total number of specimens), the research permit under which the specimens were collected;

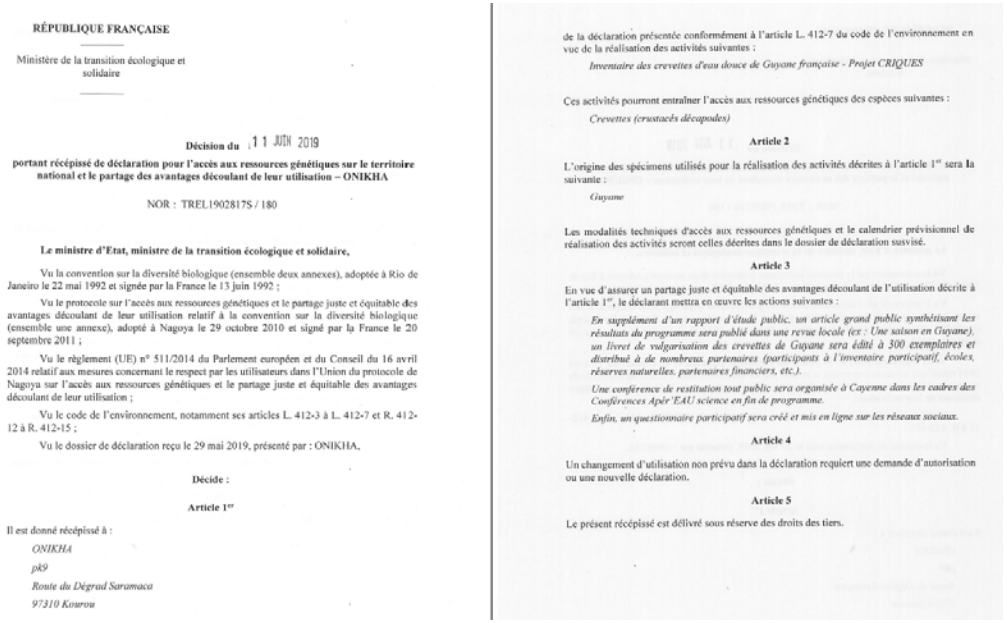
Regular Seal of the EPA attached; and

Verification Report to the Export Permit attached and sealed by the EPA.

# Permits and Certificates : << FRANCE >>

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

- The ABS system applies to mainland France and its overseas territories
- Different procedures exist, depending whether there is a commercial purpose or not :
  - → Declaration (no direct commercial purposes) – 2 to 4 weeks delay
  - → Authorization (direct commercial purposes) – 3 to 7 months delay
- These declaration and authorization lead to an acknowledgment of receipt, which is proof that PIC was granted and MAT was established



RÉPUBLIQUE FRANÇAISE

Ministère de la transition écologique et solidaire

Décision du 11 JUIN 2019

portant récépissé de déclaration pour l'accès aux ressources génétiques sur le territoire national et le partage des avantages découlant de leur utilisation – ONIKHA

NOR : TREL1902817S / 180

Le ministre d'Etat, ministre de la transition écologique et solidaire,

Vu la convention sur la diversité biologique (ensemble deux annexes), adoptée à Rio de Janeiro le 22 mai 1992 et signée par la France le 13 juin 1992 ;

Vu le protocole sur l'accès aux ressources génétiques et le partage juste et équitable des avantages découlant de leur utilisation relatif à la convention sur la diversité biologique (ensemble une annexe), adopté à Nagoya le 29 octobre 2010 et signé par la France le 20 septembre 2011 ;

Vu le règlement (UE) n° 511/2014 du Parlement européen et du Conseil du 16 avril 2014 relatif aux mesures concernant le respect par les utilisateurs dans l'Union du protocole de Nagoya sur l'accès aux ressources génétiques et le partage juste et équitable des avantages découlant de leur utilisation ;

Vu le code de l'environnement, notamment ses articles L. 412-3 à L. 412-7 et R. 412-12 à R. 412-15 ;

Vu le dossier de déclaration reçu le 29 mai 2019, présenté par : ONIKHA,

Décide :

Article 1er

Il est donné récépissé à :

*ONIKHA*

*pk9*

*Route du Dégrad Saramaca*

*97310 Kourou*



de la déclaration présentée conformément à l'article L. 412-7 du code de l'environnement en vue de la réalisation des activités suivantes :

*Inventaire des crevettes d'eau douce de Guyane française - Projet CRIQUES*

Ces activités pourront entraîner l'accès aux ressources génétiques des espèces suivantes :

*Crevettes (crustacés décapodes)*

Article 2

L'origine des spécimens utilisés pour la réalisation des activités décrites à l'article 1er sera la suivante :

*Guyane*

Les modalités techniques d'accès aux ressources génétiques et le calendrier prévisionnel de réalisation des activités seront celles décrites dans le dossier de déclaration susvisé.

Article 3

En vue d'assurer un partage juste et équitable des avantages découlant de l'utilisation décrite à l'article 1er, le déclarant mettra en œuvre les actions suivantes :

*En supplément d'un rapport d'étude public, un article grand public synthétisant les résultats du programme sera publié dans une revue locale (ex : Une saison en Guyane), un livret de vulgarisation des crevettes de Guyane sera édité à 300 exemplaires et distribué à de nombreux partenaires (participants à l'inventaire participatif, écoles, réserves naturelles, partenaires financiers, etc.).*

*Une conférence de restitution tout public sera organisée à Cayenne dans les cadres des Conférences Apér'EAU science en fin de programme.*

*Enfin, un questionnaire participatif sera créé et mis en ligne sur les réseaux sociaux.*

Article 4

Un changement d'utilisation non prévu dans la déclaration requiert une demande d'autorisation ou une nouvelle déclaration.

Article 5

Le présent récépissé est délivré sous réserve des droits des tiers.

# Permits and Certificates : FINLAND

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

- No access regulations -> no permits

# Permits and Certificates : European Union

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

- Not applicable

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

- Access to genetic resources collected in situ in Austria is consequently free (see above slide 7)



© Monika Paar

# Permits and Certificates : << Côte d'Ivoire>>

- 3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

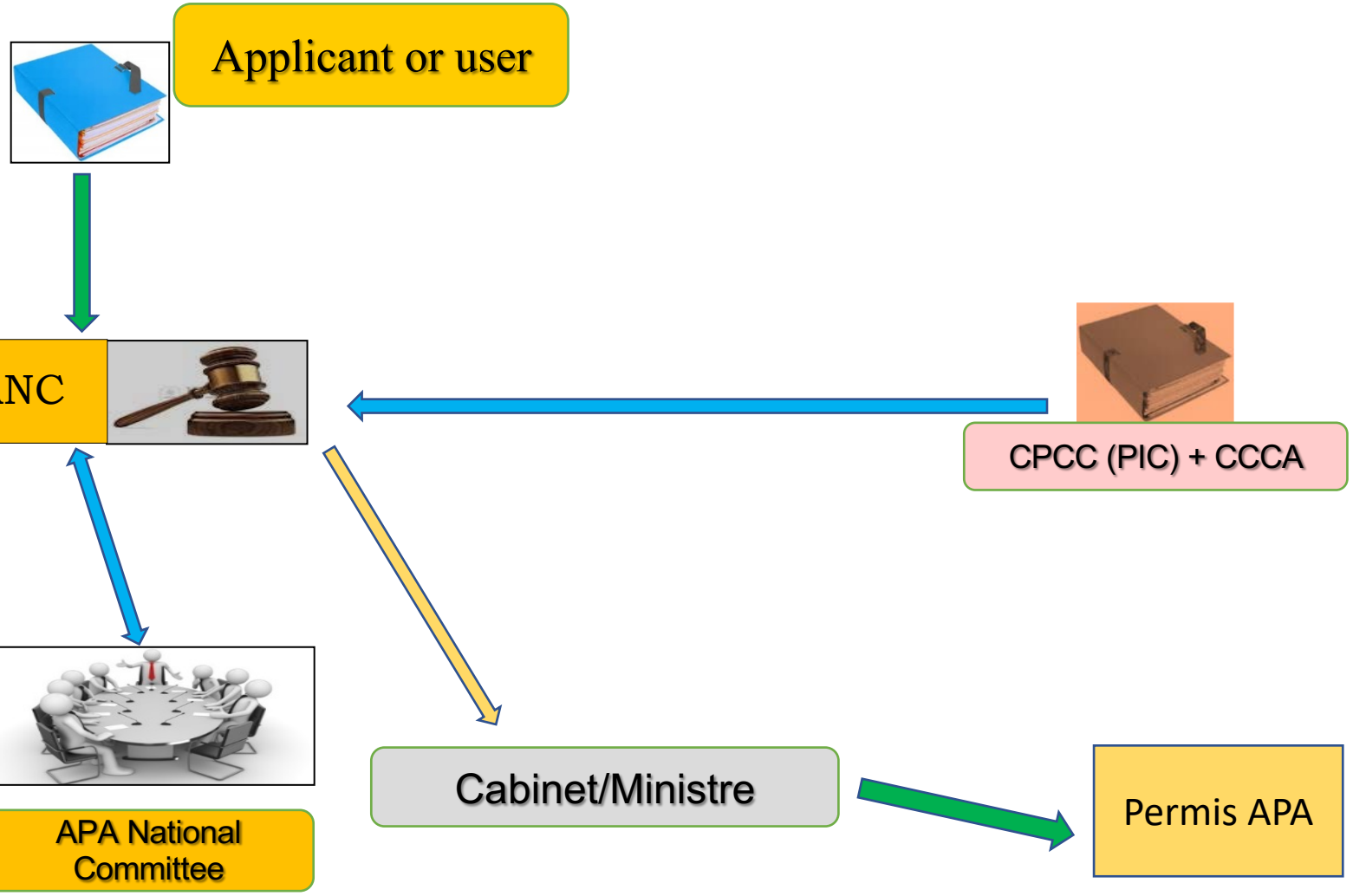



- ❑ Contact the ABS focal point who directs users to the different stakeholders for authorizations or permits. After getting stakeholders' authorizations or permits, contact back the ABS focal point and the National Competent Authority to finalize the process.
- ❑ In case of getting all the needed documents straight from the stakeholders, without prior contacting the ABS focal point, the users must finalize the process from ABS focal point and the National Competent Authority.
- ❑ We are planning to facilitate the process for obtaining all internal permits or permissions

# Permits and Certificates : << Burkina Faso >>

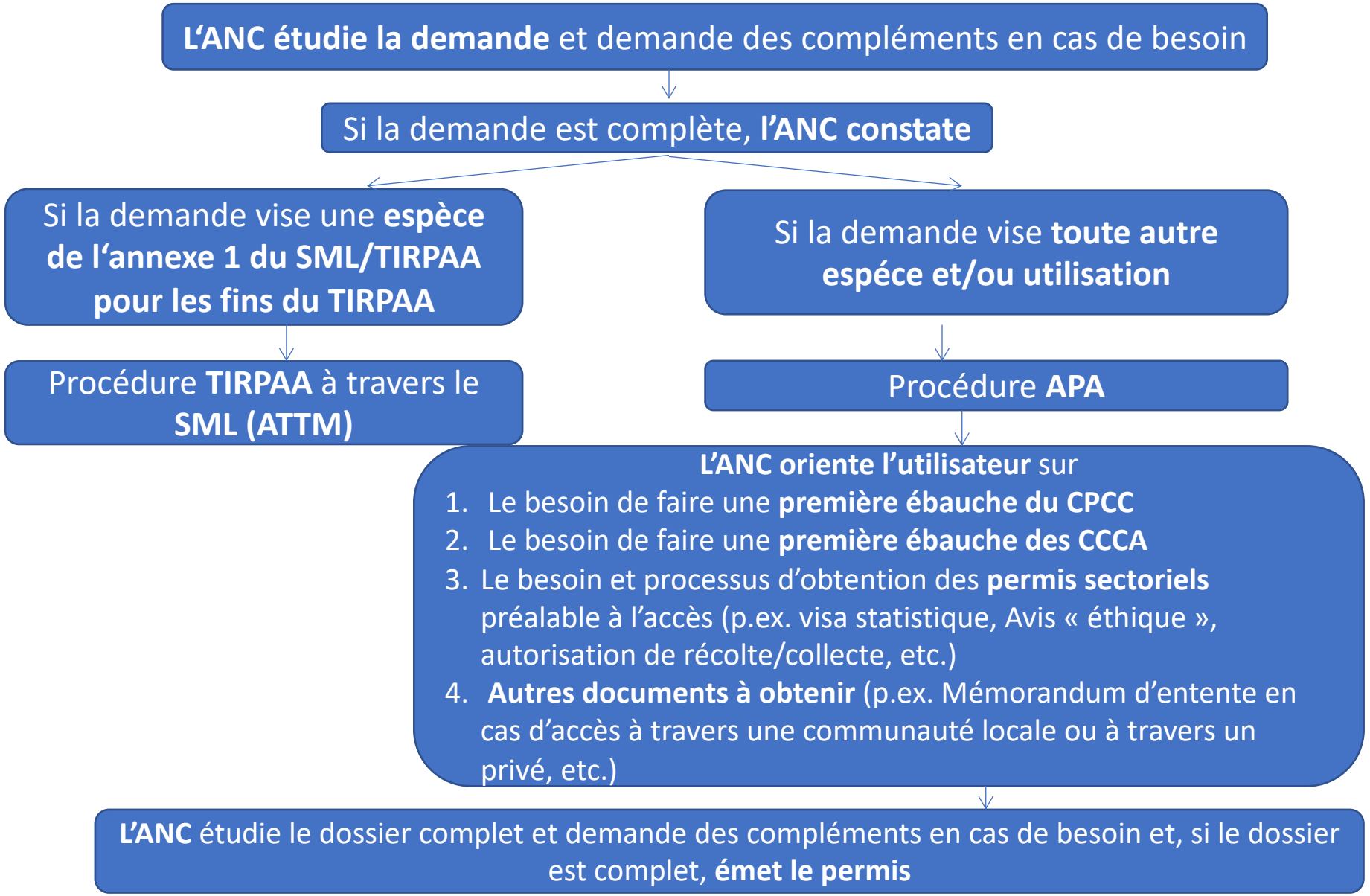
3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

## Request for access to RG et CTa



# Permits and Certificates : << BENIN >>

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?



# Permits and Certificates : Flanders / Belgium

3. Describe the internal process and elements (additional permits, permissions, sign-offs) required for constituting an ABS permit or its equivalent in your country?

- Flanders: no permits needed
- Wallonia: According to legislation in the final stage of adoption, no permit is required. However CA has to be informed to monitor compliance
- Federal: no permit to date (legislation in development)
- Brussels: no permit to date (legislation in development)

# Permits and Certificates

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

## Permits and Certificates : <<Bhutan>>

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

- Designated National Point and the ABSCH Publishing Authority
- Designation of checkpoints
- Designation of National Authorized Users

**4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?**

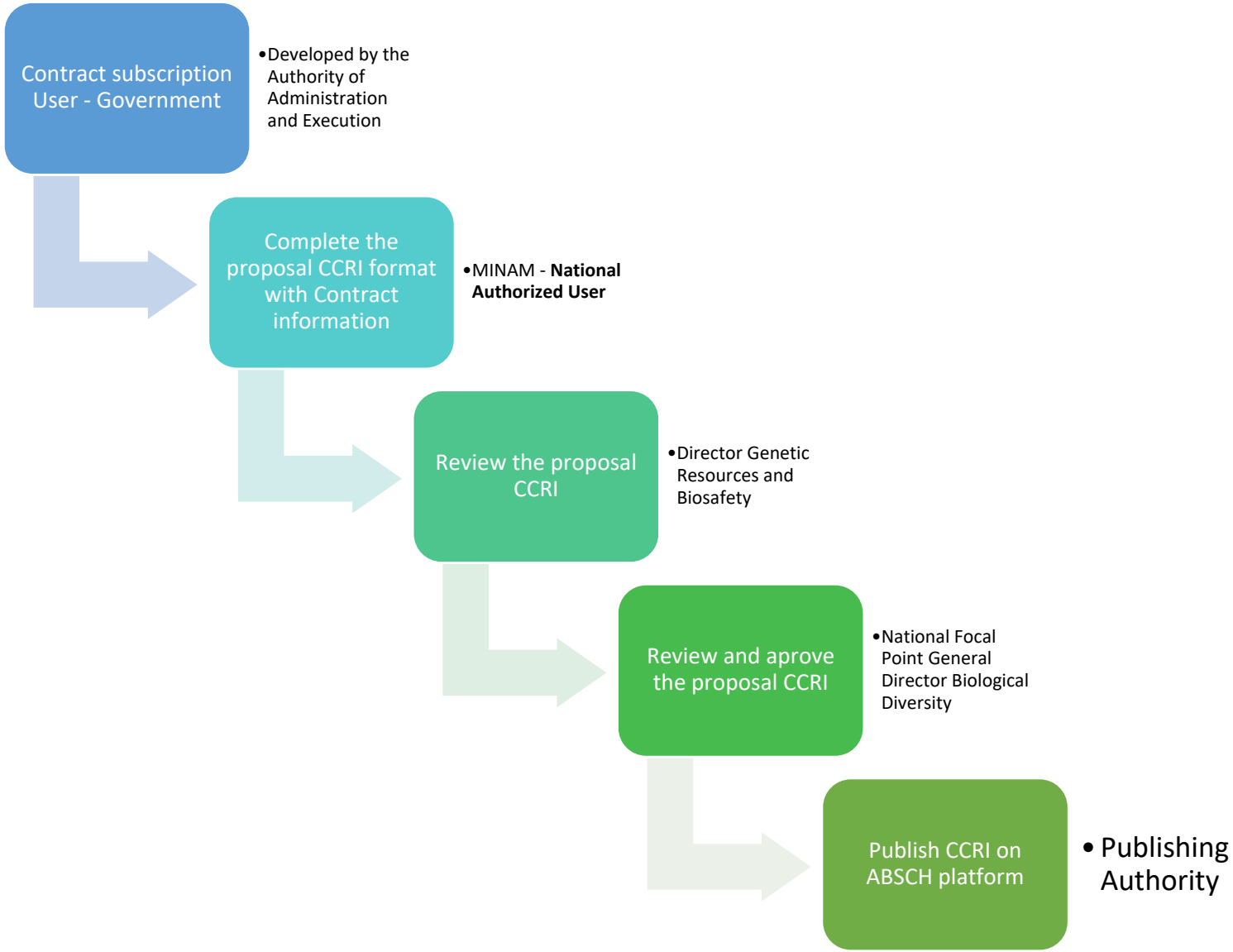
- **Brazil does not** have an Internationally Recognized Certificate of Compliance - **IRCC** under the terms of the Nagoya Protocol

**however**

- **SisGen** provides a **certificate of registration of access, shipment and notification** that can be used as International Certificate of Compliance

# Permits and Certificates : PERU

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?



# Permits and Certificates : << Tajikistan>>

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

Currently, a national permitting system is being developed as a part of the national Clearing-House Mechanism.

Certification at the national an international levels is assigned to the National Patent Information Center under the Ministry of Economic Development and Trade of the Republic of Tajikistan



# Permits and Certificates : Dominican Republic

4. Please describe the **process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House**?

It's very **simple**… We use the **contracts**!




This is the **contract** that we used for the Internationally Recognized Certificate of Compliance (IRCC) that we have, so far.



# Permits and Certificates : Republic of Moldova

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

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In accordance with the Environment Agency's **Order no. 18 from 29.03.2019**, there was established a E-Permit system which contains the Passports for wild plants/animals export/import Permits.

Their documents are available on the official web page of the Environment Agency - subdivision of the Ministry:

http://mediu.gov.md/sites/default/files/document/attachments/3%20Passport%20Acord%20Imp%20Plante%20Animale.pdf

# Permits and Certificates : << Ecuador >>

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

- No international certificates have been reported through the ABSCH because all the authorizations issued refer to research permits.

Doubt: Can research permits be reported through ABSCH?

# Permits and Certificates : COSTA RICA

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

As a Non-Party, were are not issuing the international certificates of compliance on the ABS-CH

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

Not applicable

# Permits and Certificates : << Lao PDR>>

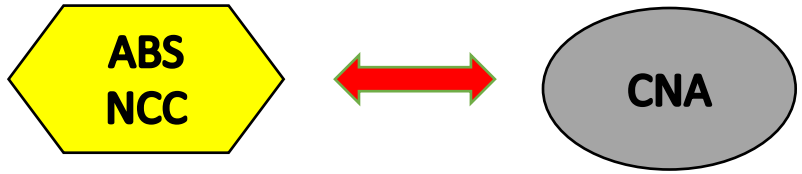
4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

In general, user receives PIC from the provider facilitated by NCA/NFP through Nationally Recognized Certificate of Compliance (NRCC) or Internationally Recognized Certificate of Compliance (IRCC). The IRCC serves as an evidence of the decision to grant permit to the user. NCA will facilitate IRCC and will be published online in the ABSCH.

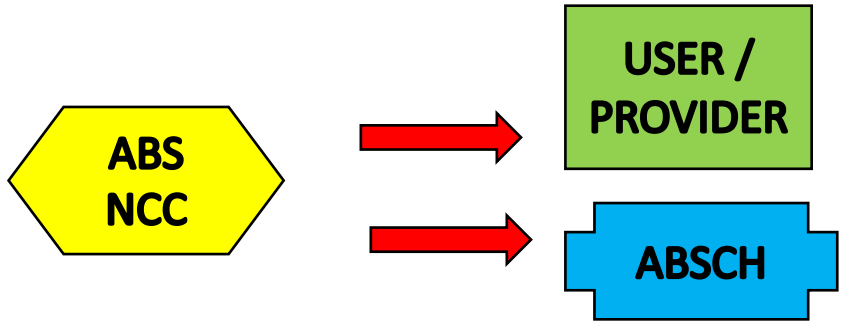
In order to publish the information, the applicant will asked to fill information in the provided form since the document is publicly available. The basic information in the form is subject of approval and activities will be undertaken for example.

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

Information exchange between ABS NCC and the Ministry of Natural Resources and Environmental Protection (CNA) is carried out by e-mail with the attached scanned copies of official correspondence.




Informing a provider of genetic resources, support of the procedure for access to genetic resources and entering information on ABS CH is provided by ABS NCC.



# Permits and Certificates : INDIA

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

- After approval, Applicant will be asked to fill in IRCC format and submit to CNA
- Secretariat of CNA will upload the information required as per IRCC format to ABSCH Portal
- Secretariat of CNA (NAU) will review the information and initiate the ‘Request for publication’
- NFP being the Publishing Authority reviews the information and publishes it

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

- Presently we have not yet established the process given that we are in the process of finalising our legislation.
- The CNA contact the User/applicant directly to follow up on the conditions stipulated in the MTA
- FP to assist CNA in posting all information on the CHM

# Permits and Certificates : << your country >>

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

- APPLICATION FORM FOR ACCESS TO GENETIC RESOURCES, THEIR DERIVATIVES, TRADITIONAL KNOWLEDGE ASSOCIATED

# Permits and Certificates : Antigua and Barbuda

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

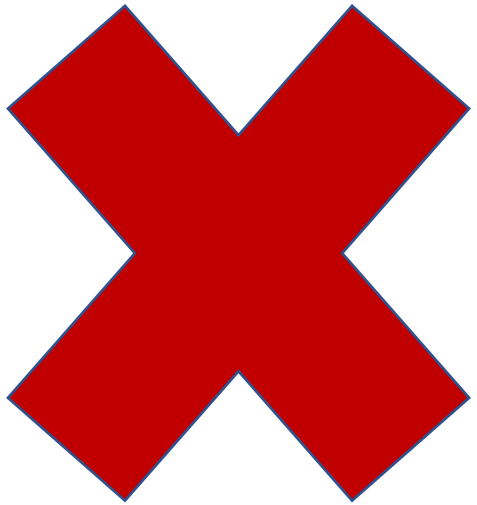
- This is a newly developed process that we are still figuring out!
- We are planning to develop a procedure for sharing of information on permits taking into consideration intellectual property concerns and confidentiality



# Permits and Certificates : Germany

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

- Not applicable



# Permits and Certificates : saint Kitts and Nevis

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

- Currently there is no standard process in place nationally to share information on permits to constitute international certificates of compliance on the ABS Clearing-House

## Permits and Certificates : << República Bolivariana de Venezuela >>

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

- So far our country does not have procedures to issue international certificates of compliance at the ABS Information Exchange Center, we are waiting for the approval of a GEF project: Support to the Development of Legal and Institutional Framework on Access to Genetic Resources and related Benefit Sharing and Traditional Knowledge in line with the CBD and its Nagoya Protocol in Venezuela, for the implementation of the Protocol.

# Permits and Certificates : URUGUAY

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

Information on access to genetic resources is shared on the Ministry's website and through the ABSCH on the permits granted.

There are online forms for making applications to access to genetic resources and once approved they are uploaded to ABSCH.

Online Forms
https://tramites.gub.uy/ampliados?id=5402

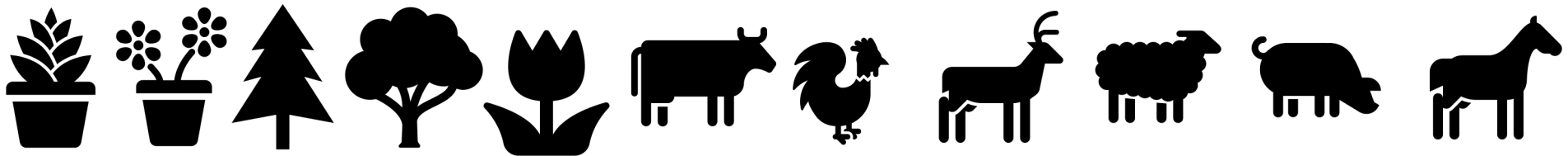



Approved accesses uploaded
https://absch.cbd.int/countries/UY



4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

N/A



# Permits and Certificates : Switzerland

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

(not applicable since permits are not required)

**4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?**

- Once a permit is approved and signed, the permit applicant receives original permit document, signed it and send a scanned copy back to the Department.
- The National Authorised User, then work with the permit holder in the generation of the IRCC, to identify information that is considered confidential.
- Then the National Authorised User captures the permit information in the ABS Clearing House to generated IRCC.
- The Publishing Authority reviews the captured permit information for quality control and publish the IRCCC.

# Permits and Certificates : << Serbia>>

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

Unfortunately, the Nagoya Protocol is still not operational in Serbia. Implementation will be fully in place in 2020, after the revision of the national legislation related to nature protection.

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

Le Sénégal n’est encore arrivé à ce stade. Il n’a pas encore mis en place un processus pour partager des informations sur les autorisations afin de constituer des certificats internationaux de conformité sur le Centre d'échange pour l'ABS.

Senegal has not arrived at this stage yet. It has not yet put in place a process to share authorization information to form international ABS compliance clearing certificates.

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

- N/A
- The system yet to be established
- Provisions in the draft Ministerial Orders

7. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

International certificates of compliance or other similar instrument (Access Permit) will be published at the website of ABSCH. Hard copy certificates will be provides as per official procedure.

The current draft Act does not require publishing the Access Permit on ABSCH but at later stage it will be a part of legislation

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

- Not applicable

# Permits and Certificates : NEPAL

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

- This is still in discussion. The planned ABS regulation or directives will provide the way out for sharing information on permits.

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

# Information at the permit which should be published on the ABS Clearing-House are :

- Reference number
- Owner of the permit Function and Organization

for access to the resource and / or traditional knowledge described below, in accordance with the national regulations on ABS in Madagascar and respecting the principles of PIC (documents references) and MAT (document reference)

- Names of the genetic resource and / or associated traditional knowledge (codified if required by confidentiality)
- Name of the provider of the genetic resource and / or associated traditional knowledge
- Access sites Access period
- Purpose of access
- Conditions

This permit is issued as proof of compliance with national ABS regulations and is not a substitute for other permits or authorizations required under other laws in force in the country.

For the ABS National Competent Authority

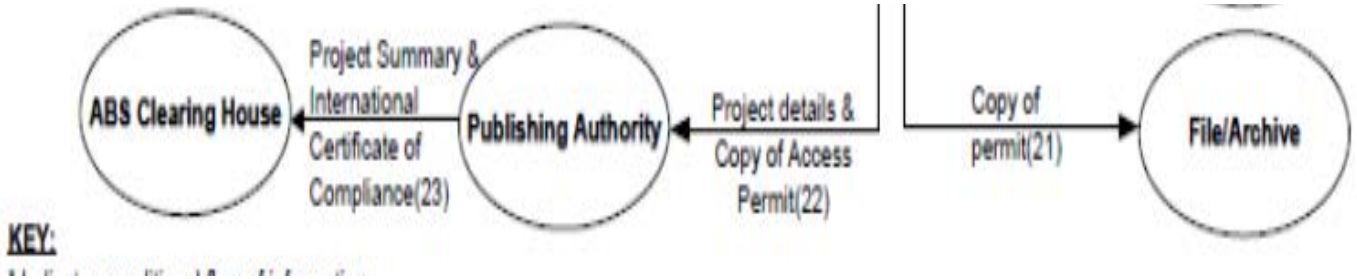
[signature and stamp] [Name and surname]

# Permits and Certificates : State of Kuwait

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

# Permits and Certificates : << KENYA >>

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?



## Permits and Certificates : << Jordan >>

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

- Declare in the local newspaper.
- The request before and after the permition.
- ABS clearing house (NO REQUESTS YET).
- Unfortunately, it one of issue need to have capacity building program.

# Permits and Certificates : Guyana

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

- Unfortunately there are no established process to share information on permits to the ABS-CH
- However, in the revised draft ABS regulations there is a required to so.

## Permits and Certificates : << FRANCE>>

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

- We do not understand this question.

# Permits and Certificates : FINLAND

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

- Not applicable

# Permits and Certificates : << Côte d'Ivoire>>

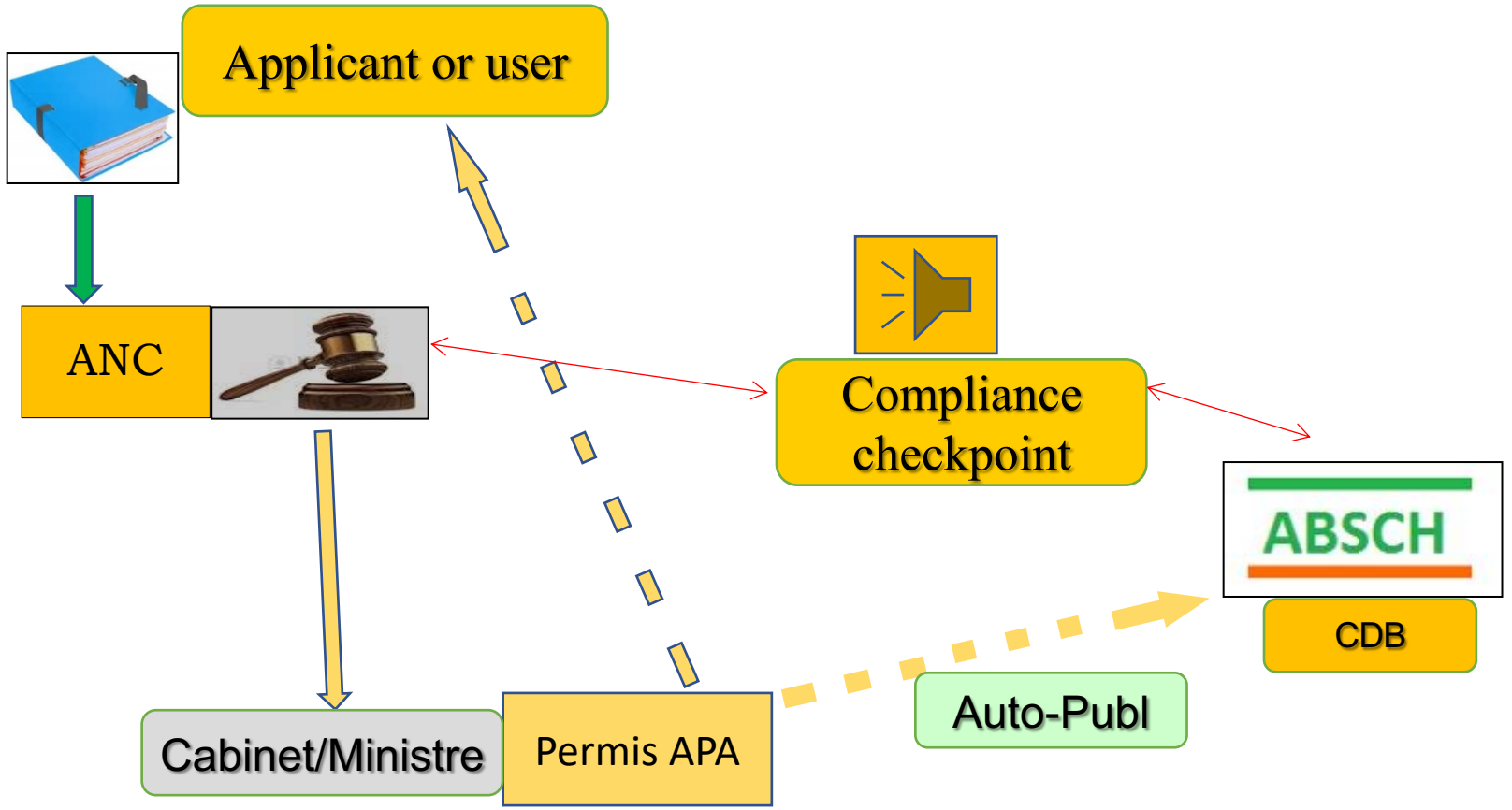
4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?




- ❑ This question is not yet dealt with in my country.
- ❑ We will take it into account in the process of publication and implementation of the Nagoya protocol at the national level.

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

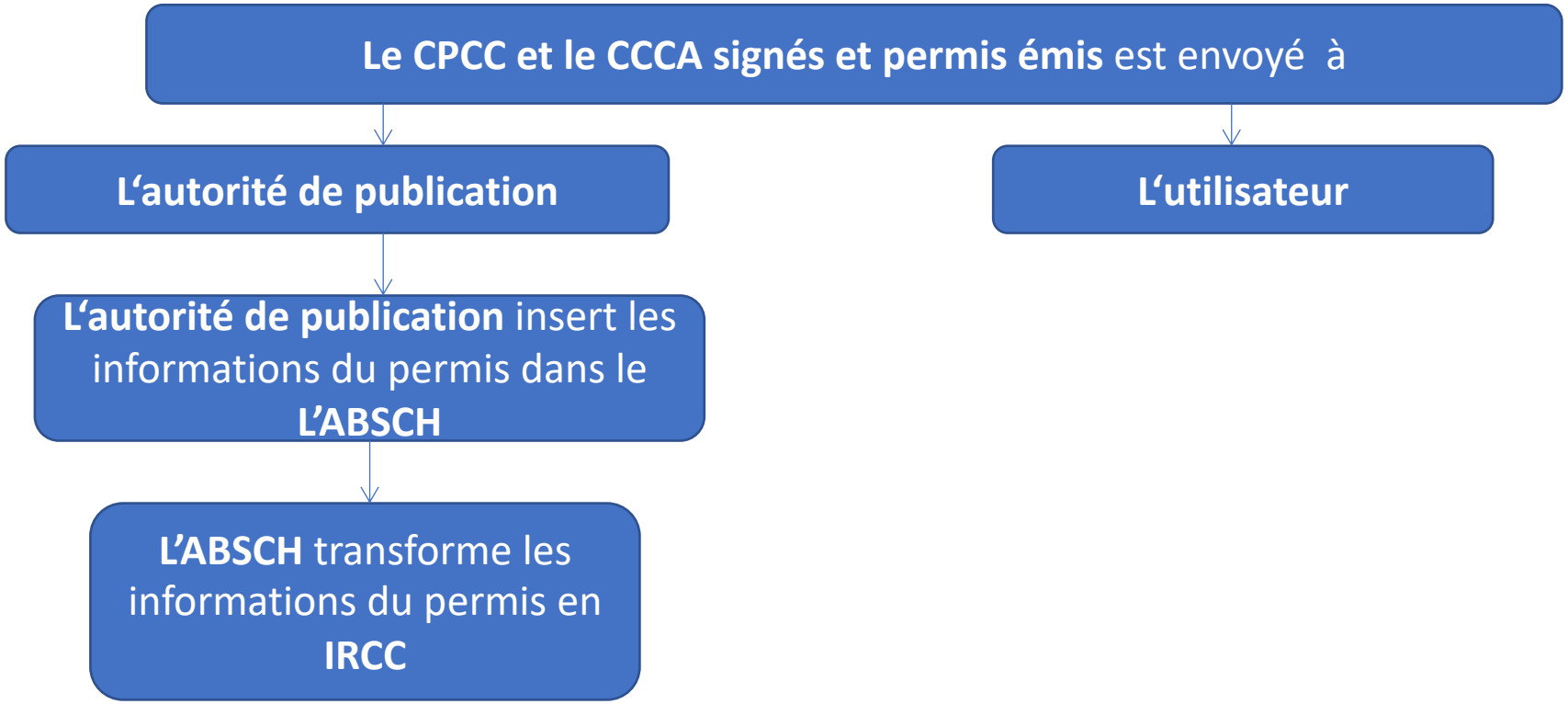
## Request for access to RG et CTa



# Permits and Certificates : << BENIN >>

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House? :

**INFORMATION PLANIFIEE**



# Permits and Certificates : Flanders / Belgium

4. Please describe the process established in your country to share information on permits to constitute international certificates of compliance on the ABS Clearing-House?

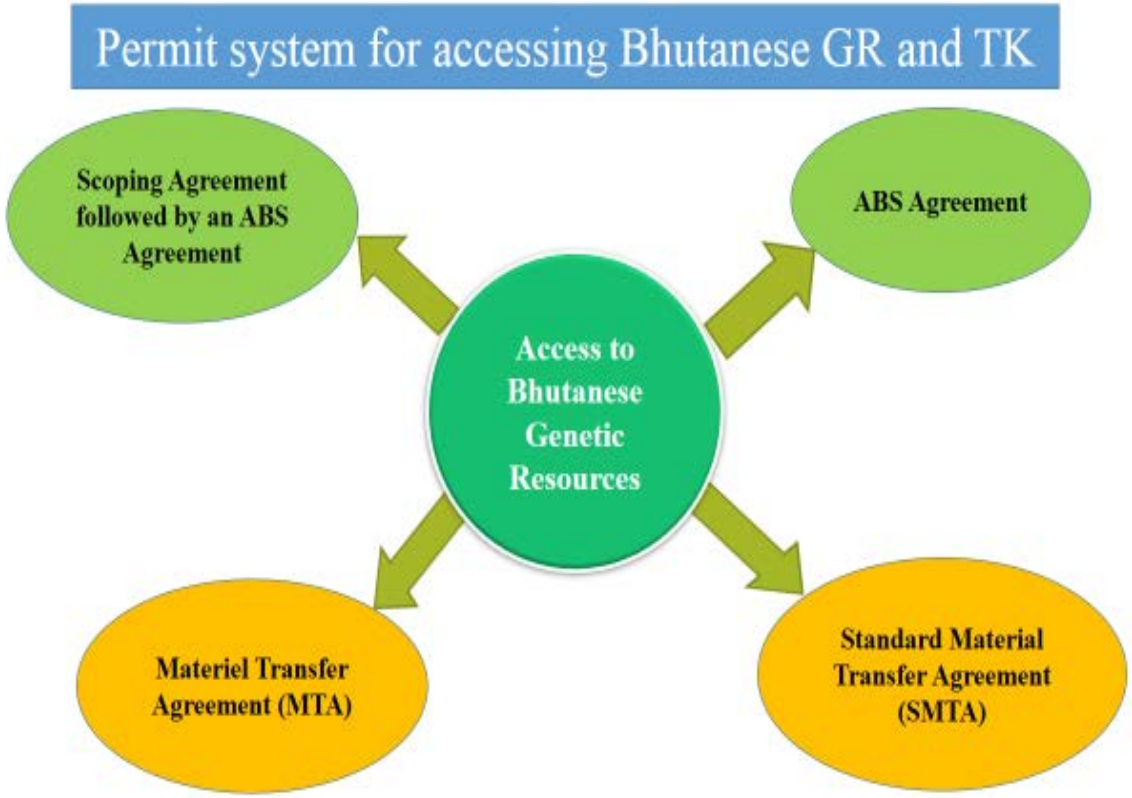
- No process established yet
  - (eg. Flanders: no need for an IRCC for FL.GR).

Permits and Certificates

# 5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

# Permits and Certificates : << Bhutan >>

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.




- Manual Execution
- Developing a checklist for permit system and upload in the website
- Plans to make it online

**5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.**

- **SisGen** - Registration and notification of researches and products developed under the brazilian Law on Biodiversity:
  - **Access** to GR or TK for purposes of research or technological development and economic exploitation of finished product or reproductive material arising from the access **can only be carried out following their registration, authorization or notification**
    - In order to obtain accreditation for accessing genetic heritage or associated traditional knowledge, the natural person or organization must **complete the electronic form - SisGen** (National System of Management of Genetic Heritage and Associated Traditional Knowledge)
      - The registry is a **mandatory self-declaratory** system which must be submitted to SisGen. It is important to note that the access to genetic heritage or associated traditional knowledge by **foreign-based institutions** can only be carried out when **associated with a Brazilian national institution** of technological and scientific research, whether public or private

# Permits and Certificates : << PERU >>

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

- A few years ago, MINAM initiated the design of a platform for the articulation of information on access to genetic resources (Genes Peru), however, it still requires improvements for its interoperability to be used for managing access between authorities.
- With the support of the GEF ABS Project, in charge of MINAM, work is being done to improve it in direct coordination with the competent authorities and their respective Information Technology Offices.
- The platform will allow the registration of access requests on native resources of Peru at national and international level without having to deliver the applications in Lima, in addition to allowing the exchange of information for a timely and effective management of access to genetic resources.
- Peru is currently updating its National Regulation on ABS (Supreme Decrete N°003-2009-MINAM), which will includes develop an standardized guidelines with the aim of homogenizing the procedures and establish a “one-stop-shop” or online platform for applications to genetic resources and to manage the information between authorities.

# Permits and Certificates : << Tajikistan>>

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

Currently, within the framework of the UNDP / GEF project "Strengthening Human Resources, Legal Framework and Institutional Capacity for the Implementation of the Nagoya Protocol in Tajikistan", it is planned to develop a national ABS Clearing-House portal and an online permitting system.



5. **Has your country developed (or has plans to develop) an electronic/online permitting system**? Please describe the system.

- ✓ Yes. For now, **we only have plans**…
- ✓ As part of a component of the Global ABS/UNEP/GEF Project!



# Permits and Certificates : Republic of Moldova

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

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In accordance witch the national legislation, our country is issuing for flora and fauna species 2 permits: for CITES Spp - Permit/Certificate CITES and for non-CITES Spp - Permit for export/import of wild plants/animals

Simple of the PERMIT for Export of wild plants from flora (according to Law on vegetal kingdom, 2007 and Government Decision regarding the approval of the standard forms of permissive acts, from 2018)

| MINISTERUL AGRICULTURII, DEZVOLTĂRII REGIONALE ŞI MEDIULUI AL REPUBLICII MOLDOVA<br><br>AGENŢIA DE MEDIU | | MINISTRY OF AGRICULTURE, REGIONAL DEVELOPMENT AND ENVIRONMENT OF THE REPUBLIC OF MOLDOVA<br><br>ENVIRONMENTAL AGENCY |
|---|---|---|

**ACORD PENTRU EXPORT PLANTE SĂLBATICE**
(valabil pentru specii non-CITES*)

**PERMIT FOR EXPORT OF WILD PLANTS**
(valid for non-CITES species*)

| | | |
|---|---|---|
| **Nr.** _____ **Data** _____ | | **Valid from** _____ **No.** _____ |
| **Se autorizează**<br>**Adresa, IDNO/IDNP** | | The following Company<br>Address, IDNO/IDNP |
| **Să exporte din**)**<br>_____ | | is authorized to export from**)<br>_____ |
| **Următoarele resurse biologice naturale non – CITES:** | | the following non-CITES wild biological natural resources: _____<br>_____ |
| **Specia (animale)** **Starea** **Cantitatea (kg/bucăţi)**<br>_____ | | Species (animals) Condition Quantity<br>(kg/pieces) _____ |
| **Total:** | | **Total:** |

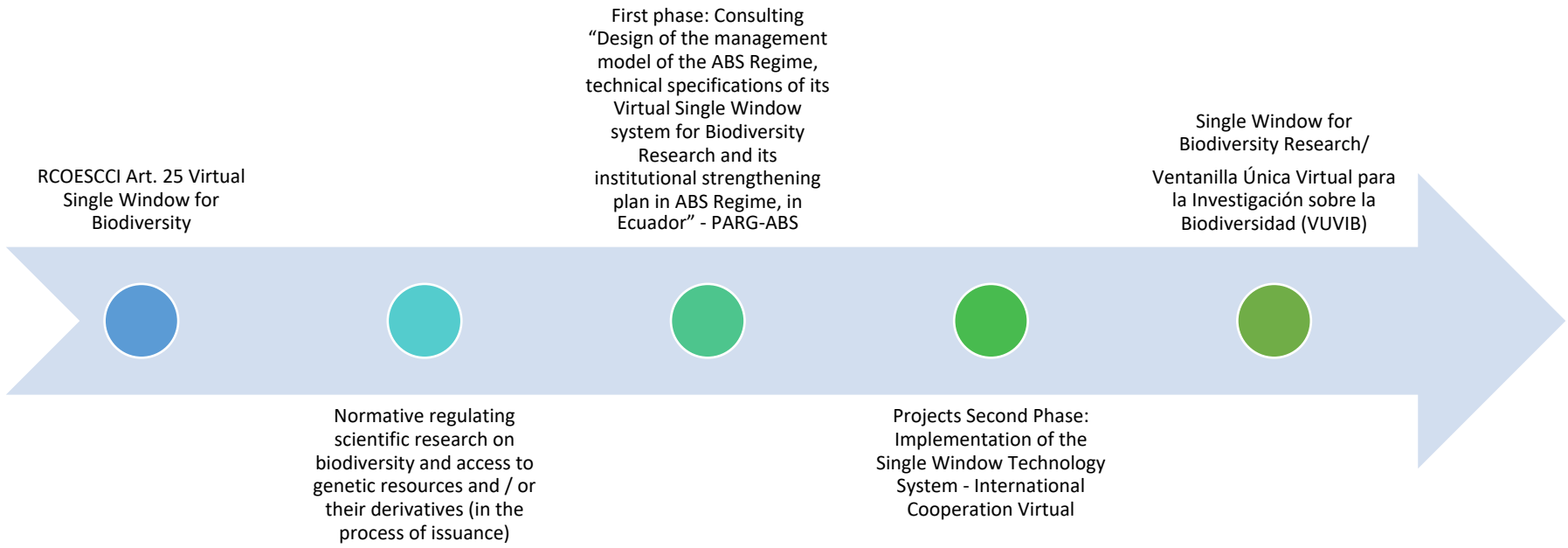
**Directore** _____ Ştamps

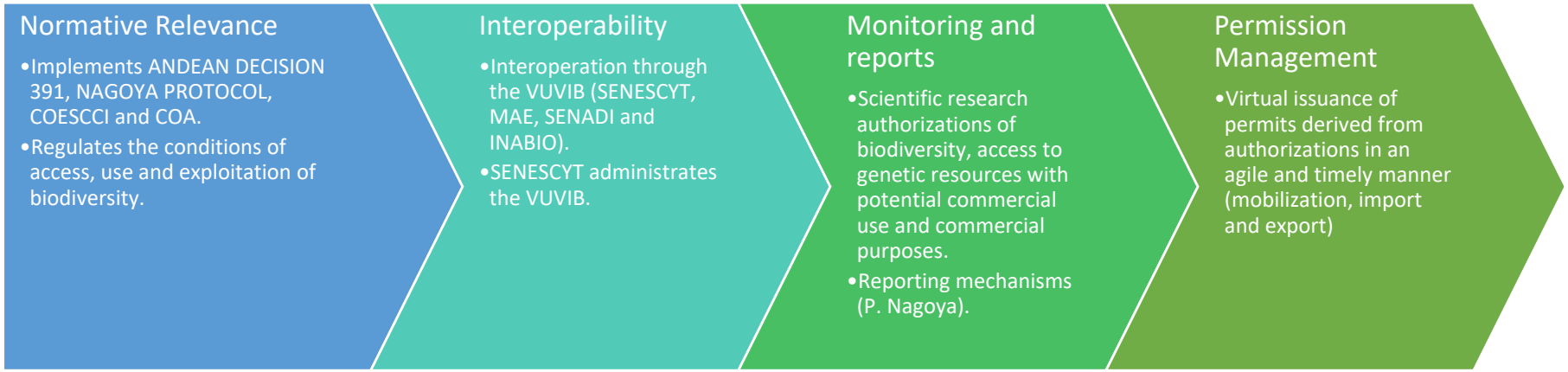
Prezentul acord a fost eliberat în 3 exemplare, 2 pentru importator, unul pentru emitent, toate cu ştampilă originală
*) Pentru speciile de flora şi fauna sălbatică prevăzute în anexele Convenţiei CITES este valabil numaiPermisul CITES.

This Permit has been issued in 3 copies, 2 for the imported, one for the issuing authority, all of them with original stamp.
*) For the species of wild flora and fauna which are listed in the annexes of the CITES Convention, only the CITES Permit is valid.

# Permits and Certificates : << Ecuador >>

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.



# Permits and Certificates : COSTA RICA

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

Costa Rica has developed a virtual platform to apply for ABS permits and monitor and control benefits sharing.
https://www.conagebio.go.cr/Conagebio/login.xhtml

The user can:

- apply for ABS permits
- watch animated tutorials
- include personal information only once
- upload the required documents
- receive notifications from CONAGEBIO
- know the permit request status
- download forms
- use digital signature (Costa Ricans)
- download permits
- keep track of the acquired commitments
- request modifications or extensions

CONAGEBIO has:

- A digital document management system
- An important tool for monitoring and control

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

Not applicable

# Permits and Certificates : << Lao PDR >>

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

We are planning to establish an information platform for ABS. A project proposal is drafted to seek for potential funding sponsors. The project is "Establishing of knowledge base and access to information for sustainable use of genetic resources and genetic resources associated with traditional knowledge".

The project's aim is to create knowledge base to support strategic decision making to implement the Nagoya Protocol. The project main objective is to establish a national online information system on ABS that enables providers and users of genetic resources to enter into equitable contracts and for administrators to make informed and transparent decisions.

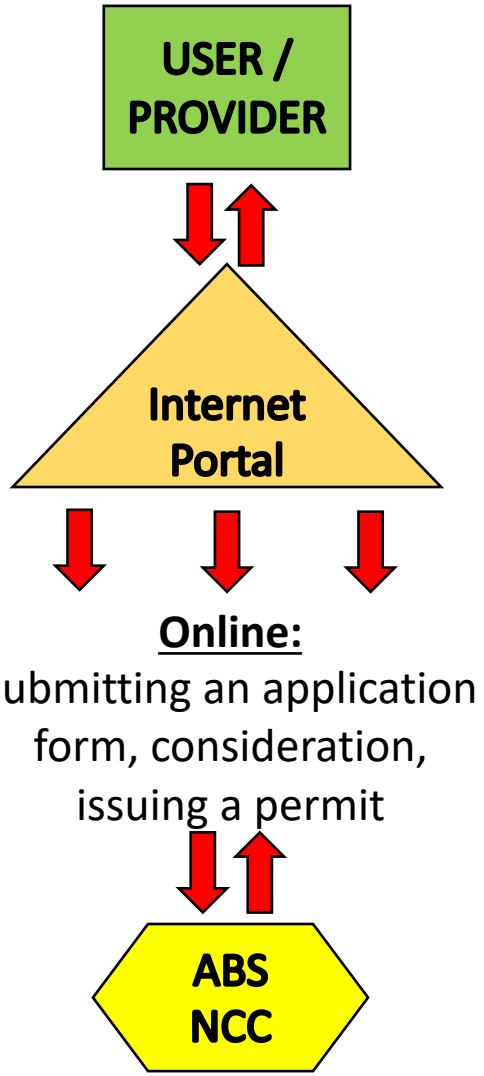
# Permits and Certificates : << Belarus>>

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

Even now in Belarus, a user of genetic resources can remotely obtain a permit for accessing genetic resources, which contains requisite details in accordance with Article 17 of the Nagoya Protocol, by submitting necessary documentation to ABS NCC in an electronic form.

In addition, the Republic of Belarus plans to ensure the issuance of on-line permits for access to genetic resources through a single Internet Portal on administrative procedures carried out by State bodies, which is currently being developed under the direction of the Ministry of Economy of the Republic of Belarus.

A potential provider/user of genetic resources will be able to fill in an application form on this Portal attaching all required documentation, monitor the application status and receive a document with the unique ID confirming a positive decision of the Competent National Authority.



# Permits and Certificates : INDIA

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

**<www.absefiling.nic.in>**

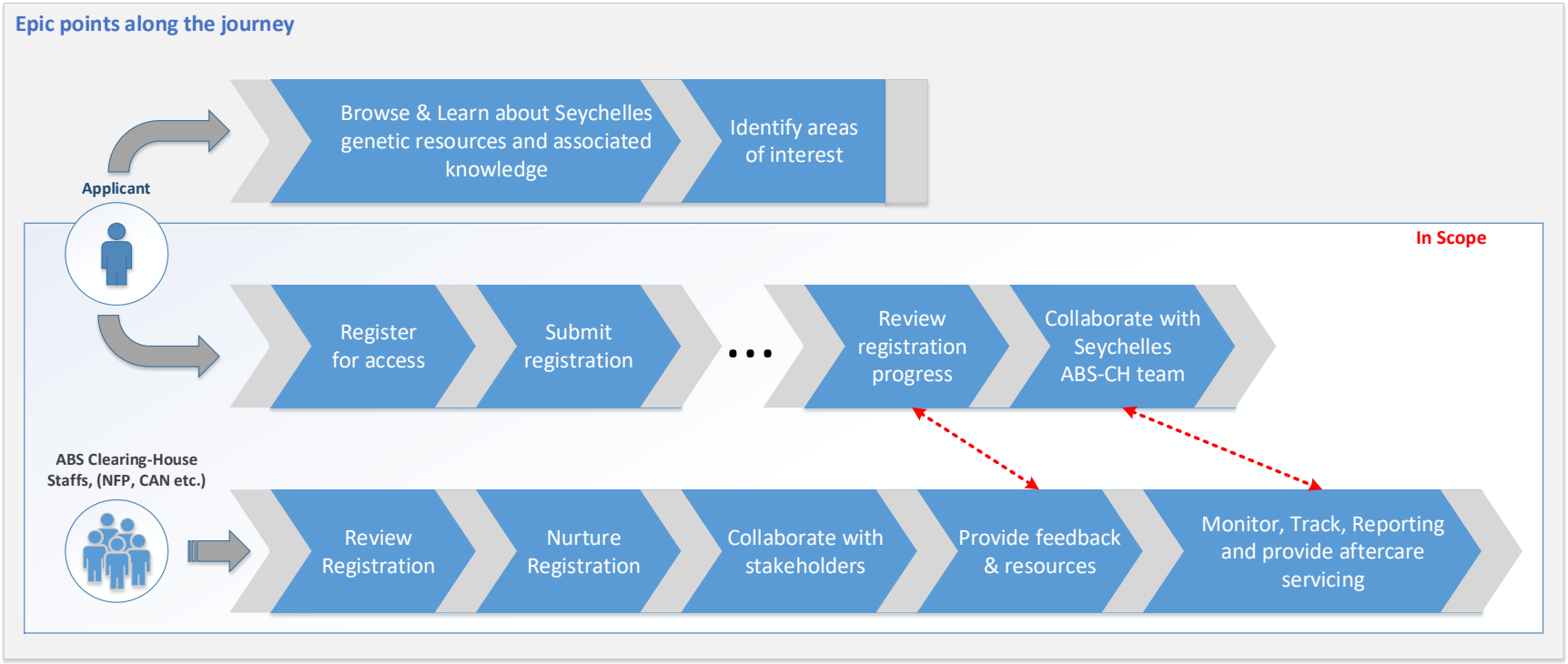



- ABS e-filing portal
- Login page is facilitated with
  - Know your application wizard
  - User manual
  - Instructions
  - Video tutorial and
  - helpdesk – Phone and Email

# Permits and Certificates : Seychelles

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

- Yes, there is plan and is under implementation
- Systems will automatically receive and process application




- MAT would still need to be negotiated under this system

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

**Application Architecture** The Drupal 8 CMS, which is at the heart of our solution, is an open source Content Management System (CMS) maintained and developed by a community of more than 1,630,000 users and developers around the world. It is licensed under the GNU General Public License (GPL), which means that anyone is free to download and share their code with others. This open development model guarantees the quality of this platform as well as its development.

**Software architecture**

The server that will host our solution must have the following features: • Operating system: Windows, UNIX / Linux, OS X. • Web server: Apache 2.x, stable Nginx 1.8.x, Hiawatha, Microsoft IIS (IIS 5, IIS 6, IIS 7 or IIS 8) • DBMS: MySQL - 5.5.3 (MariaDB 5.5.20, Percona 5.5.8) or higher with an InnoDB compatible primary storage engine; • Middleware: PHP 5.5.9 or more.

The choice of the MySQL - 5.5.3 is justified by several reasons. indeed, it is distributed under a dual GPL license and owner. It has been developed for the sake of high performance in reading, which means that it is more oriented towards the data service already in place than to that of frequent and highly secure updates. It is multi-threaded and multi-user and relies on Structured Query Language (SQL).

# Permits and Certificates : Antigua and Barbuda

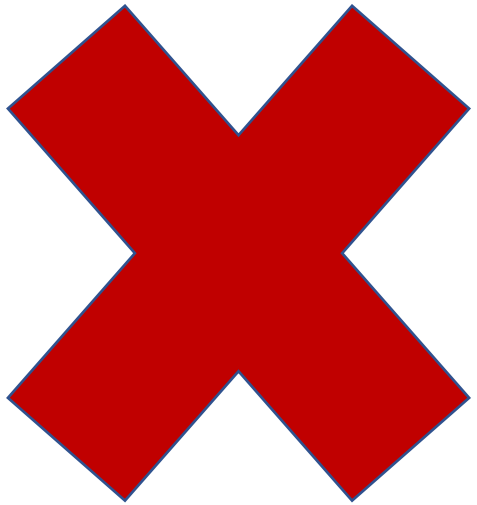
5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

We currently don’t have plans to develop an electronic/online permitting system

# Permits and Certificates : Germany

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

- Not applicable



# Permits and Certificates : Saint Kitts and Nevis

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

- At present, St. Kitts and Nevis is assessing the feasibility of developing and using an online application and permitting system for ABS applications.

## Permits and Certificates : << República Bolivariana de Venezuela >>

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

- So far, an online electronic permit system has not been developed.

# Permits and Certificates : URUGUAY

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

According to the Uruguayan policy, most governmental procedures are being done online, so it is possible to make the proceeding of access to genetic resources in an online manner.

Also, we have signed a Cooperation Agreement with Brazil to enhance our electronic system to a more thorough management system in order to include researchers, research centers, universities and private enterprises (industries).

**2014** Uruguay approves the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization through Law Nº 19.227.

**2017** The ABS Global Project starts in Uruguay
A provisional regime for Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization is established by Ministerial Resolution N° 1844/2017. This regime is in force today..

**2018** The article 216 of Law Nº 19.670 modified the article 22 of the General Law for the Protection of the Environment, which declared the general interest of Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.

The forms for Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization were uploaded at the Mvotma website.

**2019** The procedure for the request of Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization was uploaded at the Mvtoma website.

An ABS website at the Mvtoma webpage was created.

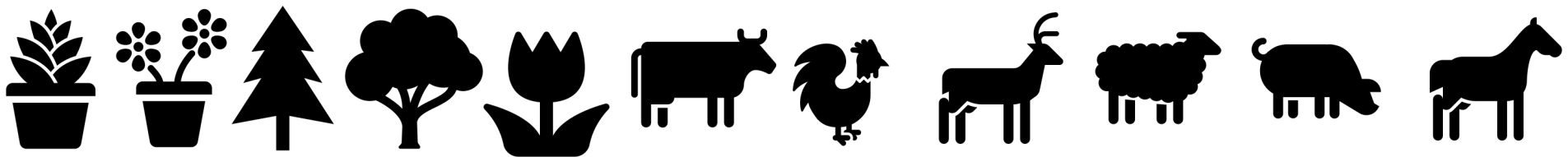
First certificate of international compliance granted in Uruguay (2 permits have been granted so far).

Participatory consultations with researchers, governmental sector and civil society organizations about the regulation of decree N° 22 of the Law N° 17.283.

We are working on a south-south cooperation Project which will enable us to monitor our genetic resources from the scientific collection to the end of the project.

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

N/A



# Permits and Certificates : Switzerland

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

(not applicable since ABS permits are not required)

**5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.**

- Yes,
- South Africa is currently working with the IT specialists to develop Electronic BABS Permitting System.

- The process has been initiated and hopefully will be finalized soon.

# Permits and Certificates : << Serbia>>

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

Unfortunately, the Nagoya Protocol is still not operational in Serbia. Implementation will be fully in place in 2020, after the revision of the national legislation related to nature protection. Currently, there are no plans for development of an online permitting system.

# Permits and Certificates : SENEGAL

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

- Peut être dans le long terme
- Pour le moment, le Sénégal se focalise sur les outils et les modalités de délivrance des permis à mettre en place.
- On peut envisage à long terme les possibilités de developer un systéme de délivrance de permis en ligne.

- Can be in the long term
- For the moment, Senegal is focusing on the tools and procedures for issuing permits to put in place.
- Long-term prospects for developing an online licensing system can be explored.

# Permits and Certificates : Rwanda

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

- N/A
- The system yet to be established
- Provisions in the draft Ministerial Orders

## 8. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

No such mechanism is developed so far or proposed in the draft legislation. However, based on need and prevailing procedures adopted by international community, a suitable mechanism will be developed.

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

Not applicable

# Permits and Certificates : NEPAL

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

- Nepal has not developed any electronic/online permitting system. The draft Bill has also not clearly spelled out on such provision. But we realise its need and usefulness.

# Permits and Certificates : MADAGASCAR

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

Medium-term perspective on establishing an online access request System (with the support from a GIZ project : '' BioInnovation in Africa, equitable benefit-sharing for Biodiversity conservation '')

# Permits and Certificates : State of Kuwait

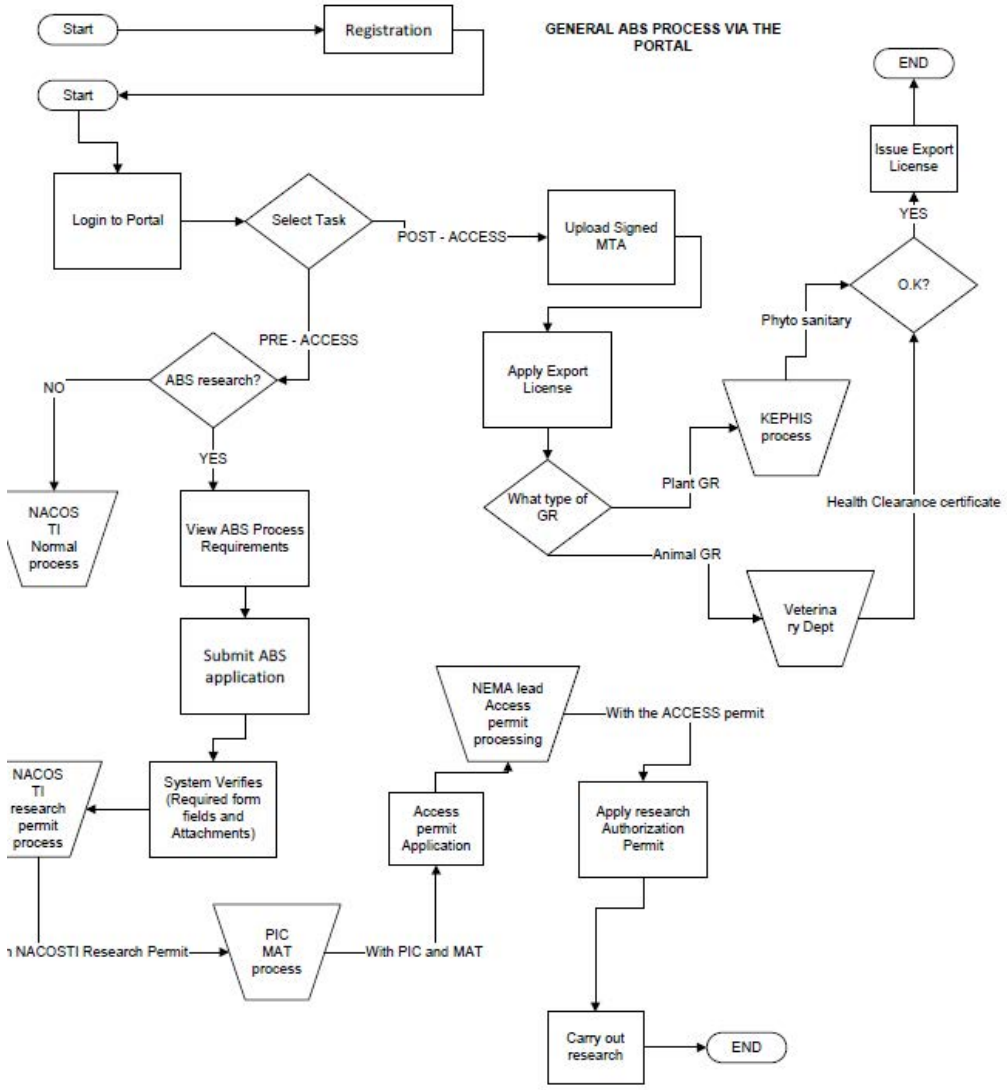
5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

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- Yes, there are plans to develop an online system for ABS of genetic resources, the details of which ae still in the stage of formulation.

# Permits and Certificates : << KENYA >>

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.



# Permits and Certificates : << Jordan >>

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

The demand application, PIC and MAT are ready but wait to endorse the bylaw.

# Permits and Certificates : Guyana

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

- Since 2011, Guyana has developed an online application portal for the processing of research permits. The system is called the National Biodiversity Research Information System or NBRIS.
- NBRIS can be accessed by: URL biodiv.gy/rap
- The process is describe above as the research process.

# Permits and Certificates : << FRANCE >>

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

- An online system is accessible since April 2018
- Users can fill online their declaration file, either as an individual (https://www.demarches-simplifiees.fr/commencer/apa-declaration-pphysique) or a legal person (https://www.demarches-simplifiees.fr/commencer/apa-declaration-pmorale)
- Types of information to provide :
  - A description of the activities for which the declaration is being made, as well as their objective
  - The designation of the taxa concerned, as precisely as possible, and reference of the place where the samples were collected, or, if the material is in a collection, of the entity holding the samples
  - A description of the technical means of access to the genetic resources and the modalities of sampling
  - The projected timetable for carrying out the activities
  - The applicant's preferred method of sharing the benefits of their activities, as well as the beneficiary or beneficiaries
  - Any confidential information that the declarant considers might breach industrial or business secrets, if disclosed

# Permits and Certificates : FINLAND

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

- Not applicable

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.



- ❑ Yes, my country is planning to develop an electronic/online permitting system with the help of ABS Capacity Development Initiative.

- ❑ The system is not yet set up. Now we are collecting all the internal texts and procedures for establishing the system.

# Permits and Certificates : << Burkina Faso >>

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

No, my country has not developed an electronic / online permitting system.

## Permits and Certificates : << BENIN >>

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

- **NON ENCORE DISCUTER**

# Permits and Certificates : Flanders / Belgium

5. Has your country developed (or has plans to develop) an electronic/online permitting system? Please describe the system.

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- Has not been discussed yet.

# Permits and Certificates

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

# Permits and Certificates : << Bhutan >>

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

No major problem on granting permits.

**Challenges**

- On Academic research, not able to get research results within the provided time frame
- Chances of passing the results to third party

# Permits and Certificates : Brazil

**6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?**

## Use of technology for granting certificates and simplifying Registry

Provisional Act 2.186-16/2001 1st legal framework to regulate access to GH and ATK in BR

- Creation of the Genetic Heritage Management Council (CGen)
- Negative impact on scientific research - bureaucratization and criminalization
- Discouragement for R&D of Brazilian biodiversity

Law 13.123/15

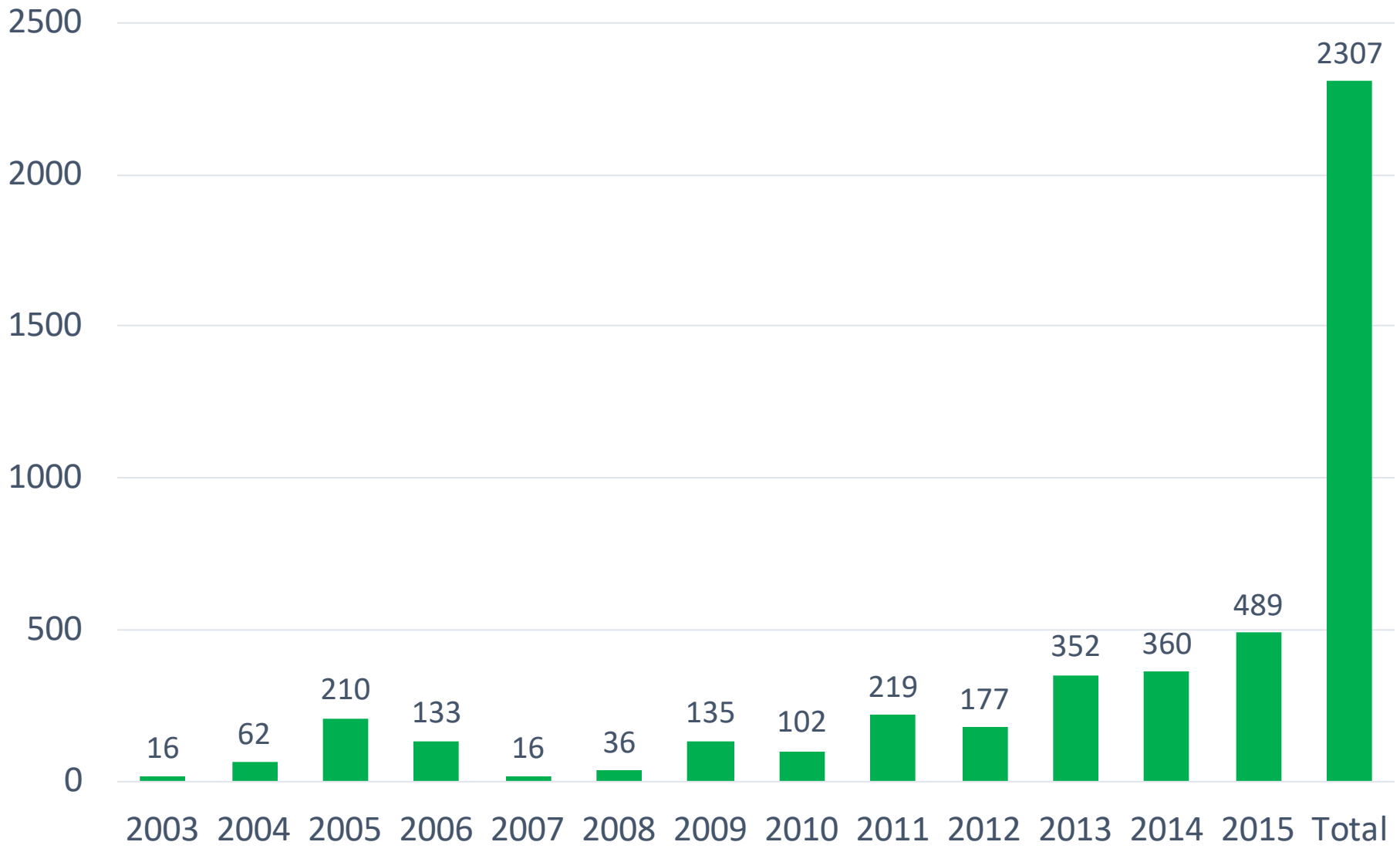
- Replacement of the previous authorization by the current registry
- Can be carried out during the R&D with GH and ATK in SisGen
- Significantly reduced bureaucratization of R&D in Brazil
- *Some cases require prior registration*

Upon completing the SisGen electronic forms:

- Registration receipt or notification will automatically be issued
  - Demonstrates that the user has provided the required information.
  - The user may request a Certificate of Access Regulatory from CGen

# Permits and Certificates : Brazil

## CGEN: Number of Granted Permits (2000 - 21015)



# SISGEN (06/11/2017 to 13/09/2019 )

**49.213**
Registers
Access

**725**
Registers
sample shipment

**1750**
Notifications
Finished Products

**25K +**
Users
Natural persons

SISGEN

**837**
Organizations

**Additional Information required for the registration of the activity of access**
**Genetic Heritage**



## Electronic registration form (SisGen):

Provide information on research or technological development activities, including:

i) Summary of the activity and its respective objectives

ii) Application sector, in the case of technological development

iii) Expected or obtained results, depending on the moment of the registration

iv) Responsible staff, including student

v) Indication of other institutions participating in the execution, where appropriate

vi) Period of execution of activities

vii) Identification of genetic heritage at the taxonomic level, as strict as possible

viii) Origin of the GH, including georeferenced coordinate in degrees, mins and secs

ix) Participation, when it's the case, of an institution with foreign headquarter

x) Identification of national partner institutions, when appropriate

xi) Registration number or previous authorization, in case of research or technological development carried out after 30 June 2000

**Additional Information required for the registration of the activity of access**
**Genetic Heritage**

---

## Electronic registration form (SisGen):

Provide information on research or technological development activities, including:

- ✓ request, if appropriate, the confidentiality of certain informations,
- ✓ Declare, as appropriate:

i) classification in the event of legal exemption or no incidence of benefit sharing

(ii) If GH being accessed is traditional local, Creole variety or locally adapted

(iii) If the species being accessed is on the official list of endangered species

- ✓ If **changes** in info provided to SisGen, update the data at **least once a year**
- ✓ Update registration to **include info** of application of **IP rights** or patent licensing

**Additional Information required for the registration of the activity of access**

# Associated Traditional Knowledge

- Indication of ATK provider and sources of obtaining, even from secondary sources
- Georeferenced coordinates of the respective community except when it comes to knowledge traditional associate of unidentifiable origin
- Participation, if the case, of a foreign institution associated with a national institution
- Verify that prior informed consent has been obtained from the associated traditional knowledge provider of identifiable origin, as appropriate

# Permits and Certificates : PERU

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- The most of the research and innovation that involves access to genetic resources of peruvian native species in Peru is not legal, specially in regions outside Lima. Is necessary to implement a communication strategy in universities and research centers.
- The Competent Authorities have not enough human and technical capacities proportional to the amounts of genetic resources access management requirements, this cause delay in the tramitals of the solicitude process.
- Within the context of the current legislation there is a need for a multidisciplinary team to improve the management of authorizations and negotiations process on benefit-sharing.
- In addition, officers, users and indigenous peoples often lack technical capacity and negotiating skills in access and benefit-sharing arrangements..
- Insufficient number of checkpoints. To date, Peru has designated two checkpoints for ABS: INDECOPI and the National Commission against Biopiracy. They have competencies in terms of granting patents at the national level, and monitoring patents granted in third countries, respectively.
- National efforts to strengthen scientific research, innovation and technology development at the national level.

(2) UN Environment World Conservation Monitoring Centre. (2019). Access to genetic resources and benefit-sharing: a review of existing frameworks. Cambridge (UK): UN Environment World Conservation Monitoring Centre. 206pp.

# Permits and Certificates : << Tajikistan>>

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?



Several permits have been issued for already studied genetic resources.
For example, for scientific purpose such animals as Siberian ibex, Argali, Peregrine Falcon, Otis tarda, etc. were exported.

One of the main issues at the moment is the lack of reliable information about a specific genetic resource. To resolve this problem, the work has started on developing a register of all priority types of genetic resources in accordance with ABS requirements.



6. Please reflect on your experience with granting permits. What are **some of your biggest challenges, primary concerns, most important questions or greatest accomplishments**?




- ✓ *We all have different challenges when it comes to the implementation of Nagoya Protocol.*
- ✓ *The Dominican Republic needs more **capacity building**, specially when it comes to benefit sharing negotiations, elaboration of the Access and Benefit Sharing contracts, etc.*
- ✓ *We also need to improve, when it comes to **monitoring the compliance of the mutually agreed terms**.*

# Permits and Certificates : Republic of Moldova

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

# Permits and Certificates : << Ecuador >>

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

**Biggest challenges**

To establish a method to determine whether a traditional knowledge is associated to a genetic resource and When to a biological resource.

- Issue a new reglamentation through Republic of Ecuador´s Presidency
- Implement the ABS Regime in Ecuador through the new regulation and management model.

**Primary concerns**

% of participation in benefits for genetic resources exploitation

- How to determine the percent of benefits that should be recognized by using genetic resource and traditional knowledge?
- How to evaluate if the benefit is really used to foment science, technology and innovation or to environment conservation, or to use of the legitimate owners?

**Most important questions or greatest accomplishments**

To develop a new management model in which four institutions interopetative (SENESCYT, MAE, INABIO and SENADI)

# Permits and Certificates : COSTA RICA

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

## Biggest chanllenges:

- Development of the legislation on access to genetic and biochemical resources from indigenous people and associated traditional knowledge

## Primary concerns:

- International monitor and control of GR and capacity building for checkpoints
- Give prominence to ABS and TK into the Post 2020 biodiversity framework

## Accomplishments:

- Put in place ABS framework. Commercial use permits
- Launch of “ABS Costa Rica Biobenefits” Distinctive Mark
- Development of General Mechanism for Consultation of Indigenous Peoples. Executive Decree No. 40932-MP-MJP
- Link ABS and Bioeconomy National Strategy

VIDEO

**Access permissions granted 2004- August 2019**

| Permissions | Total |
|---|---|
| Basic Research | 551 |
| Bioprospection | 85 |
| Commercial use | 2 |
| Total | 638 |

ABS COSTA RICA BIOBENEFITS

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

Not applicable

# Permits and Certificates : << Lao PDR>>

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

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**There are many challenges and lesson learnt facing while facilitating of the ABS permission, some of them are as following:**

- ❑ Two approaches can be implemented for ABS facilitation as administrative and regulatory applications
- ❑ Users (willingness, be aware of, responsibility, respect, recognition, reputation, transparency, etc.)
- ❑ Providers (clear guidance/procedure/regulation; effective communication; the most import is responsible manner)
- ❑ Lack of dedicated budget (e.g. chemical, reference materials, equipment, trainings and others)
- ❑ Limited human resources ( ABS experts, risk analysis, policy support and others)
- ❑ Coordination mechanism and information sharing among stakeholders both domestically and internationally
- ❑ Mainstreaming/integration
- ❑ Scope of the ABS and GR activities or GR identification
- ❑ Monetary and non-monetary benefits for each project activity identification

# Permits and Certificates : << Belarus>>

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

The main problem in accessing the genetic resources of Belarus is the lack of awareness among potential providers and users:

- Need to obtain a permit for accessing genetic resources when transferring them to a stakeholder in another country
- Including in the contract between a provider and user of mutually agreed terms of benefit-sharing.

Often, by the time of the planned transfer, the contract has already been concluded, but it does not contain the required benefit-sharing provisions. In this case, you have to draw up an additional agreement to the contract.

In the near future, ABS NCC will develop and post on the ABS CH and the National website of a National Model Contractual Clause to be included in the agreements between a provider and user of genetic resources.

# Permits and Certificates : INDIA

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

| Major Accomplishments |
| --- |
| • More than 1,000 ABS Agreements signed (MAT) |
| • Realized Benefit Sharing to the tune USD 16 Million–(INR 115 crores) |
| • Network of about 150,000 biodiversity management committees (village level) across the country. |
| • Documentation of people's biodiversity register to understand the local species available. |
| • Recognition through India Biodiversity Awards |

| Challenges |
| --- |
| • Facilitating access to genetic resources requires capacity building and co-ordination among multiple implementing agencies. |
| • Raising of awareness among multiple stakeholders |
| • Traceability of geo-location of GR |
| • Taxonomic Identification |
| • Monitoring movement of Genetic Resources |

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

**Major concerns:**

- Companies/individuals using the diplomatic channel to gain access to the GR
- Applicants not providing enough information about their funders (due diligence)
- Not all applicants honor their permit requirements
- Limited capacity to monitor compliance once access is granted

**Primary concern:**

- certain international NGOS using '*green wash*' system to gain access to the country's biodiversity
- **Greatest Accomplishments-**
- despite only having administrative measures Seychelles has been able to curb down the prevalence of illegal access to its genetic resources, there is a clear process for application to researchers, long term research programs has been facilitated through this process over the years.

# Permits and Certificates : << Cameroon >>

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

The biggest challenge is the less appropriation of the whole process by some local communities and some stakeholders involve in the ABS process even though much sensitization has been carried.

Also having the law on ABS adopted at the level of decision makers such as Presidency and Parliament. As an achievement, we have been able draft a specific law on ABS and have issued already to MATs from which many lessons learned have help the whole process.

# Permits and Certificates : Antigua and Barbuda

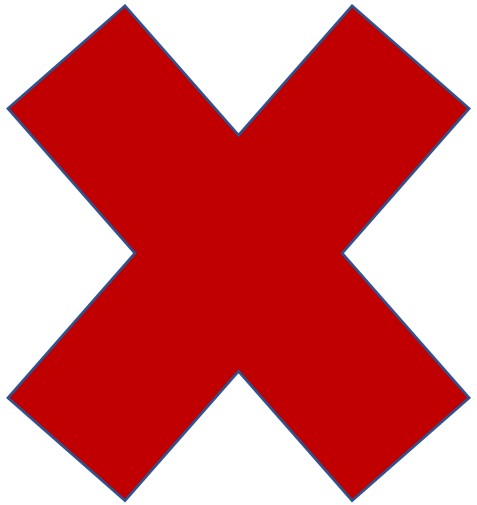
6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- As a Small Island Developing State in the Caribbean we face many challenges
  - Lack of institutional and regulatory frameworks in our neighbouring islands – leading to jurisdiction shopping
  - No designated IPLC's – equitable sharing of benefits difficult in this regard
  - Bio – piracy
  - Securing monetary benefits

# Permits and Certificates : Germany

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- Not applicable



# Permits and Certificates : Saint Kitts and Nevis

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- Saint Kitts and Nevis have had very few applications in recent years. No major concerns have been identified regarding granting permits.

## Permits and Certificates : << República Bolivariana de Venezuela >>

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- So far, the granting of permits has been characterized as a process with many administrative steps, which is why in the country we are working on the simplification of administrative procedures.

# Permits and Certificates : URUGUAY

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

The challenges have been the interactions with the users and other institutions due to the different type of scientific collection to obtain the biological resources to access the genetic resources, the type of sample and the quantity, which have required continuous adjustments of the forms and procedures.

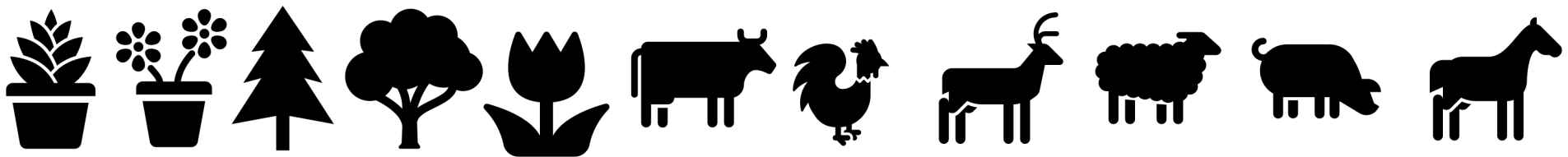
Another concern regards the applicant´s information requested on the form. It seems to be difficult for researchers to understand the roles assigned to applicant, legal representatives, responsible researcher (national and/or foreign researcher).

Also sometimes they fail to understand the importance to always include a research institute where the research will be carried out.

It is important to highlight that these are mandatory requirements, according to our law.

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

N/A



# Permits and Certificates : Switzerland

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

(not applicable since ABS permits are not required)

## 6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

**Challenges:**

- One of the challenges the country face is that the user some sometimes complain about the time it takes for the ABS permit to be issued. According to our legislation, the prescribed time frame is 120 working days.
- To get the companies that were established before promulgation of our ABS Regulation to comply.
- To get the users understand the importance of benefit sharing with the traditional knowledge holders and the access provider.

**Primary concern:**

- There are very few permits involving users from foreign countries.

**Most important questions:**

- None

**Accomplishments:**

- Despite all the challenges, 94 ABS permits have been issued.
- Successfully facilitated the negotiations of an Industry-Wide Benefit Sharing Agreement on Rooibos-Traditional Knowledge for 9 years.

# Permits and Certificates : << Serbia>>

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

Unfortunately, the Nagoya Protocol is still not operational in Serbia. Implementation will be fully in place in 2020, after the revision of the national legislation related to nature protection.

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

Le Sénégal n’a pas encore une experience dans la délivrance des permis.

Nos principals préoccupations consistent à mettre en place les bases juridiques qui sous tendent l’accès aux ressources et le partage des avantages.

Senegal does not yet have experience in issuing permits.

Our main concerns are to put in place the legal bases underpinning access to resources and benefit-sharing.

# Permits and Certificates : Rwanda

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- N/A
- The system yet to be established
- Provisions in the draft Ministerial Orders

9. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

Grant of Permits: As there is no legislative support for implementation of ABS and Nagoya Protocol, challenges and successes cannot be shared at the moment.

We foresee challenges in developing a system whereby provincial and federal governments can function smoothly, as the ABS resources does not pertain to a single department or entity.

Government of Pakistan in consultation with provincial Governments and line ministries have adopted a procedure to grant permit to access the genetic resources for academic and research purposes. In this regard, about 5-6 permissions are granted. In the case of microorganisms, some additional steps are involved to avoid any misuse and mishandling of the genetic material

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- Not applicable

# Permits and Certificates : NEPAL

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- Nepal is still in process of policy formulation, i.e. finalization of national ABS Bill. The Bill will further drive for institutional framework for granting permit.
- As Nepal is rich in unique biodiversity, genetic resources and TK, the primary concern is to identify, document and conserve genetic resources and associated traditional knowledge and get benefit within ABS framework.

# Permits and Certificates : MADAGASCAR

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

No permit has been issued yet, pending the completion of the national regulations with the implementing text of the decree.

However concerns , challenges and questions to be considered in the process are :

**Concerns**

- Difficulty to know end users of GR because of the existence of many intermediaries at local , national and international levels – Exporters do not have information,from their clients, on intended uses of GR

**Challenges**

- Sensitized policy makers about ABS issues on Biodiversity conservation and economic development
- Development of National Strategies for GR and TK valorization (for a rationalized exploitation accompanied by efficient benefit-sharing )
- Coordination and link between sectors
- Broad dissemination and national ownership of the ABS mechanism

**Questions**

- How to promote partnership and trust with northern users companies?
- How to develop an efficient traceability system?

# Permits and Certificates : State of Kuwait

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- The process is lengthy, difficult and complicated.
- Several organizations with different procedures are usually implicated.
- Access may be denied.

## Permits and Certificates : << KENYA >>

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- ABS permitting system that was a long and complicated process in which each institution had its own individual process to grant access permits for biological researches.

- Applicants apply independently to each institution which was long and time consuming.

# Permits and Certificates : << Jordan >>

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

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**Challenges:**

1- resource sustainability.

2- capacity building.

3- data base.

4- more collaboration with developed countries.

5- to control the illegal usage.

# Permits and Certificates : Guyana

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- Our biggest concern is enforcement of permit conditions.
- When researcher leave jurisdiction, there is not much we can do; even with adequate permits or contracts.

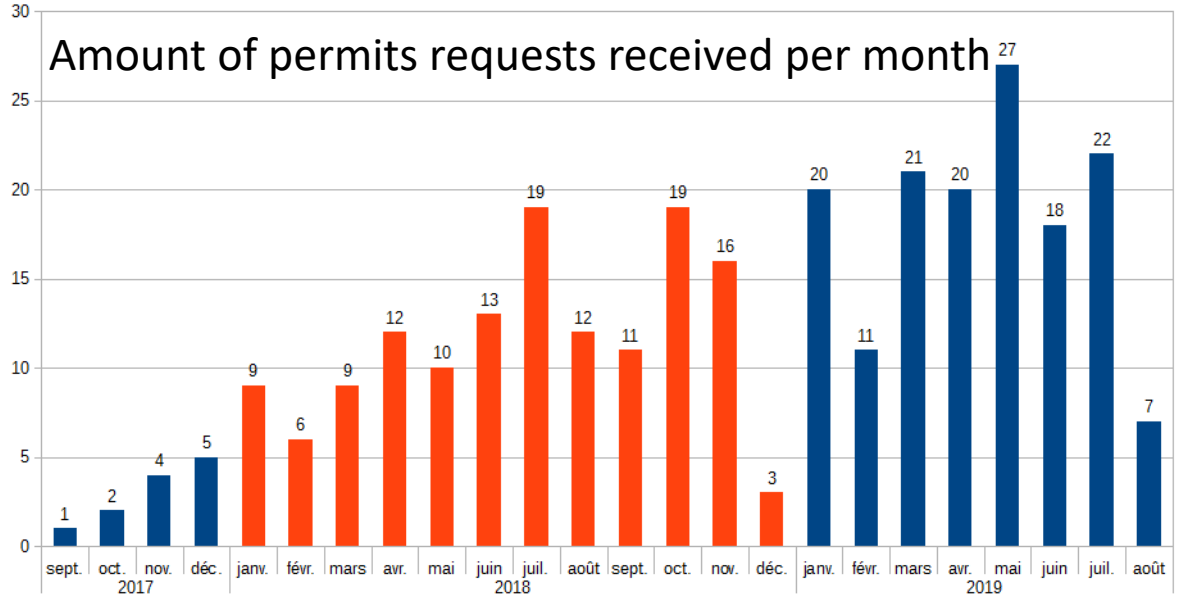
- In addition to solid agreements, how can monitoring be improved?

# Permits and Certificates : << FRANCE >>

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- One important question concerns benefit-sharing and what relevant actions could take place, as well as how to negotiate it
- Some questions remain regarding the scope of the legislation (ex : domesticated or cultivated species)
- Some difficulties lay with the monitoring of the users
- We are happy to see that more and more people are aware of this legislation and abide by it, hence more permits are granted

171 Internationally Recognized Certificates of Compliance



# Permits and Certificates : FINLAND

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- Not applicable

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- What about liability?
  - In Austria, resources will not be available to the extent that appropriate experts can be called upon for all situations that may arise under the Nagoya Protocol. Besides there ist little experience with the establishment of transparent, highly complex administrative processes involving a wide variety of authorities and institutions, as required for the implementation of the Nagoya Protocol.
  - Under these circumstances we must take the most pragmatic approach possible.
  - Are there already some experiences with liability? Or can we leave this topic at the moment aside?

# Permits and Certificates : << Burkina Faso >>

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

Nothing to report

# Permits and Certificates : << BENIN >>

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- **Grands défis**
  - Faible connaissance du processus et les étapes d'obtention du permis APA par les parties prenantes. Conséquence : Trop de sollicitation du PF/APA et lenteur
  - Manque de compétence juridique nationale pour négocier et rédiger des contrats commerciaux jugés acceptables par les tribunaux. Conséquence : Peur/hésitation à délivrer des permis APA à but commercial.
  - Faible pouvoirs des partenaires de négociations : Ils ne sont pas investis des mêmes pouvoirs pour négocier d'égal à égal. Conséquence : Lenteur dans la délivrance des permis et mauvaise perception de l'APA
- **Principales préoccupations**
  - Elaborer un guide pratique d'accès aux RG et CTA y compris les autres documents sectoriels préalables et le poster sur le CHM/APA
  - Visualiser le mécanismes d'accès aux RG et CTA ou d'obtention du permis APA ainsi que des autres documents sectoriels préalables et le poster sur le CHM/APA
  - développer des compétences de négociation. Cette compétence est un besoin majeur de renforcement des capacités au Bénin.
  - Envisager un système de délivrance de permis électronique / en ligne
- **Principales réalisations :** 13 permis établis. 26 nouvelles demandes étudiées et conclues. Permis en cours d'émission.

# Permits and Certificates : Flanders / Belgium

6. Please reflect on your experience with granting permits. What are some of your biggest challenges, primary concerns, most important questions or greatest accomplishments?

- No experience(s) with granting permits.
- Biggest challenge is to get answers (on e-mails… )
- Concern (as CA) to be held accountable for positions of country of origin.

# 7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

# Permits and Certificates : << Bhutan >>

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

**Submission of the access proposal by Company X**

↓

**Assessment of the access proposal by the National Focal Point and Consultation with the local community**

↓

**Submission of the recommendation to the Competent National Authority for approval**

↓

**Execution of Scoping Agreement for R&D (5years) Access is granted for research and development**

↓

**Research on 25 plants, 5 promised, one in a final stage of R &D**

↓

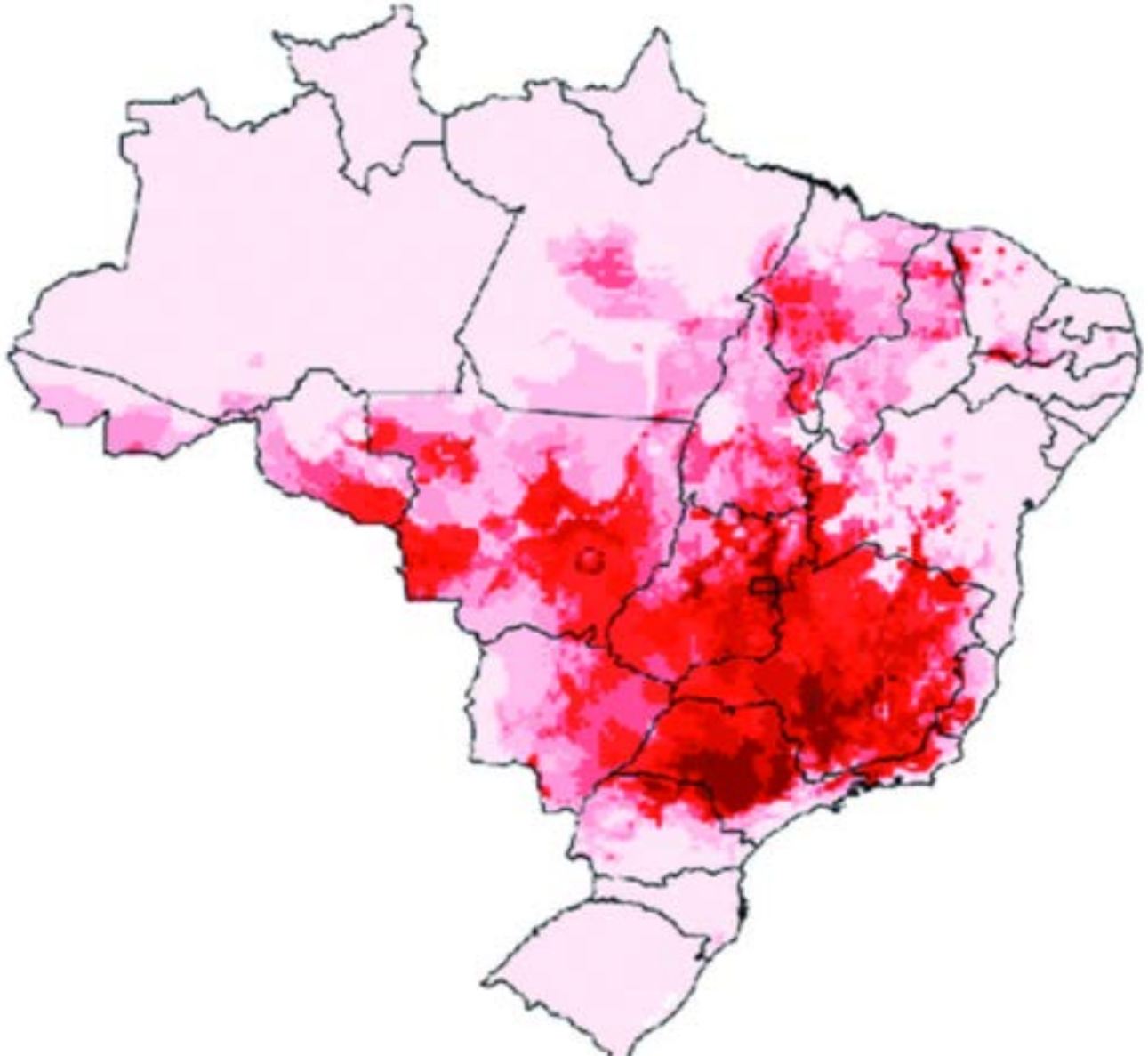
**Sharing of Monetary and Non-monetary benefits to the community**

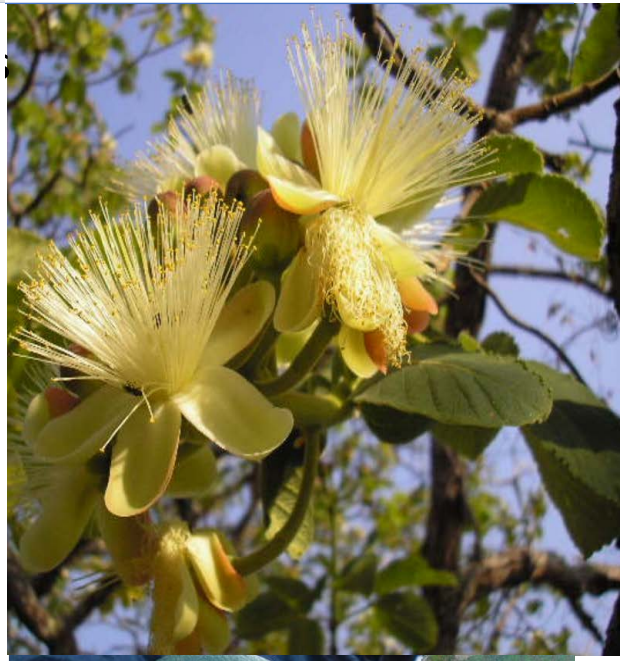
↓

**Launch of products by 2020 and signing of ABS Agreement**

# Permits and Certificates : Brazil

**7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?**







# Permits and Certificates : PERU

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

7. Please share a **very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits**?

The **most gratifying job for us** has been actually, the contact with communities and get to know their anecdotes regarding the use of animals and plants…





Let's see… which one can we **share** with you?

# Permits and Certificates : << Tajikistan>>

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?



The Dutch Center for Genetic Resources requested a permission to be included in the NBBC memorandum (National Biodiversity and Biosafety Center is the authorized state body for the implementation of the Nagoya Protocol) to conduct a joint field expedition to collect genetic resources of plants.

# Permits and Certificates : Republic of Moldova

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

# Permits and Certificates : << Ecuador >>

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

PhD STUDENT CASE→ immunological research in dogs blood serum

During 2014-2018 he develops a study that requires access permission

Because he was outside the country does not know about the application of Executive Decree 905 (Since 2015).

He currently need to make a publication to graduate.

That is not possible until the entry into force of the new ABS Regulation

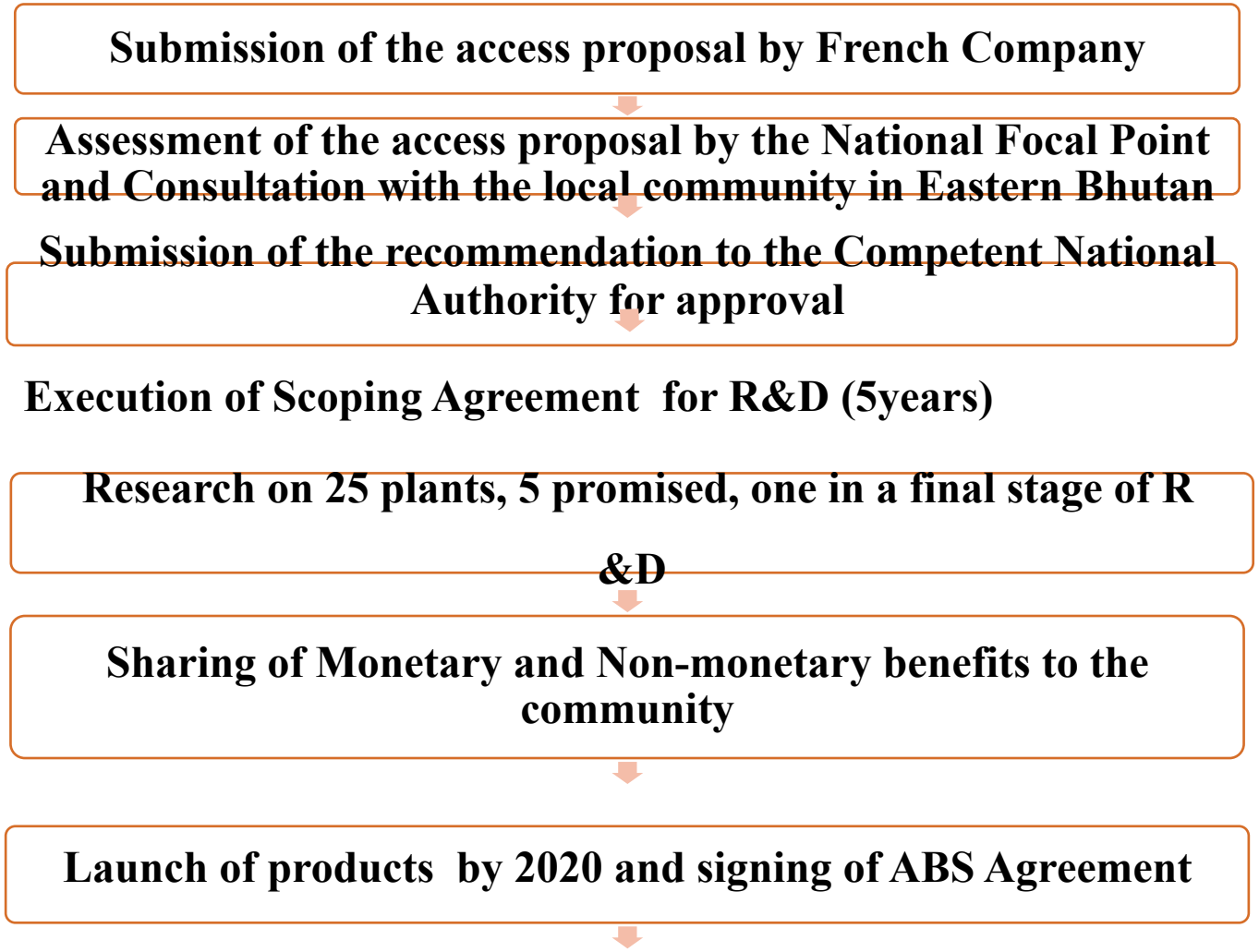
# Permits and Certificates : Brazil

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

*Information will be provided soon*

# Permits and Certificates : Bhutan

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?



# Permits and Certificates : COSTA RICA

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?




VIDEO



7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

Not applicable

# Permits and Certificates : << Lao PDR >>

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

Lao PDR is a party to the Nagoya Protocol. The country has established the National Framework on Access and Benefit Sharing of Benefit Arising from the utilization of genetic resources in 2012 and has indicated the provision of access and benefit sharing and traditional knowledge in Article 22 and Article 24 of Biotechnology Safety Law (2014) as a legal framework. Although the country has no a specific ABS regulation, there is already an existing permit system within each ministry (agriculture, fishery, livestock, environment, health, science and technology, etc.) dealing with access to genetic resources. The permit/licensing system can be understood as the PIC in the context of the NP. The country has designated NFP and PA which are available in the ABSCH under SCBD website. While the country is in the process of developing the ABS system, there was a group of researchers who have contacted the NFP by email and requested for access to a genetic resource. There are representatives including a legal advisor that pay a visit and talked to potential local partners to conduct a cooperation project. An interesting point is only partly information regarding to the research activities on the genetic resource that is provided to the NFP and related authorities particularly a prospective achievement and the procedure to procure commercial potential for the research outcome. In line with the request a cooperation agreement framework was not sign and discuss with local authorities.

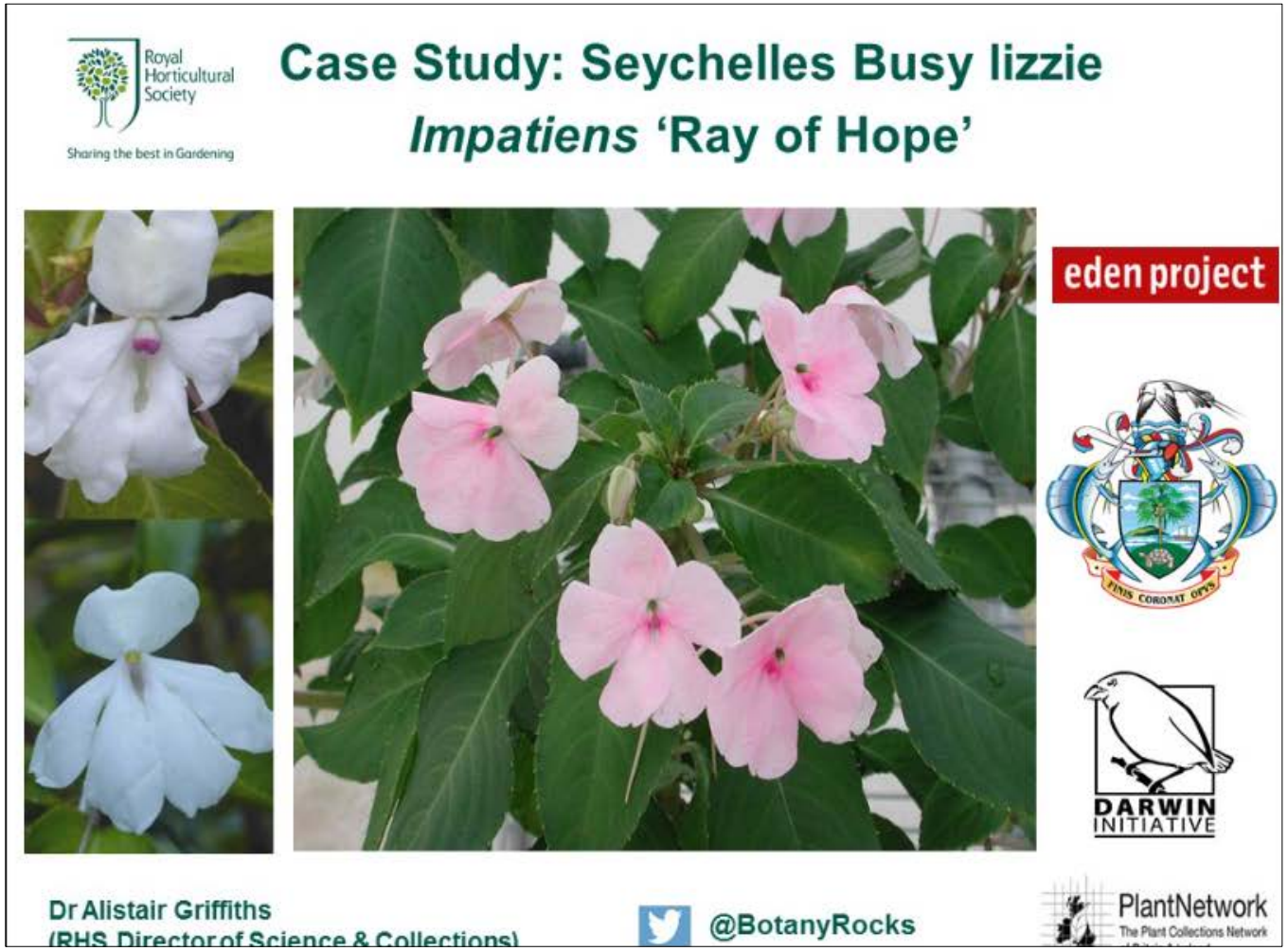
With no agreed collaboration contract, there was another request to grant the access permit to the genetic resource after no communication for more than two months. A recommended individual (Mr. Iron) from a relevant ministry has been presented to the NFP/NCA with an offered him to be trained for collecting the genetic resource. Then, Mr. Iron will have to participate with the researcher group to the field for requesting permission, collecting samples and facilitate in transferring the collected samples to the user country. In addition, memorandum of agreement was drafted by the user for the NFP consideration in future cooperation.

# Permits and Certificates : << Belarus >>

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

- Good permit leading to good benefit Sharing







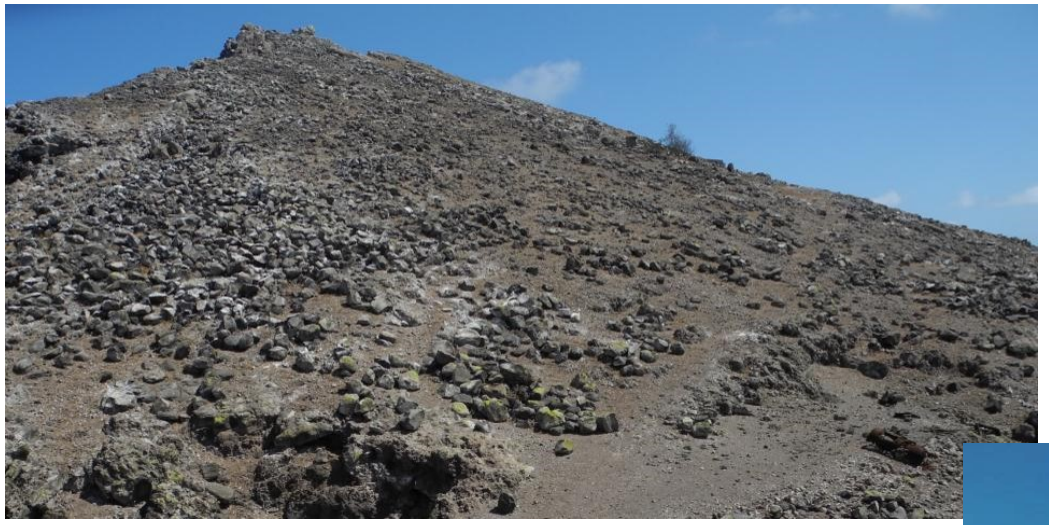


# Permits and Certificates : << Cameroon >>

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

The story when we had to sign the first MAT with a French Firm called V. MANE fils, he had to take the challenge to go right to the local community of Magha inspite of the bad roads and poor relief nature of the Area. The interesting issue there is that he had to face the community and negotiate with them showing proof of his interest for the project .

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?



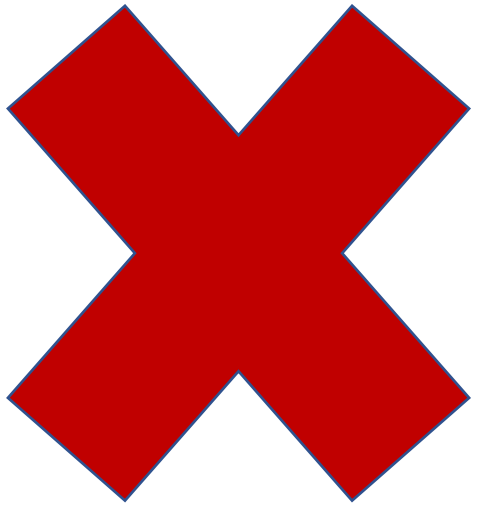
# A Tale of two Redonda's



# Permits and Certificates : Germany

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

- Not applicable



# Permits and Certificates : Saint Kitts and Nevis

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

## Permits and Certificates : << your country >>

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

• The presentation of the projects by researchers who intend to access the genetic resource before the Intraministerial Commission for Access to Genetic Resources has been very useful, one of the most impressive presentations has been the project: Island-island and island-land movements firm by the cardiac bat, Leptonycteris curasoae Miller, in Venezuela and the Dutch Caribbean Islands, for being the first to demonstrate migratory movements in a species of Venezuelan bat that has a high degree of economic and cultural importance for the environmental services it provides in rural areas of the xeric regions of the country.

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

What we would like to highlight here is the experience gained since we started moving from theory to practice, as there has been a lot of variety in the permits requested and granted. This variety has been in terms of institutions, genetic resources involved, conditions of collection, etc.

This has meant we had to ask ourselves many questions we hadn't thought of before, and also make consultations with different governmental bodies and technicians.

All this enriching process has led us to improve our procedure based on all these practical cases. A lot has been learnt at the Ministry thanks to the challenges posed by the kinds of the requests/questions received.

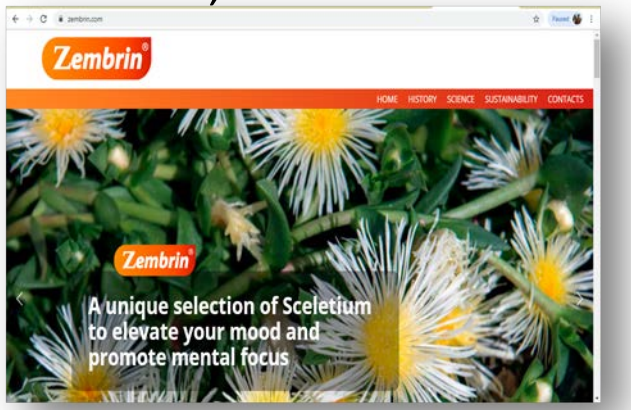
7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

(not applicable since permits are not required)

## 7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

**Example of an amazing case study of the first ABS permit that was issued in the Country**

- *Selenium tourtuosum*: small genus low growing succulent shrub, endemic to WC, EC and NC
- Purpose: Local & International research and making extract to commercialise the product (Mood enhancer)
- Traditionally used by Khoi & San people of South Africa
- Prior Informed Consent and Mutually Agreed Terms for commercial utilization of the indigenous species and its associated traditional knowledge was obtained
- Benefits: Fixed value for 3 years, 5% of net profit and 1% for use of Logo for traditional knowledge holders
- The final products approved for sale in South Africa, USA and Canada.



# Permits and Certificates : << Serbia>>

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

- Sur ce plan, on n’a pas d’anecdote à raconteur

- In this respect, we have no anecdote to tell

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

- N/A
- The system yet to be established
- Provisions in the draft Ministerial Orders

# Permits and Certificates : Pakistan

10. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

- Not applicable

# Permits and Certificates : NEPAL

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

- Nepal is still in the preliminary stage of establishing institution and legal framework for granting permits. Hence, has not any case of granting permits.

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

N/A

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

- In one case, the specialized employees of one organization that owns a designated protected area are denied access to the protected area by the delegated managing organization.

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

- Due to lack of awareness some researchers only obtain research permits and use it as access permit to get away with genetic materials

- Use KWS permits as access permits

# Permits and Certificates : << Jordan >>

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

Not exist

# Permits and Certificates : << FRANCE >>

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

# Permits and Certificates : FINLAND

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

- Not applicable

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?



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7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?




- ❑ I don't have an interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits

# Permits and Certificates : << Burkina Faso >>

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

Nothing to report

# Permits and Certificates : << BENIN >>

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

- Je comprends que le Benin a implémenté le protocole en suivant ses principes : pour faire de la recherche sur une RG du Bénin, il faut au préalable demander l'accès et établir un CPCC / CCCA.
- Ma question porte sur l'approvisionnement de plante du Bénin pour utilisation en production pour la fabrication d'un produit déjà développé. Il n'y a pas de recherche à faire sur la RG provenant du Bénin.
- Ainsi, au sens du protocole cette activité n'est pas concernée. Pouvez-vous svp me le confirmer pour le cas du Bénin ?
- En réponse à votre requête, je voudrais porter à votre connaissance qu'en conformité avec les directives nationales APA du Bénin, tout accès aux ressource génétiques est subordonnée à la présentation par le requérant d'une demande d'accès dont l'étude permet à l'Autorité Nationale Compétente APA d'indiquer au demandeur, si sa demande tombe ou non sous le coup du Protocole et le processus à suivre le cas échéant.
- A cet effet, je vous prie de remplir le formulaire de demande ci-joint et me le retourner dans les plus brefs délais afin de recevoir la réponse appropriée à votre préoccupation.
- Vu votre demande d'accès initiale de Mai 2018, je vous prie de bien vouloir inclure dans la description du projet qui fait parti intégrante du formulaire de demande d'accès, une description du processus d'utilisation de la RG béninoise dans le du produit final dont vous faites mention.
- **SILENCE CLOS MALGRE LES RELANCES**

# Permits and Certificates : Flanders / Belgium

7. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to granting permits?

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- We do not have experience(s) with granting permits…



# Monitoring utilization

# Monitoring utilization

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

# Monitoring utilization : << Bhutan >>

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

## Consultations meetings for the designation of ABS checkpoint

1. National Biodiversity Centre
    1. National focal point for Nagoya Protocol
    2. ABSCH Publishing Authority

2. Bhutan Agriculture and Food Regulatory Authority
    1. Physical verification of biological resources going out of the country
    2. Check whether access is legitimate (whether they have required permits such as MTA) And report to NBC
    3. Guide people to obtain permits from NBC while accessing and exporting Bhutanese Biological resources and GR

3. Department of Intellectual Property
    1. Liaise with NBC when they receive application for IPR resulting from access to GR and TK
    2. Check whether there are all the required permits (ABS agreement, MTA and scoping agreement) from NBC

# Monitoring utilization : Brazil

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

**Brazil doesn't have any officially recognized checkpoints under the terms of Article 17 of the Nagoya Protocol**

**however**

**Brazilian Law checkpoints:**

- ✓ **SISGEN**
- ✓ **Agricultural products and varieties registry**
- ✓ **SISCOMEX goods import and export registry**
- ✓ **LATTES – research and development platform**
- ✓ **ANVISA – food and medical products registry**
- ✓ **INPI – National Patent Authority**
- ✓ **Sistema Nacional de Informações e Indicadores Culturais - SNIIC**
- ✓ **Cadastro Nacional de Informações Sociais - Ministério do Des. Social e Combate à Fome**

# Monitoring utilization : PERU

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

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• Under Nagoya Protocol, Peru has designated two check points:

1. National Institute for the Defense of Free Competition and the Protection of Intellectual Property (INDECOPI): The Office in charge of intellectual property, patents which acts under Andean Decision 486, for possible access to genetic resources, and traditional knowledge protection under the Law 27811.
2. The National Commission against Biopiracy: The commission is established by Law N°28216 in 2016 and has the aim of identify, prevent and avoid acts of biopiracy, in order to protect the interests of Peruvian State. To this date, the Commission has identified 67 cases of biopiracy in the world related to patents of genetic resources content in Peruvian biological resources, which 45 of them have been resolved favorably for Peru.

(3) https://gestion.pe/economia/indecopi-comision-nacional-biopirateria-gano-45-casos-nivel-internacional-257567-noticia/

# Monitoring utilization : Dominican Republic

1. Provide an overview of **the designated (or envisioned) checkpoints for your country? How and why were they chosen?**

**Checkpoints**

1. Ministry of Environment and Natural Resources;
2. Ministry of Higher Education, Science and Technology

***At the begining, we envisioned as a checkpoint the National Industrial Property Office, but since our intellectual property legislation does not allow that office to reveal certain information publicly, when that office identifies that a genetic resource needs to be used, tha applicant has to present the contract… (MAT)

Ministerio de Medio Ambiente y Recursos Naturales

MESCYT

ONAPI

# Monitoring utilization : << Tajikistan>>

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

The Republic of Tajikistan is developing national administrative and institutional mechanisms to ensure access to genetic resources in accordance with the provisions of the Nagoya Protocol. Some of the requirements are regulated by the Customs Service under the Government of the Republic of Tajikistan; scientific background on the identification of species belonging to genetic resources is provided by the Scientific and Analytical Commission and this function is assigned to the State Institution Research Laboratory for Nature Protection of the Committee for Environmental Protection under the Government of the Republic of Tajikistan and the Academy of Sciences of the Republic of Tajikistan.

Due to low awareness in the country, checkpoints for controlling the specifics of genetic resources are not yet designated as it is required by the Article 17 and the requirements of the Nagoya Protocol, however, based on the scientific analysis of materials by the Agency on Standardization, Metrology, Certification, and Trade Inspection under the Government of the Republic of Tajikistan, the Customs Service controls the value of material and permits for export outside the country.

# Monitoring utilization : Republic of Moldova

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

The Republic of Moldova has no designated (or planned) control points for genetic resources.

Only control points for CITES species are established, by common order signed between the Ministry and the Customs Service

# Monitoring utilization : << Ecuador >>

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?



# Monitoring utilization : Brazil

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- **Brazil doesn't have any officially recognized checkpoints under the terms of Article 17 of the Nagoya Protocol**
- **Scope of Law 13.123/15 is Native GR:**
  - **Consider:**
    - **Registry in SisGen (PIC, Location, MAT)**
    - **Monitoring and enforcing schemes in implementation (MMA, MAPA e MD)**
    - **Registration and verification of complaints**

# Monitoring utilization : Bhutan

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

Consultations meetings for the designation of ABS checkpoint

1. National Biodiversity Centre
    1. National focal point for Nagoya protocol
    2. ABSCH Publishing Authority

2. Bhutan Agriculture and Food Regulatory Authority
    1. Physical verification of biological resources going out of the country
    2. Check whether access is legitimate (whether they have required permits such as MTA) And report to NBC ( checkpoint and NFP for ABS )
    3. Guide people to obtain permits from NBC while accessing and exporting Bhutanese Biological resources and GR

3. Department of Intellectual Property
    1. Liaise with NBC when they receive application for IPR resulting from access to GR and TK
    2. Check whether there are all the required permits (ABS agreement, MTA and scoping agreement) from NBC (ABS national focal point)

# Monitoring utilization : COSTA RICA

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

Patents National Office
Seeds National Office

Envisioned:

- Customs
- Journals / Editorials
- Organizations/institutions that finance projects
- Medicine Registration Office, Ministry of Health
- Zoo and phytosanitary offices
- Office of capacity building for entrepreneurs (PROCOMER)

# Monitoring utilization : Poland

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

CNA (Ministry of the Environment) has been designated as the checkpoint that receives and collects due diligence declarations sent by users of genetic resources and traditional knowledge associated with genetic resources

(1) at the stage of research funding

and

(2) at the stage of final development of a product

This arrangement has been introduced following art.7 of the EU Regulation 511/2014.

# Monitoring utilization : << Lao PDR >>

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

The administrative system on ABS has been addressed in the Lao ABS framework under Chapter III. Identify checkpoints will also include in the specific ABS regulation which is extended from Article 22 and Article 24 of Biotechnology Safety Law (2014) for monitoring and enhancing transparency about the utilization of genetic resource. Ministry of Science and Technology currently is playing both roles of being NCA and checkpoint.

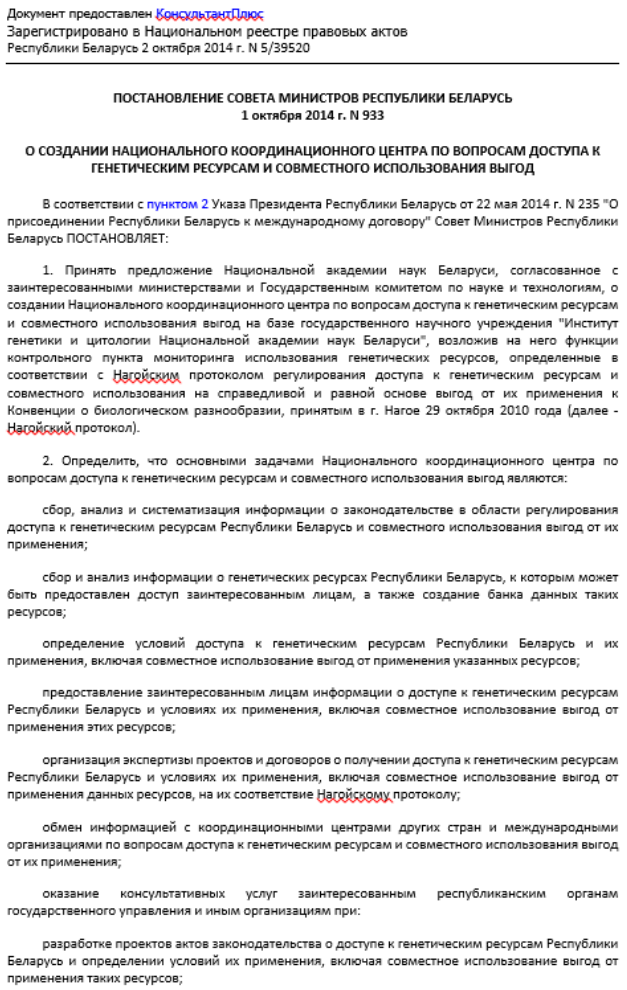
Additionally to custom, Lao PDR has checkpoints under Ministry of Agriculture and Forestry that plays a significant role on control of import and export including the requirements of users of genetic resources to provide related information. The existing checkpoints of Ministry of Agriculture and Forestry is under the Law on Plan Protection and Quarantine (Amended) No 15/NA, dated 15 November 2017.

# Monitoring utilization : << Belarus>>

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

In the Republic of Belarus, a Checkpoint to monitor the GRs use has been appointed.

The Checkpoint functions have been determined by the Resolution of the Council of Ministers of the Republic of Belarus and vested in ABS NCC.



Документ предоставлен КонсультантПлюс
Зарегистрировано в Национальном реестре правовых актов
Республики Беларусь 2 октября 2014 г. N 5/39520

**ПОСТАНОВЛЕНИЕ СОВЕТА МИНИСТРОВ РЕСПУБЛИКИ БЕЛАРУСЬ**
**1 октября 2014 г. N 933**

**О СОЗДАНИИ НАЦИОНАЛЬНОГО КООРДИНАЦИОННОГО ЦЕНТРА ПО ВОПРОСАМ ДОСТУПА К ГЕНЕТИЧЕСКИМ РЕСУРСАМ И СОВМЕСТНОГО ИСПОЛЬЗОВАНИЯ ВЫГОД**

В соответствии с пунктом 2 Указа Президента Республики Беларусь от 22 мая 2014 г. N 235 "О присоединении Республики Беларусь к международному договору" Совет Министров Республики Беларусь ПОСТАНОВЛЯЕТ:

1. Принять предложение Национальной академии наук Беларуси, согласованное с заинтересованными министерствами и Государственным комитетом по науке и технологиям, о создании Национального координационного центра по вопросам доступа к генетическим ресурсам и совместного использования выгод на базе государственного научного учреждения "Институт генетики и цитологии Национальной академии наук Беларуси", возложив на него функции контрольного пункта мониторинга использования генетических ресурсов, определенные в соответствии с Нагойским протоколом регулирования доступа к генетическим ресурсам и совместного использования на справедливой и равной основе выгод от их применения к Конвенции о биологическом разнообразии, принятым в г. Нагое 29 октября 2010 года (далее - Нагойский протокол).

2. Определить, что основными задачами Национального координационного центра по вопросам доступа к генетическим ресурсам и совместного использования выгод являются:

сбор, анализ и систематизация информации о законодательстве в области регулирования доступа к генетическим ресурсам Республики Беларусь и совместного использования выгод от их применения;

сбор и анализ информации о генетических ресурсах Республики Беларусь, к которым может быть предоставлен доступ заинтересованным лицам, а также создание банка данных таких ресурсов;

определение условий доступа к генетическим ресурсам Республики Беларусь и их применения, включая совместное использование выгод от применения указанных ресурсов;

предоставление заинтересованным лицам информации о доступе к генетическим ресурсам Республики Беларусь и условиях их применения, включая совместное использование выгод от применения этих ресурсов;

организация экспертизы проектов и договоров о получении доступа к генетическим ресурсам Республики Беларусь и условиях их применения, включая совместное использование выгод от применения данных ресурсов, на их соответствие Нагойскому протоколу;

обмен информацией с координационными центрами других стран и международными организациями по вопросам доступа к генетическим ресурсам и совместного использования выгод от их применения;

оказание консультативных услуг заинтересованным республиканским органам государственного управления и иным организациям при:

разработке проектов актов законодательства о доступе к генетическим ресурсам Республики Беларусь и определении условий их применения, включая совместное использование выгод от применения таких ресурсов;

# Monitoring utilization : INDIA

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- Government is in the process of consultation with various agencies which have functions relevant to
    - the utilization of biological resources and
    - collection of relevant information at different stages of research, development, innovation, pre-commercialization or commercialization.
- An Expert Committee has been constituted by the CNA to look into the matter.
- Further consultations on the matter would be held for designating checkpoints.

# Monitoring utilization : Seychelles

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- Checkpoints not yet designated
- Provision made under the new Legislation
- National Institute for Science, Technology and Development
- Mostly deal with Research and Innovation

# Monitoring utilization : << Cameroon >>

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

Still to be chosen at the level of Cameroon, even though the regional office for the intellectual property rights has been sightline as one and some University scientific journals.

# Monitoring utilization : Antigua and Barbuda

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- We would ideally like for the universities whose students access our genetic resources be the checkpoint for the resources that are utilised
- To date we have not received a request for R&D so we are unsure about who the checkpoints would be
- We have Caribbean students who access our resources and so the Caribbean Focal Points usually function as the checkpoints for the other islands (e.g. Montserrat)

# Monitoring utilization : Germany

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- BfN as single "institutional checkpoint"

Federal Agency for Nature Conservation

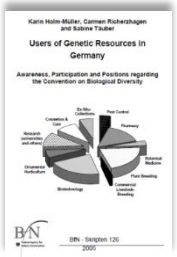
- Collects & receives infos from different sources



- Due diligence declarations at stage of research funding & at last stage of product development




- Reports on country of origin disclosed in patent applications – 2 times p.y.




- User surveys, general research, compliance checks

**CNAs of provider states, NGOs, competitors, etc.**

- Internat. collaboration & substantiated concerns

# Monitoring utilization : Saint Kitts and Nevis

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- In Saint Kitts and Nevis the envisioned Checkpoint is proposed to be the Department of Environment on St. Kitts and the Department of Physical Planning and Environment on Nevis.

- It is envisioned that both Institutions would be designated as a result of there involvement in and knowledge of any PIC granted, the source of the any genetic resource, the establishment of any mutually agreed terms, and/or the utilization of any genetic resources.

# Monitoring utilization : << República Bolivariana de Venezuela >>

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- So far there are the controls of ports, airports and migratory passages, coordinated by MINEC and INSAI personnel and we are working in the airports of the control points in the country.

# Monitoring utilization URUGUAY

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

Checkpoints have been discussed in order to make the system work. At the moment, consultations are being carried out to include checkpoints in the decree that is being drawn up.

# Monitoring utilization : United Kingdom

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

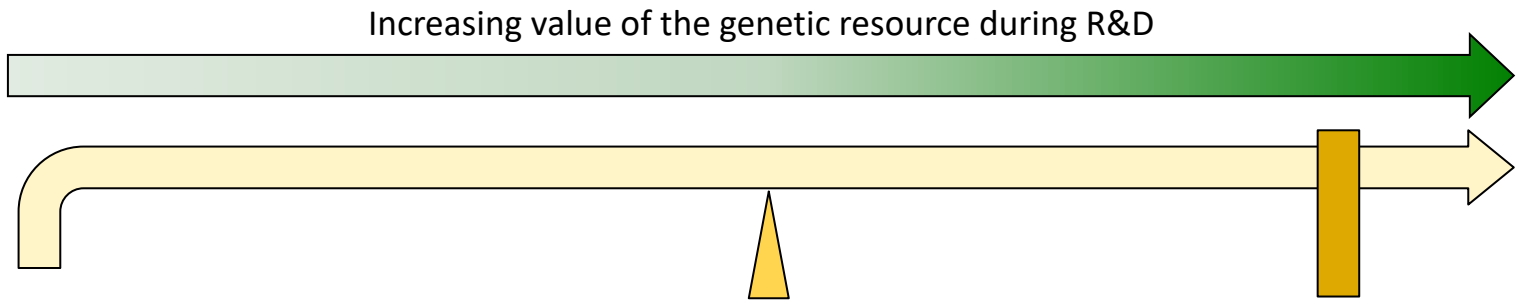
The Office for Product Safety and Standards (OPSS), part of the Department for Business, Energy and Industrial Strategy (BEIS) is the designated checkpoint.

OPSS was designated as checkpoint because of its experience implementing other scientific and technical areas of legislation, and its position in the Government Department that is best place to be engaging with businesses (“users”).



# Monitoring utilization : Switzerland

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?




**Due Diligence**

for all users, including for non-commercial and commercial purposes from the time of access to the GR

**NCHA & NagO**

**Disclosure**

Checkpoint IPI: Declaration of source in patent applications

**Federal Act on Patents for Inventions (2008)**

**Notification**

Checkpoint FOEN: Notification of compliance with due diligence before market authorisation or commercialisation

**NCHA & NagO**



## 1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

**The following check points are operational but not yet formalized through ABS Clearing House:**

- **Department of Environment, Forestry and Fisheries (designated)-** It is the national competent authority.
- **Patent office-** The Patent legislation requires disclosure of origin genetic resources and holder of traditional knowledge in the process of filing an invention
- **Ports of entry and exist-** The Environmental Management Inspectors are responsible for compliance monitoring and law enforcement.
- **Provincial permit issuing Authorities-** Responsible for issuing collection/ harvesting permits
- **Department of Science and Innovation** – Provides funding for bioprospecting projects and also manages the indigenous knowledge system.
- **South African Health Products Regulatory Authority-** Responsible for approval all health related products before they are placed on the market.

# Monitoring utilization : << Serbia>>

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

Unfortunately, the Nagoya Protocol is still not operational in Serbia. Implementation will be fully in place in 2020, after the revision of the national legislation related to nature protection.

# Monitoring utilization : SENEGAL

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- Le Sénégal n’est pas arrivé à ce stade de mise en oeuvre du protocole.
- Il n’y pas encore de points de contrôle identifies

- Senegal has not reached this stage of implementation of the protocol.
- There are still no identified checkpoints.

# Monitoring utilization : Rwanda

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- N/A
- The system yet to be established
- Provisions in the draft Ministerial Orders

## 11. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

As already mentioned the potential genetic resources does not fall in purview of a single entity as they may belong to varied taxa. So it is envisioned that dedicated provincial checkpoints shall be established instead of using some existing entity along with enforcement paraphernalia.

One of the reasons of delay in setting up ABS regimen is current lack of resources and capacities of establishing checkpoints both at provincial and federal level. Pakistan would like to learn from other countries facing the similar situations.

# Monitoring utilization : The Netherlands

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- The Netherlands uses the DECLARE system provided by the European Commission. To have one system for the whole of EU makes the use easier in this international oriented research and development.
- The NVWA approves the registrations of users and the due diligence declarations.

# Monitoring utilization : NEPAL

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- It is still under discussion.

# Monitoring utilization : MADAGASCAR

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

**Checkpoints are not yet designated. However, we are contemplating:**

- ❑ patenting institutions (Office of Industrial Properties in Madagascar, in link with WIPO)
- ❑ licensing authorities (Ministry of Industry and Trade, in link with WTO)
- ❑ funding agencies (in support of NGOs working with local communities in the exploitation of natural resources)
- ❑ national public research centers and universities (ABS national regulation is prescribing that user of GR and TK from the country have to collaborate with a national public research centre)
- ❑ CNA network (GR and TK providers and users countries)

…

# Monitoring utilization : State of Kuwait

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- The designated checkpoints are customs authority, environment public authority, public authority for agriculture affairs and fish resources and other concerned organizations.
- They were chosen according to the organizational specialization and flow of genetic materials, resources and data.

# Monitoring utilization : << KENYA >>

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

| S.NO. | ABS CHECKPOINT | MONITORING ROLE |
|---|---|---|
| 1. | National Environment Management Authority (NEMA) | As ABS Focal Point. During post-access requirements such as research progress reports, access permit renewal etc. |
| 2. | Kenya Wildlife Service (KWS) | Obligations of user and provider in MAT, MTA and wildlife export permit |
| 3. | Kenya Forest Service (KFS) | Obligations of user and provider in MAT and forest product permit |
| 4. | Kenya Plant Health Inspectorate Service (KEPHIS) | Conditions attached to Phyto-sanitary Certificate |
| 5. | Kenya Agricultural Research Institute (KARI) through the National Gene bank | Obligations of user in Access Agreement or MOU for *ex-situ* plant genetic resources accessed under the ITPGRFA Protocols |
| 6. | National Museums of Kenya (NMK) | Obligations of user and provider in MAT and collection export permit |
| 7. | Kenya Medical Research Institute (KEMRI) | Obligations of user and provider of human GRs and related biodiversity |
| 8. | Department of Veterinary Services | Conditions imposed on Animal Health Certificate |
| 9. | Public Universities & Other Research Institutes | Conditions and requirements of the user as put forth in the Letter of Affiliation and Collaborative Research Agreements or MOUs |
| 10. | Department of Immigration | Researcher Pass conditions |
| 11. | National Commission for Science, Technology & Innovation (NACOSTI) | Scope and conditions attached to the Research Licence |
| 12. | Kenya Industrial Property Institute (KIPI) | Disclosure of source of GR and TK in |

# Monitoring utilization << Jordan >>

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

Food and Drug association is the proposed entity to be checkpoint because it register and approves medicines and cosmetics.

# Monitoring utilization : Guyana

Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen

- Presently, there are no designated checkpoints.
- However, an unofficial checkpoint is the Centre for the Study of Biological Diversity (CSBD) at the University of Guyana.
- The CSBD verifies specimen collected for export in order to for the issuance of an Export Permit.

We envision checkpoints to be established through out the country at various already established checkpoints for the forestry sector. Also, at ports of entry and exit.

# Monitoring utilization : << FRANCE>>

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- The compliance part of the Protocol is transposed, in the EU, by the EU ABS Regulation. It sets up 2 checkpoints :
  - →Due diligence declaration at the stage of research funding (Florence HERVATIN, Ministry of Research)
  - →Due diligence declaration at the stage of final development of a product (Hélène KERISIT and Guillaume POIRIER, Ministry for an ecological and solidary transition)

# Monitoring utilization : FINLAND

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

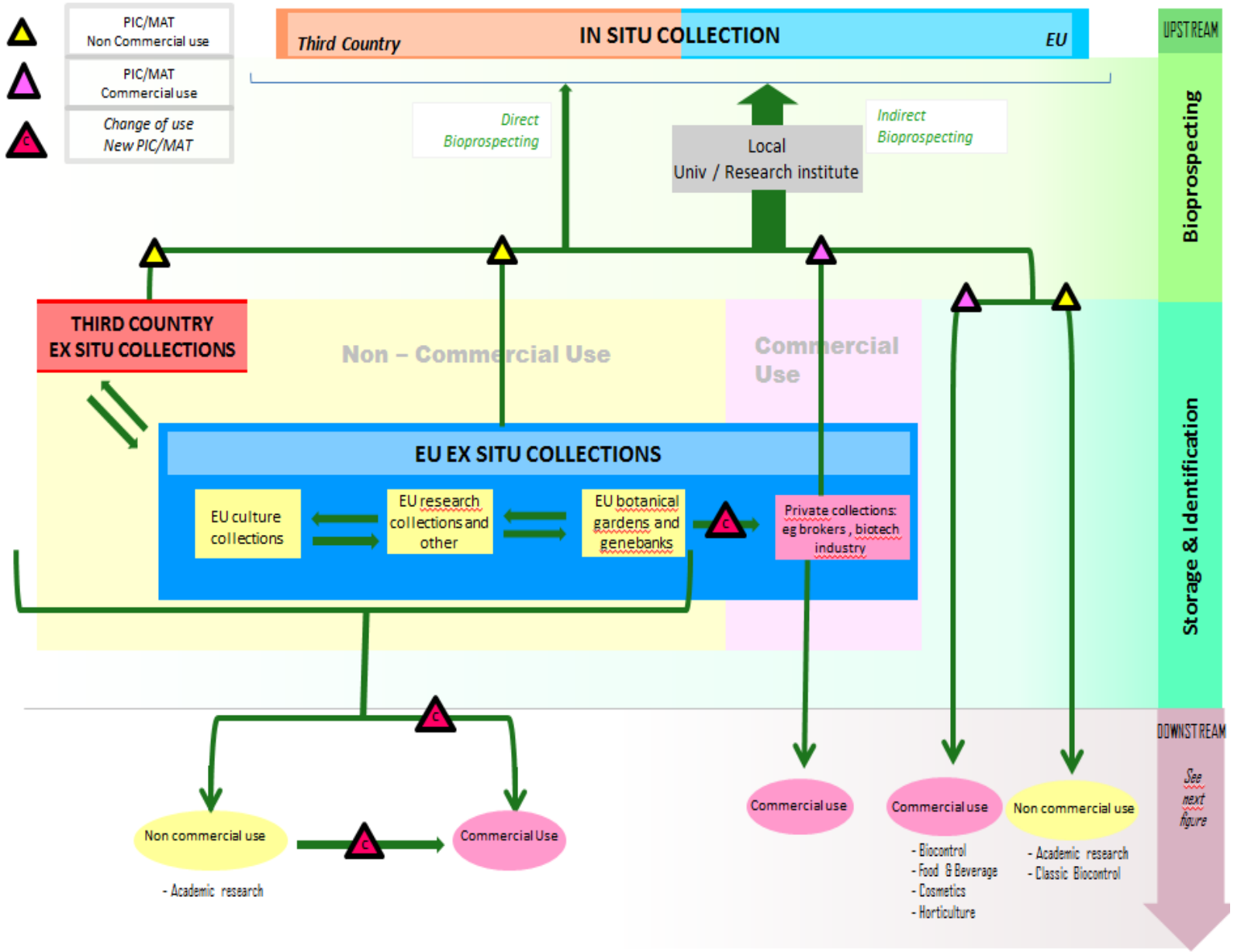
- Natural Resources Institute Finland + Finnish Environment Institute
  - According to the Act on the Implementation of the Nagoya Protocol, users who import to Finland genetic resources or traditional knowledge shall provide notification to the competent authority within one month from the import date the National Competent Authorities.
  - The EU member state users of foreign genetic resources and TK must follow due diligence as set out in EU Regulation 511/2014
  - The Competent National Authorities are responsible for receipt of due diligence declarations from users at the research funding stage as well as at the stage of final development (EU check points) of a product (EU legislation)

# Monitoring utilization : European Union

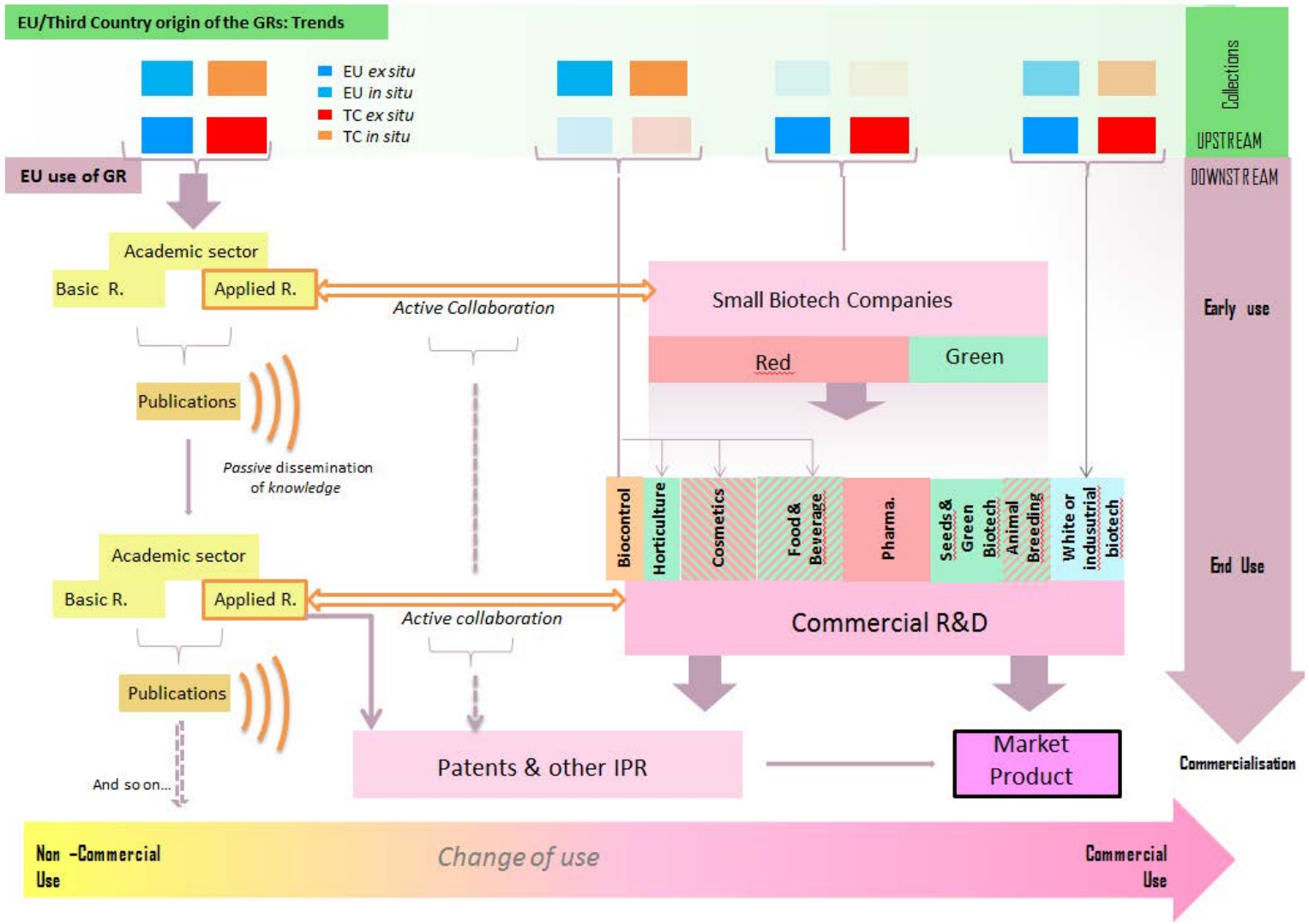
1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- Two checkpoints:
  - at the stage of **research funding** where research involves utilisation of GR and TKaGR → designated CNAs in MSs
  - at the stage of **pre-commercialisation** (final stage of development of the product) → designated CNAs in MSs
- Selected following impact assessment prepared by the EC in view of the adoption of the EU ABS Regulation
  - The EU system is based on due diligence
  - Important to cover various stages of value chain

EU **upstream activities** and **actors** involved



EU **<u>downstream</u> activities** and **actors** involved



# Monitoring utilization : Austria

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- In September 2019 the activities for monitoring and cooperation in the implementation of the two control points (checkpoints, Art. 7) to monitor the users' duty of care (Art. 4) have started.
  - In order to monitor the implementation status, the national research funding bodies must be identified and a complete list of the authorities, institutions and organisations responsible for awarding funding compiled. In addition, it must be determined and evaluated whether and how the EU ABS Regulation is already applied. First results will be presented in a matrix.
  - Then it is expected that an electronic information sheet will be produced to inform the users. The responsible authorities have to accept, check, process and archive the due diligence declarations. So if it is necessary an information event will be organised and carried out, to develop together the essential workflows.
  - In principle, a similar procedure is proposed for the second checkpoint, which is envisaged in the final phase of product development. This can be the market authorisation or the approval of a product, a mandatory notification before marketing or simply the market launch of a product. In this case, too, it is first necessary to determine which national bodies are eligible, whether they apply the EU ABS Regulation and in what way.
- First results will be carried out in autumn 2019

# Monitoring utilization : << Côte d'Ivoire>>

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?




- ❑ We have not yet reflected on this question. The draft decree provides provisions in order to do so. This will be done in a participative and consensual way.

# Monitoring utilization : << Burkina Faso >>

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

---

## Overview of proposed checkpoints in Burkina Faso

➢ **Secrétariat Permanent du Conseil National pour le Développement Durable**

- ANC + PF-ABS

➢ **Centre Nation de Semences Forestières**

- It from the Ministry in charge of the environment
- Research Laboratory on GR and CTA

➢ **Centre National de Recherches Scientifique et Technologique**

- It from Ministry of Scientific Research and Higher Education
- Houses a Publication Journal and FONRID

➢ **Centre National de la Propriété intellectuelle**

- It from of the Ministry in charge of the trade
- Patent Institution,
- issuance of trade permits and UFU numbers

# Monitoring utilization : << BENIN >>

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

**INFORMATION PLANIFIEE**

- **Agence Nationale de Propriété Intellectuelle/Industrielle (ANaPI)**
- **Direction des Pharmacies, des Médicaments et des Explorations Diagnostiques (DPMED)**
- **Direction Nationale de l'Alimentation et de la Nutrition Appliquée (DANA)**
- **Direction du Commerce intérieur, de la Concurrence et de la Mise en consommation**

# Monitoring utilization : Flanders / Belgium

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- Regional CA acts as “checkpoint”
- 1st checkpoint for monitoring compliance
    - Due diligence declaration at the stage of research funding

    => In Flanders = part of the general conditions linked to the funded research project

    => DECLARE has only recently been activated (only 2 registered users)
- 2nd checkpoint (placing a product on the market): to be established (mixed competences regional/national level)

# Monitoring utilization : << FRANCE>>

1. Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen?

- The compliance part of the Protocol is transposed, in the EU, by the EU ABS Regulation. It sets up 2 checkpoints :
  - →Due diligence declaration at the stage of research funding (Florence HERVATIN, Ministry of Research)
  - →Due diligence declaration at the stage of final development of a product (Hélène KERISIT and Guillaume POIRIER, Ministry for an ecological and solidary transition)

# Monitoring utilization : Guyana

Provide an overview of the designated (or envisioned) checkpoints for your country? How and why were they chosen

- Presently, there are no designated checkpoints.
- However, an unofficial checkpoint is the Centre for the Study of Biological Diversity (CSBD) at the University of Guyana.
- The CSBD verifies specimen collected for export in order to for the issuance of an Export Permit.

We envision checkpoints to be established through out the country at various already established checkpoints for the forestry sector. Also, at ports of entry and exit.

# Monitoring utilization

## 2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

# Monitoring utilization : << Bhutan >>

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- Still in the process of learning and not clear about this system
- Capacities of the NAU and checkpoint officials needs to be built

(will take some experience from this workshop to build national capacity)

# Monitoring utilization : Brazil

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

**N/A**

# Monitoring utilization : Peru

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

• The checkpoint identify a patent outside Peru related to genetic resources access and communicate to the competent authority (Serfor, Inia or Produce) and Minam.

•The regional and national regulation consider native species, no foreign species.

# Monitoring utilization : Dominican Republic

2. Describe the (or envisioned) process of **how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?**

✓ Our **two checkpoints** (*and the envisioned one*) have to act when they receive a requirement to protect intellectual property rights or investigation financing related to Genetic Resources (GR) or a Traditional Knowledge (TK)

***They have to ask the user to deliver the **IRCC** or **evidence** that shows compliance of **ABS** legislation*** If they don't…

➢ **Sanctions:** Suspension of the process.

✓ **Publishing Authority** (Ministry of Environment and Natural Resources) informs the **ABS CH**.








# Monitoring utilization : << Tajikistan>>

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

The procedure is under development



# Monitoring utilization : Republic of Moldova

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

# Monitoring utilization : << Ecuador >>

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

## Current process:

| | |
|---|---|
| User must (as astablished on the authorization) inform an entire inform every year. | The inform (not digitalized) must be addresed to the Ministry of Environment. |

## Envisioned process:

| | | |
|---|---|---|
| User must (as established on the authorization) report a result once they got an important one, also at the end of autorization's validity. | Information must be fullfiled in the Ecuadorian digital Platform, to all the National Competent Authorities know. | National Focal Point on ABS will get in touch with ABSCH. |

# Monitoring utilization : Brazil

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué)?

**N/A**

# Monitoring utilization : Bhutan

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

Still unclear about this system
Capacities of the NAU and checkpoint officials needs to be built

# Monitoring utilization : COSTA RICA

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

# Monitoring utilization : Poland

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

Users send their information to the CNA using a dedicated IT system „DECLARE”.

DECLARE is connected with the ABS CH and after CNA approves the information sent in by the user, it is automatically sent to the ABS CH.

# Monitoring utilization : << Lao PDR >>

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

There are only two checkpoint communiques that have been shared on the ABS Clearing-House from Ministry of Environment, Japan and Federal Agency for Nature Conservation, Germany. If asking how information gathered from the user at the checkpoint?

The NFP has received emails from the user checkpoint and ABSCH.

# Monitoring utilization : << Belarus>>

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

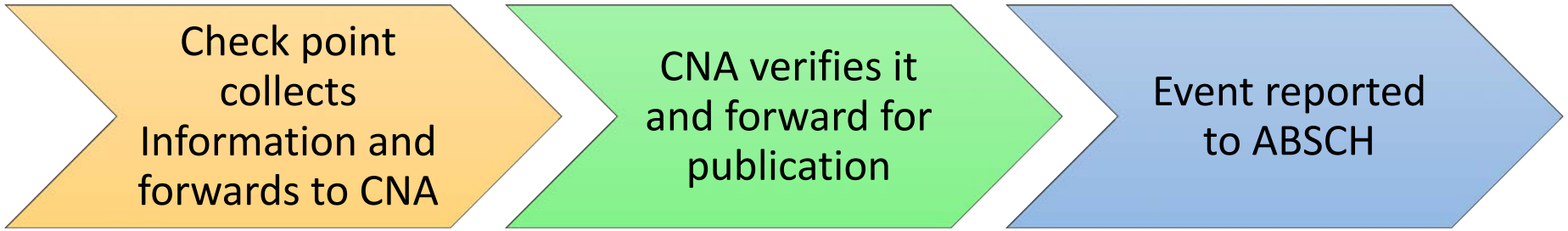
Currently, ABS NCC as a Checkpoint to monitor the GRs use has forwarded Internationally Recognized Certificates of Compliance generated on the Internet Portal of the CBD ABS Clearing-House to both providers and users of the genetic resources transferred from Belarus.

Since the Communiqué role is not entirely clear to us, we ask that you pay special attention to this and discuss this Mechanism during the workshop.

# Monitoring utilization : INDIA

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- An Expert Committee has been constituted by the CNA to look into the matter.
- The process will be finalized after notifying Check points.
- The process could be



# Monitoring utilization : Seychelles

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

The idea is that the checkpoints will have sufficient information on the intended use of the GR (through the permits issued). Once the checkpoints gather information from the user they should communicate to the Provider through the ABS CHM to inform whether there is compliance or not to the terms and conditions of the permits.

BUT MATs will not be posted on ABS CHM

# Monitoring utilization : << Cameroon >>

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

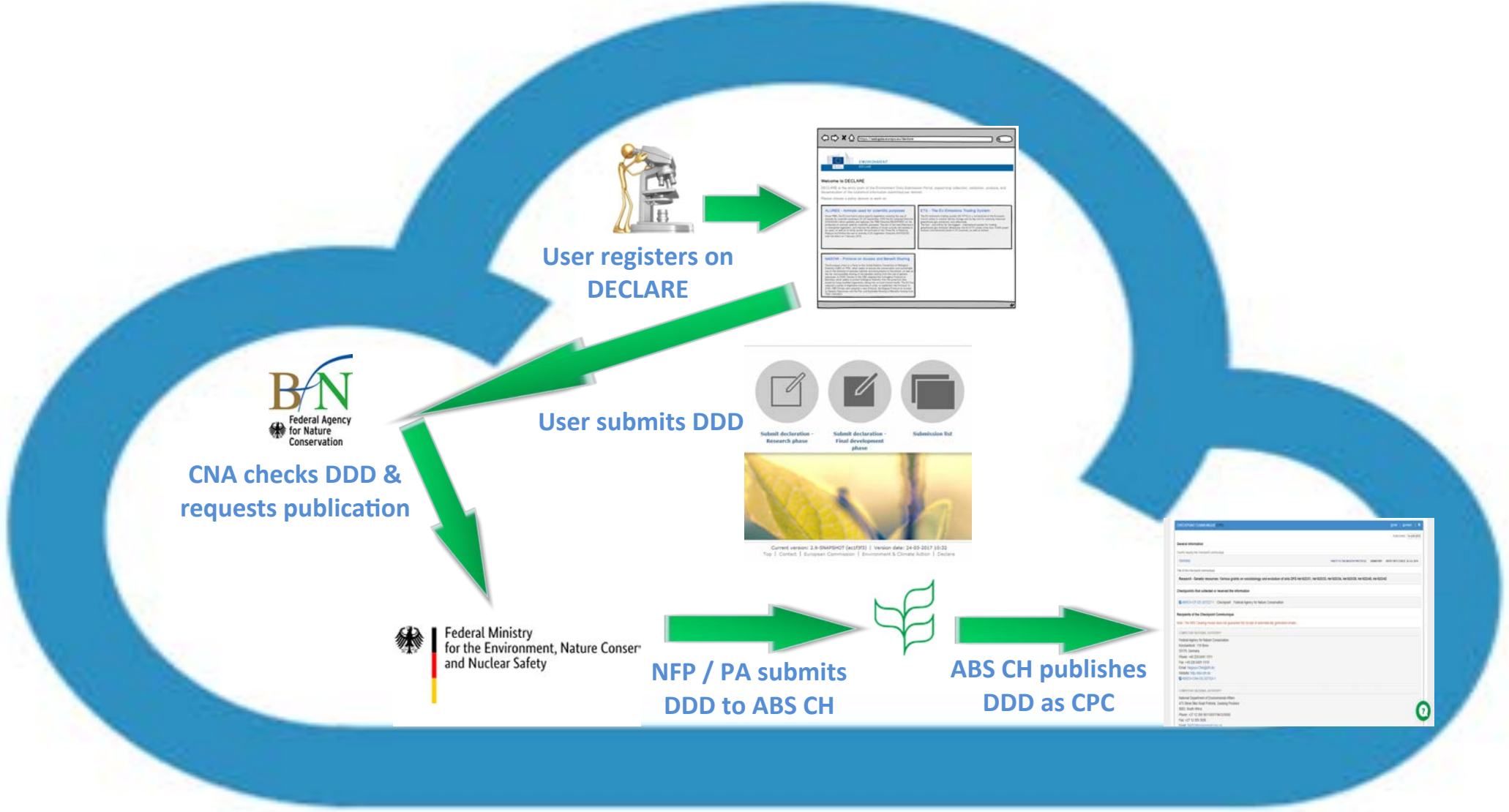
# Monitoring utilization : Antigua and Barbuda

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

Not sure at this point

# Monitoring utilization : Germany

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?



# Monitoring utilization : Saint Kitts and Nevis

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- It is envisioned that the information reaching the checkpoint would be accessed and shared on the ABS Clearing-House by the ABS National Focal Point

# Monitoring utilization : << República Bolivariana de Venezuela >>

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- So far we have not shared user information and control points at the ABS Information Exchange Center.

# Monitoring utilization : URUGUAY

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

As mentioned before, the information about the checkpoints is in process, both in legal terms and also in the development of a national database for the monitoring of resources.

Therefore, it is quite premature to talk about the information that will be shared at the ABSCH.

# Monitoring utilization : United Kingdom

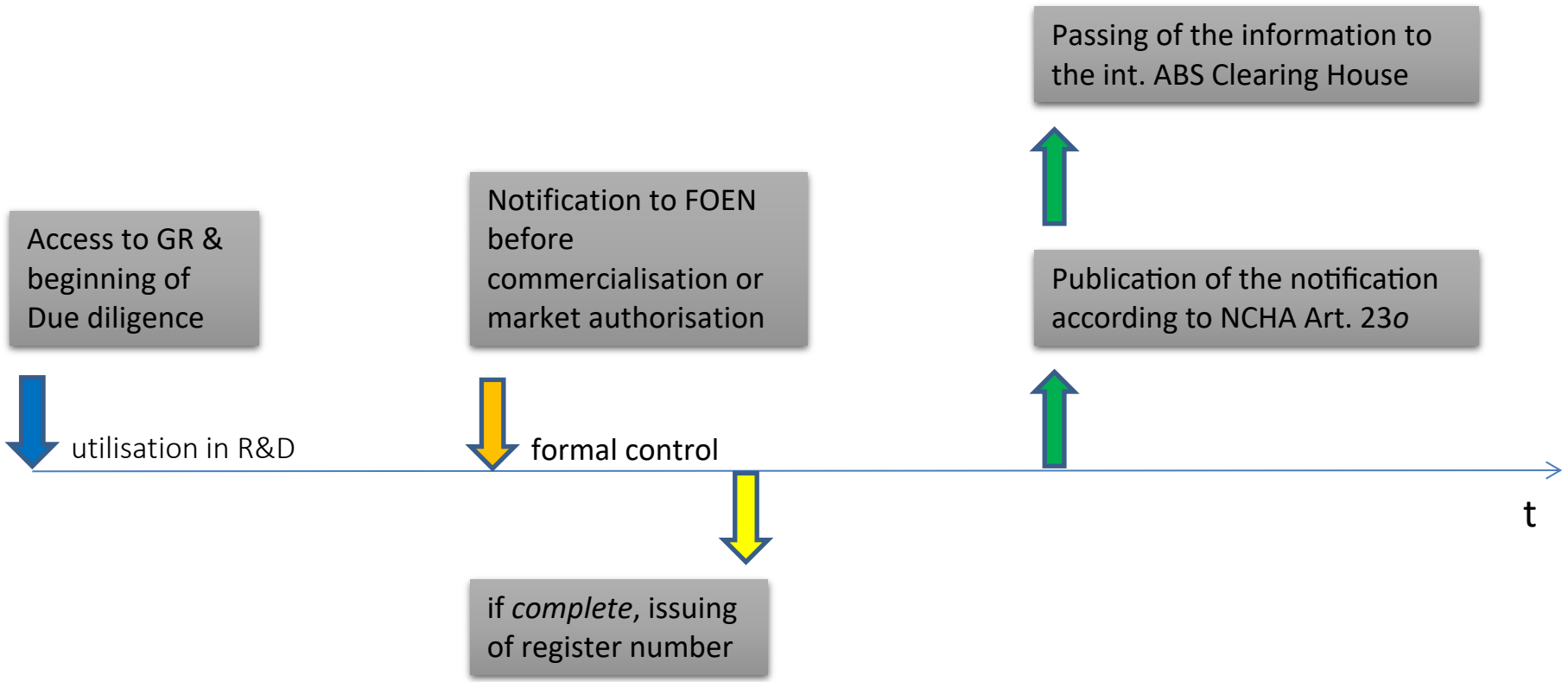
2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

We use the EU DECLARE portal where users submit their declarations. The system uploads user declarations to the ABS-CH automatically with provisions for confidential information



# Monitoring utilization : Switzerland

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?



**2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?**

- The designated Checkpoints should have user account that enables them to capture information in the Checkpoint Communique to be transmitted to the relevant Competent National Authority, in this case, it would be the Department of Environment, Forestry and Fisheries.

# Monitoring utilization : << Serbia>>

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

Unfortunately, the Nagoya Protocol is still not operational in Serbia. Implementation will be fully in place in 2020, after the revision of the national legislation related to nature protection.

# Monitoring utilization : SENEGAL

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

Dès que tout le processus sera établi, les informations pertinentes concernant les données recueillies au niveau des points de contrôle seront postées au portail du centre d'échange ABS.

As soon as the entire process is established, relevant information regarding the data collected at checkpoints will be posted to the ABS clearing house portal.

# Monitoring utilization : Rwanda

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- N/A
- The system yet to be established
- According to the draft Ministerial Orders, information gathered at the checkpoints will be shared on the ABS Clearing House through the NCA.

# Monitoring utilization : Pakistan

12. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- Pakistan would learn and adopt the suitable practices from other countries with similar institutional and government systems.

# Monitoring utilization : The Netherlands

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- Via DECLARE (EU-tool) the non-confidential information of the due diligence declaration is forwarded to the ABS-CH. However, there have not been final due diligence declarations in the Netherlands yet.
- The CNA can contact provider countries directly with more detailed information.



# Monitoring utilization : NEPAL

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- Not available

# Monitoring utilization : MADAGASCAR

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

The checkpoint will publish the communiqué on the ABSCH by mentioning the following basic information:

- ❑ Country issuing the checkpoint communiqué
- ❑ Title of the communiqué (including : user institution details and research theme)
- ❑ Details of checkpoint
- ❑ Recipient of communiqué : ABS CNA Madagascar
- ❑ The internationally recognized certificate of compliance (IRCC) : if available
- ❑ Source of the genetic resource : Madagascar
- ❑ Subject-matter or genetic resources relevant to the information collected or received
- ❑ Reference or evidence of prior informed consent
- ❑ Short description of the information collected or received by the checkpoint relevant to the utilization of genetic resources (stage of research, development, innovation, pre-commercialization or commercialization)
- ❑ Person or entity making information available to the checkpoint on the utilization of the genetic resource
- ❑ Date on which the information was collected at the checkpoint

# Monitoring utilization : State of Kuwait

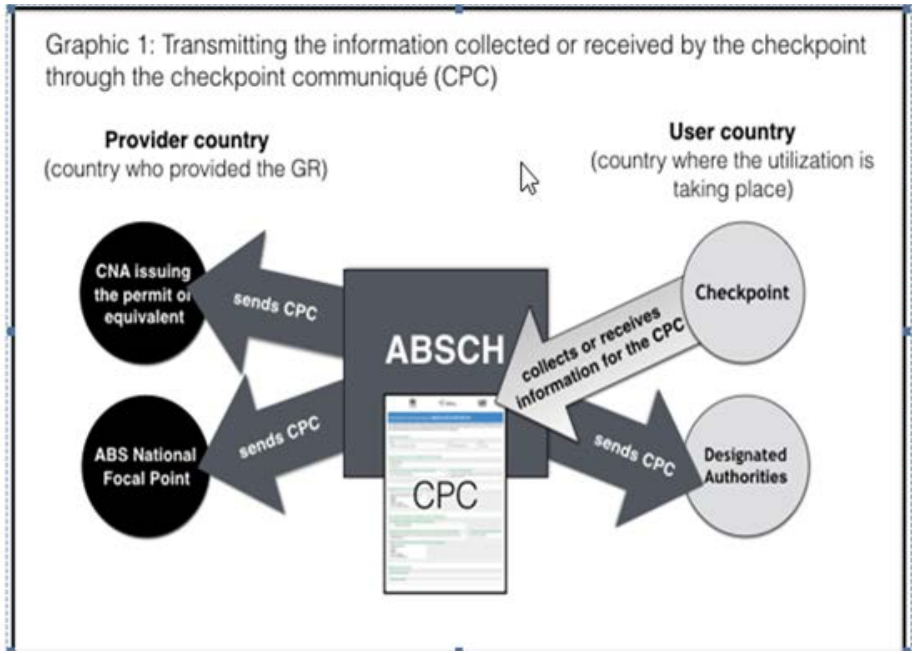
2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- The process is still in formulation stage, but the information should be gathered from users by specialized electronic forms that are linked to the ABS clearing-house managing authority and the accumulated data is processed for display.

# Monitoring utilization : << KENYA >>

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- Kenya being the user country
- NEMA as the checkpoint



# Monitoring utilization << Jordan >>

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

Need training for checkpoint on clearing-house, but in first step the check-point will send information for Ministry of environment to upload on Clearing-House.

# Monitoring utilization : Guyana

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

# Monitoring utilization : << FRANCE>>

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- This part is still a bit unclear to us, as we have not had the chance to realize a checkpoint communiqué

# Monitoring utilization : FINLAND

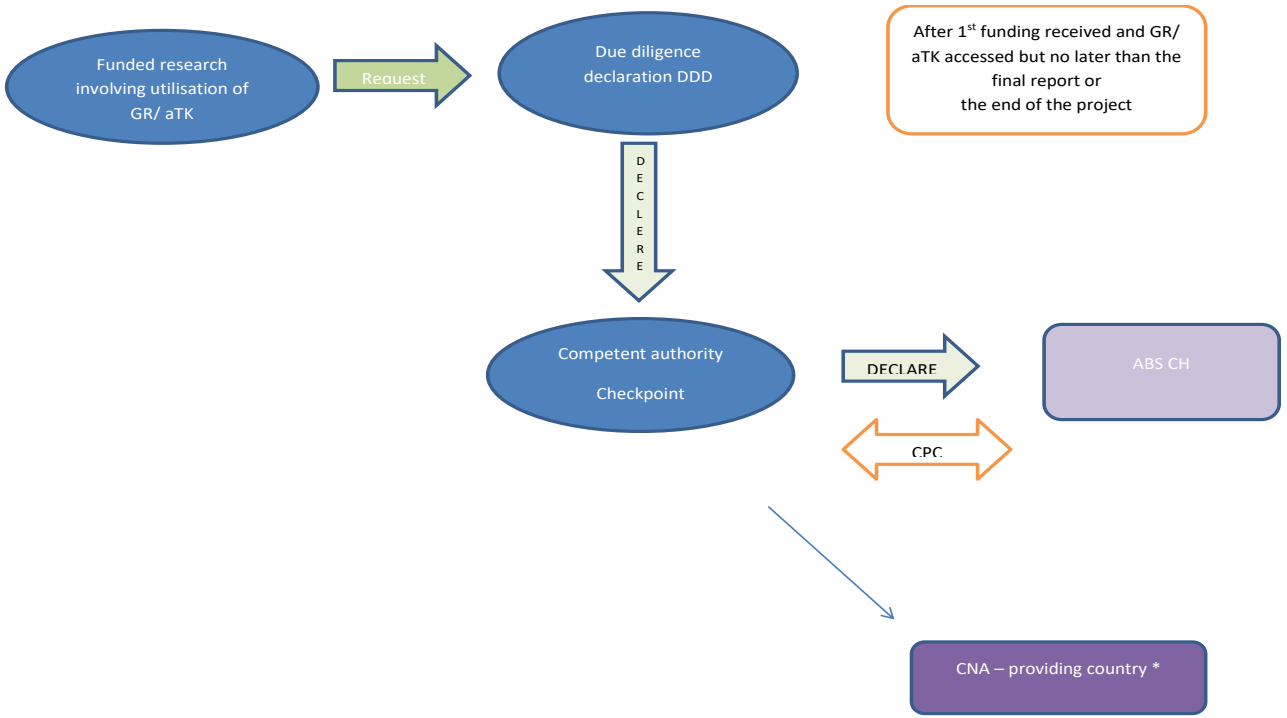
2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- The amount of import notifications will be reported in National reporting
- In the EU the declarations on due diligence are the checkpoint communiqués. Approved declarations are forwarded to ABSCH or declarations containing confidential information will be directly sent to the country of access

# Monitoring utilization : European Union

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

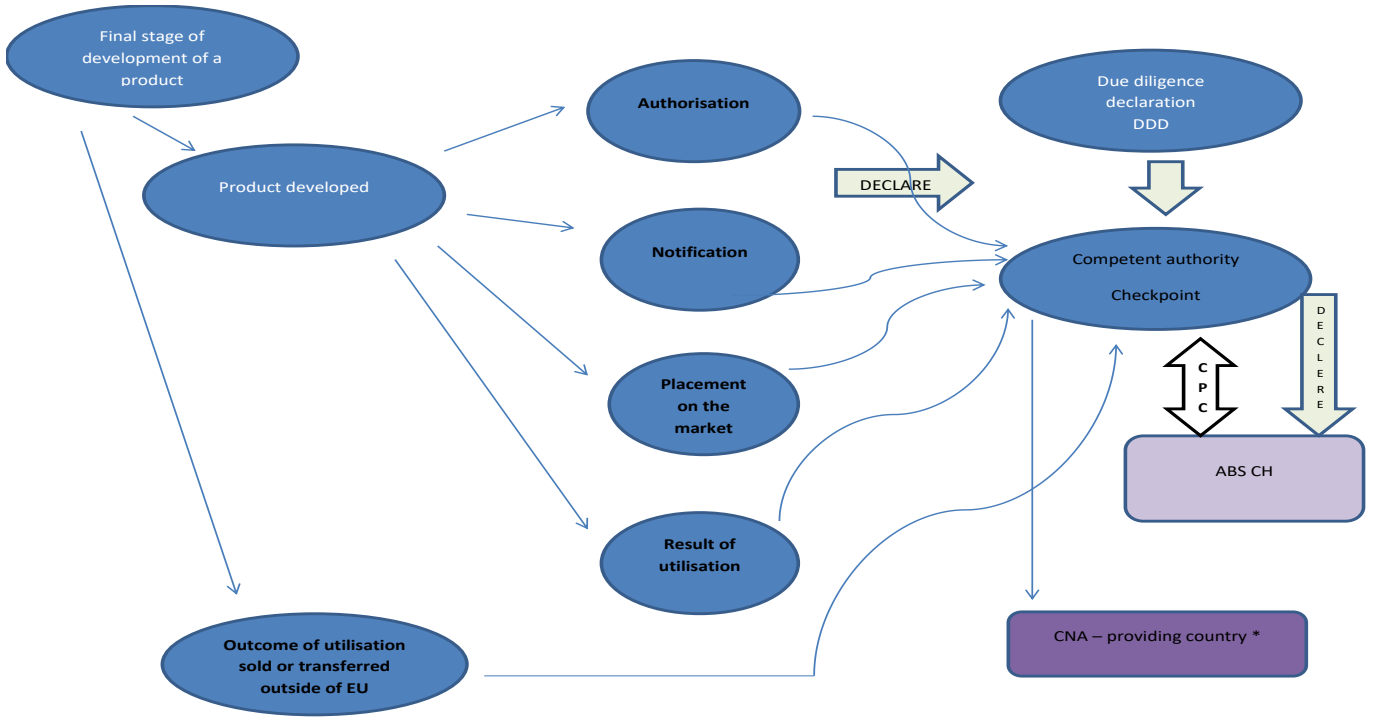
- 1st checkpoint



# Monitoring utilization : European Union

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- 2nd checkpoint



# Monitoring utilization : Austria

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- These activities will be developed in a second step in 2020, as this has to be designed and carried out together with the identified authorities. Therefore an electronic information sheet will be produced and if it turns out as necessary one or more information events will be organized.
- Furthermore work was started on a concept of an ABS information and documentation system by extension of the existing webpage, also for communication and knowledge transfer, including:
  - Development of a checklist for the access of Austrian users,
  - Users' electronic declarations of due diligence: Acceptance, verification/processing and archiving,
  - Forwarding the declarations to ABSCH,
  - Familiarization with the database system Declare of the EK,
  - Communication and knowledge transfer via website: all recommendations for action, guidelines, checklists, training documents, etc. should be made available to the public via website.

# Monitoring utilization : << Côte d'Ivoire>>

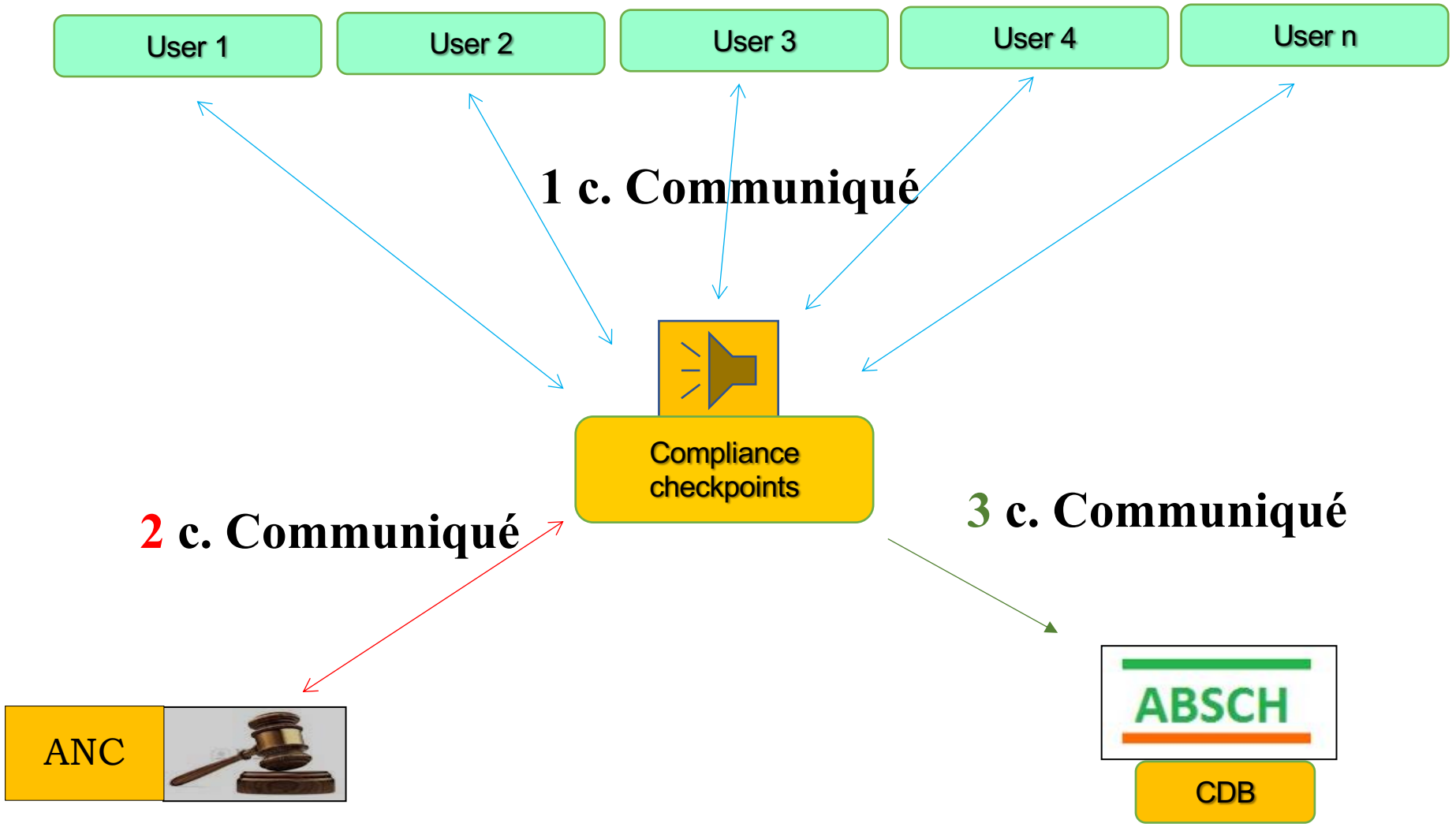
2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?




- ❑ This question is not yet dealt with in my country.
- ❑ We will take it into account when setting up checkpoints.

# Monitoring utilization : << Burkina Faso >>

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?



# Monitoring utilization : << BENIN >>

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

# Monitoring utilization : Flanders / Belgium

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- The DECLARE system is linked with the ABSCH; The publishing of the due diligence declaration (checkpoint communiqué) takes place via DECLARE

# Monitoring utilization : << FRANCE>>

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

- This part is still a bit unclear to us, as we have not had the chance to realize a checkpoint communiqué

# Monitoring utilization : Guyana

2. Describe the (or envisioned) process of how information gathered from the user at the checkpoint is (or will be) shared on the ABS Clearing-House (checkpoint communiqué) ?

# Monitoring utilization

## 3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

# Monitoring utilization : << Bhutan >>

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

Limited capacity of the officials of checkpoints, NFP, NAU

Considering the sensitivity and confidentiality on the part of the users

# Monitoring utilization : Brazil

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

**N/A**

# Monitoring utilization : Peru

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

• No request has been identified for utilization of genetic resources or their by-products form foreign countries.

# Monitoring utilization : Dominican Republic

3. Why your country **has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué)** ?

Simple… We have had **very few experiences** (so far we only have 5 contracts and 4 of them are with universities)…








# Monitoring utilization : << Tajikistan>>

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

Despite the fact that the Republic of Tajikistan is extremely rich in biological diversity, this diversity is still not completely assessed.

This issue is associated with limited resources (financial and technical) for conducting researches and other purposes.

It is necessary to establish mechanisms for stakeholder interaction at all stages, from gaining access to a genetic resource to developing a final product and a system for exchanging materials between the countries of the region.

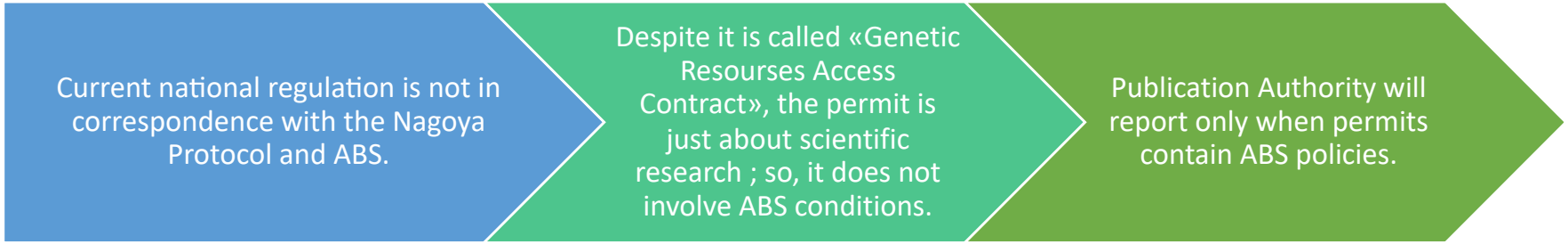


# Monitoring utilization : Republic of Moldova

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

# Monitoring utilization : << Ecuador >>

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?



# Monitoring utilization : Brazil

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

**N/A**

# Monitoring utilization : Bhutan

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

Limited capacity of the officials of checkpoints, NFP, NAU

# Monitoring utilization : COSTA RICA

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

As a Non-Party, were are not reporting specific aspects about ABS permits on the ABS-CH

# Monitoring utilization : Poland

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

We have not received any declarations of utilization of GR in Poland so far.

# Monitoring utilization : << Lao PDR >>

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

The main reason is because of there is no officially designation of the checkpoints which shall be indicated in regulations.

# Monitoring utilization : << Belarus >>

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

At the moment, the Checkpoint (ABS NCC) has not received any information on the genetic resources transferred to Belarus by other country Parties to the Nagoya Protocol.

# Monitoring utilization : INDIA

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- India is in the process of notifying check points.
- At present consultations with various concerned government agencies are undergoing.
- This will be addressed after Check points are formally notified by the competent authority.

# Monitoring utilization : Seychelles

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- There is no restriction for the locals to use its GR for traditional use.
- Seychelles is mostly a provider country hence utilization is not common
- There are no checkpoints established yet in the country

# Monitoring utilization : << Cameroon >>

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

Nothing has been set up as of now.

# Monitoring utilization : Antigua and Barbuda

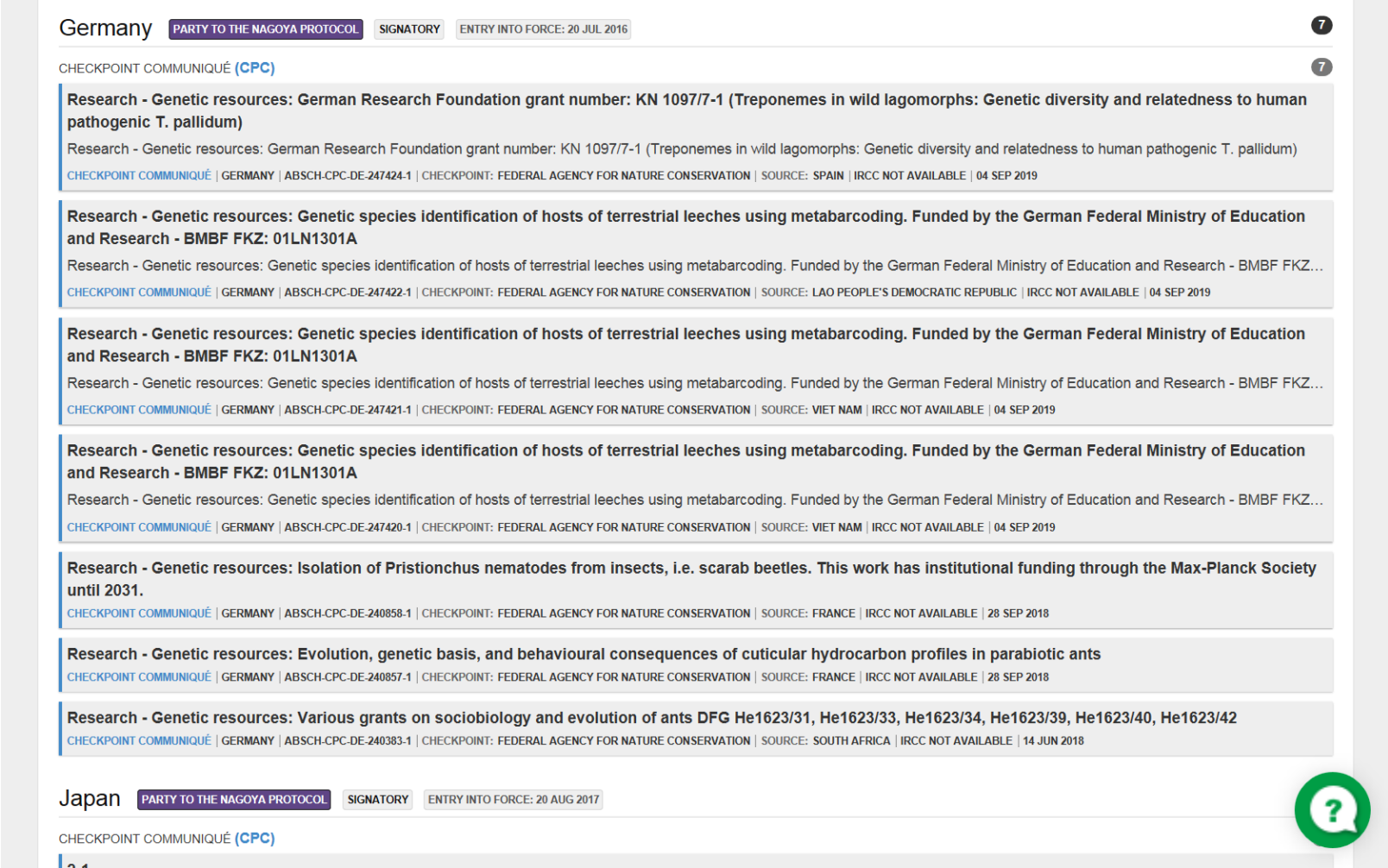
3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

There have been very few instances of utilisation of genetic resources in our country. This year we received two and this is a first time since we ratified the Nagoya Protocol

# Monitoring utilization : Germany

## 3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- 7 out of 15 CPCs on ABS CH are from Germany (as of 10 September 2019)
- Number of due diligence declarations (at stage of research funding) steadily increasing



# Monitoring utilization : Saint Kitts and Nevis

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

# Monitoring utilization : << República Bolivariana de Venezuela >>

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- We are adapting the national regulations for the establishment of clear rules in relation to ABS.

# Monitoring utilization :URUGUAY

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

There have been no reported cases of use of genetic resources in the "checkpoints communicate" because no access for commercial purposes have been received, and also because the checkpoints are in the process of negotiation.

However, all the authorizations for access to genetic resources for non-commercial research have been published.

# Monitoring utilization : United Kingdom

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- In one case, the declaration comprised entirely confidential information, so could not be uploaded to the ABSCH.
- **Checkpoint 1: Stage of research funding** - The timeframe for submitting declarations at this checkpoint is broad. The time between receiving the first instalment of grant funding and the “project end” could be years. So it may take some time before we start receiving them.
- **Checkpoint 2: Placing product on the market** - The timeframe from access to product development/commercialisation could again take years and in many cases, utilisation will not result in product development at all.
- Lack of awareness of the requirement to submit declarations.
- There are many reasons to be out of scope (e.g. country and date of access, nature of work). We expect this to change as more countries become party, implement access measures and the further we get from Oct 2014.
- Shifts towards using DSI rather than physical genetic resources.

# Monitoring utilization : Switzerland

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- So far, we received only one notification concerning utilization of GR from abroad.

- Since the access dates back before entry into force of the protocol, we did not report it on the ABS clearing house. We consider it a voluntary notification.

# Monitoring utilization :

**3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?**

- The process of amending the national legislation to include this requirement has not been finalized. Therefore, there is no enabling mechanism for South Africa as a User Country.

# Monitoring utilization : << Serbia>>

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

Unfortunately, the Nagoya Protocol is still not operational in Serbia. Implementation will be fully in place in 2020, after the revision of the national legislation related to nature protection.

# Monitoring utilization : SENEGAL

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

Le pays n'a pas communiqué ou a peu communiqué sur APA car la mise en oeuvre du protocole et de l'APA n'est pas encore effective.

The country has not communicated or communicated little about APA because the implementation of the protocol and the APA is not yet effective.

# Monitoring utilization : Rwanda

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- Because the system is yet to be established

13. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- As already indicated Pakistan has not yet established an ABS regimen. The few cases where the grant of access has been given was done through email. If deemed appropriate, all such cases can be uploaded at the ABSCH

# Monitoring utilization : The Netherlands

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- Users have not made any due diligence declarations yet in the Netherlands. Potential users have registered in the system DECLARE, so we expect the declarations will follow.
- Users are avoiding genetic resources where access rules apply. They use pre-Nagoya material and free material. Process of getting PIC and MAT / IRCC is long.
- Researchers only have to submit a DD-declaration at the latest at the end of the project.
- Product developers have to submit a DD-declaration before entering the market, not during the development period.

# Monitoring utilization : NEPAL

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- Nepal is still in the preliminary stage of establishing institution and legal frameworks.

# Monitoring utilization : MADAGASCAR

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

N/A

# Monitoring utilization : State of Kuwait

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- The ABS is not yet operational in the State of Kuwait.

# Monitoring utilization : << KENYA >>

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- The checkpoints don’t understand their role

# Monitoring utilization : << Jordan >>

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

There is no cases yet

# Monitoring utilization : Guyana

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- Like mentioned before, the reason for this is as a result of lack necessary capacity on the ABS-CH and reporting fields for the IRCCs is not available from the permit granted.

## Monitoring utilization : << FRANCE>>

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- The EU ABS Regulation, that transposed the compliance part of the Protocol, entered into force on October 12th, 2014
- The Ministry for an ecological and solidary transition is only responsible for the stage of final development of a product. No due diligence declarations were received yet. Hence, we assumed that no enterprises that have accessed GR after October 12th, 2014 have already developed a product.

# Monitoring utilization: FINLAND

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- National implementing legislation came into force in 2016 -> users may still be unaware of their obligations

Thus no declarations (and few import notifications) have been received yet

**More awareness raising is needed**

# Monitoring utilization : European Union

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- First CPC submitted to the ABS Clearing House by the EU Member States;
- Reasons for relatively small amount of CPCs:
  - Time needed to make system operational
    - Designation of competent authorities in Member States;
    - Development of an support IT tool (DECLARE)
  - Possibility to submit a due diligence declaration at the end of research project (projects spin 5-6 years)
  - Time needed to develop a product based on a genetic resource (min.3-4 years)

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- There are some institutions that have expressed interest or asked questions about the procedure. These were answered by the National Focal Point and the inquiries are documented. But till know the CNA has not received any corresponding documents.
- As described above, in Austria we are currently developing, setting up and implementing an ABS system.

# Monitoring utilization : << Côte d'Ivoire>>

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?



- ❑ My country has not reported any utilization of genetic resources on the ABS Clearing-House because existing permits were not issued with the provisions of PIC and MAT requirements. So we didn't put them on ABS Clearing-House for obtaining internationally recognized permit. Also, checkpoint is not yet established.

# Monitoring utilization : << Burkina Faso >>

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

Now, There is no mechanism in place to allow such exchanges of information

## Monitoring utilization : << FRANCE>>

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- The EU ABS Regulation, that transposed the compliance part of the Protocol, entered into force on October 12th, 2014
- The Ministry for an ecological and solidary transition is only responsible for the stage of final development of a product. No due diligence declarations were received yet. Hence, we assumed that no enterprises that have accessed GR after October 12th, 2014 have already developed a product.

# Monitoring utilization : Guyana

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

- Like mentioned before, the reason for this is as a result of lack necessary capacity on the ABS-CH and reporting fields for the IRCCs is not available from the permit granted.

# Monitoring utilization : Flanders / Belgium

3. Why your country has not reported any (or so few cases of) utilization of genetic resources in your country on the ABS Clearing-House (checkpoint communiqué) ?

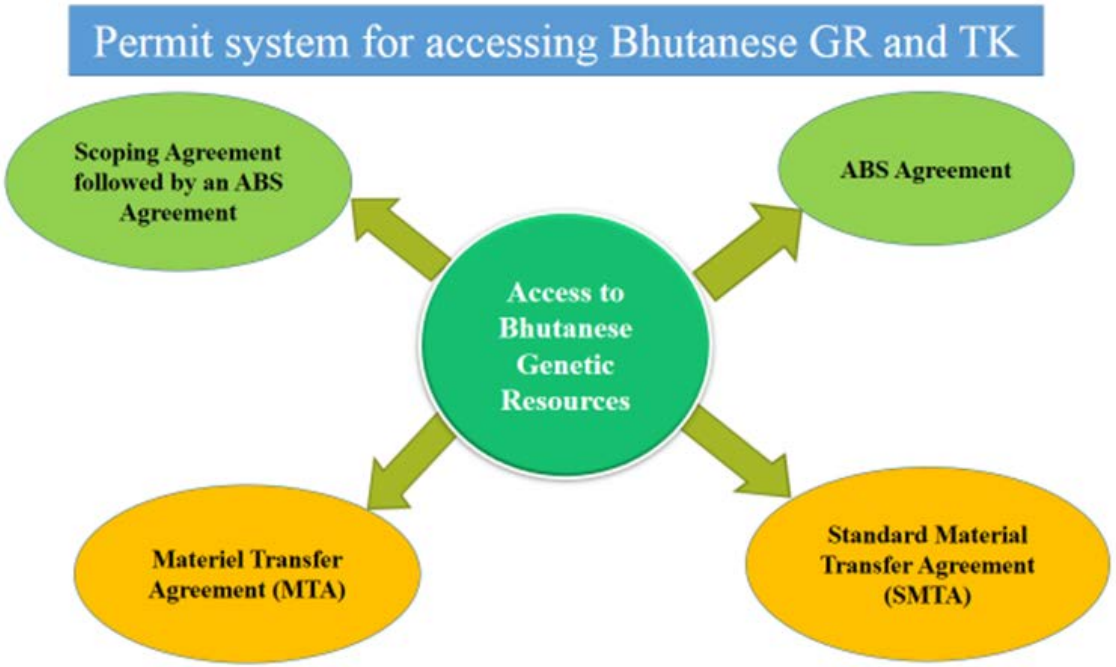
- We have not operationalized the inspection plans (nor teams) yet
- Awareness raising still needed on the requirements and process for declaring
- Users tend to avoid using GR in the scope of the regulation (complexity of legislations)

# Monitoring utilization

**4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).**

# Monitoring utilization : << Bhutan >>

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).




- National permits: ABS agreement, Scoping Agreement, Material transfer Agreement, SMTA
- These agreements are verified by BAFRA (checkpoint) at exit points
- Only legitimate access with permits are allowed
- Patent office (checkpoint) liaise with NFP in case of receipt of application( related to GR and TK)

# Monitoring utilization : Brazil

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

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**SisGen** is used for registering and **monitoring: Verification process**

Transition MP 2.186-16/01 – Conduct Adjustment/Regularization Term

**Transportation of GR abroad (Shipment or Sending)**

- **Prior registration** with **SisGen**
- **Material Transfer Agreement** – **MTA** between the national organization/person and the foreign-based institution:
  - Register the technological R&D activity carried out with the object of the MTA
  - Register the technological development or research prior to:
    - ✓ requesting any intellectual property rights
    - ✓ commercializing any intermediate products
    - ✓ publishing final or partial results in scientific media or means of communication
    - ✓ the notification of finished product or reproductive material developed from the access.
  - Notify the SisGen and share benefits from economic exploitation of finished product/reproductive material
  - Obtain PIC from the provider, if R&D related to TK associated to the samples which are object of the MTA

# Monitoring utilization : Brazil

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- **A**ccess GR or TK in areas of national security (border zones and ocean islands), in Brazilian territorial waters, continental platform and exclusive economic zone – identification of all corporate board members of the company and associated institutions. They must also obtain prior authorization and approval from the Council of National Defense or Navy Command, according to each case

- **S**ending of GR with purpose of providing services abroad as part of R&D in which the responsible for the sample has carried out the access in Brazil. As with the shipment, the sending of samples must be registered with SisGen, but it is not necessary to do it in advance

# Monitoring utilization : << Peru>>

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- In accordance with the minimum requirements for an access contracts, the applicant must submit periodical reports containing the progress, results and publications generated as a result of their research.
- Additionally, the applicant must submit the report on the allocation of non-monetary benefits-sharing arrangements.
- National competent authorities coordinate with institutions in charge of monitoring and surveillance to verify compliance with the terms agreed in the access contract in relation to the utilization of genetic resources.
- The National Commission against Biopiracy identify, evaluate cases and submit reports with recommendations of unauthorized genetic resources uses and associated traditional knowledge to be followed by the competent authorities.

# Monitoring utilization : Dominican Republic

4. What **methods does your country take to monitor utilization of your national genetic resources**? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

As we said before, this **is one of the challenges that we still have…** Monitoring the access granted with current contracts…






We have **certain legisative restrictions (as we emphasized before) when it comes to a patent database**…

**The contracts have** standard MAT terms for periodic user reporting.



An electronic monitoring system would be **a dream come true**!

# Monitoring utilization : << Tajikistan>>

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

Monitoring of genetic resources of plants and animals is carried out by concerned scientific and inspection bodies.

Each department / institution has its own internal database (electronic, paper) where information about the state and volume of one or another resource is stored.



Environmental monitoring is also carried out directly by the National Biodiversity and Biosafety Center. The collected information is stored on the Center's server and is available on the website biodiv.tj

# Monitoring utilization : Republic of Moldova

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- In our country the import / export of any species from the wild fauna or flora and product and derivative of them requires a permissive act issued by the Environment Agency - subdivision of the Ministry (MARDE). For CITES species – there is necessary to obtain the CITES permit/certificate, but for non-CITES species - Environmental Agreement.

# Monitoring utilization : << Ecuador >>

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

## Existing process:

- Periodic reports from researchers (not automatized), analized by the Ministry of Environment.
- Road controls by the Ministry of Environment police.
- Approval of Material Transfer Agreements (MTA)



## Envisioned process:

- Information will be reported on National Informatic Platform.
- The Platform will be intercontected with all actors.
- Users, National Competent Authorities, Checkpoints, etc. will share the same information of the process and know about its status.
- ABSCH
- MTA
- WIPO

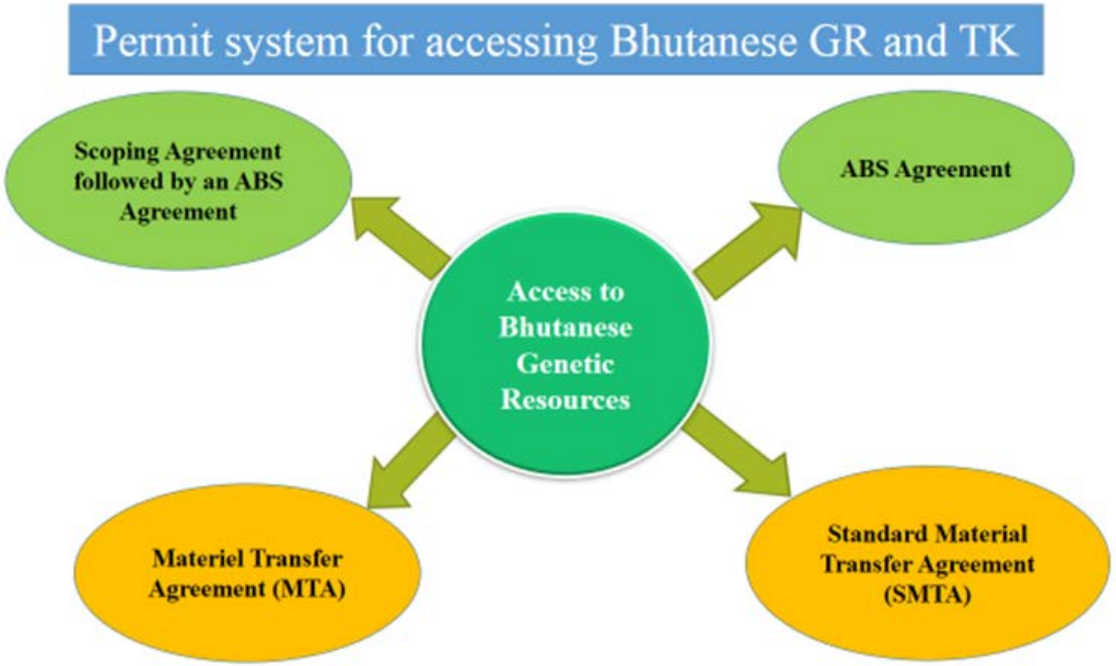
# Monitoring utilization : Brazil

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- ✓ **SisGen** is used for registering and **monitoring** – transition MP 2.186-16/01 – Conduct Adjustment/Regularization Term
- ✓ **Remittance**
  - **Prior registration** with **SisGen**
  - **PIC** expressly authorizing the remittance in case of GH of local or creole traditional variety/race - **non-agricultural**
  - **Material Transfer Agreement** – **MTA** between the national organization/person and the foreign-based institution:
    - Partner with a Brazilian national institution of technological and scientific research
    - Register the technological development and research activity carried out with the object of the MTA
    - Register the technological development or research prior to:
      - ✓ requesting any intellectual property rights
      - ✓ commercializing any byproducts
      - ✓ publishing final or partial results in scientific media or means of communication
      - ✓ the notification of finished product or reproductive material developed from the access.
    - Notify the SisGen and share benefits from economic exploitation of finished product/reproductive material
    - Obtain PIC from the provider, if R&D related to TK associated to the samples which are object of the MTA
    - SisGen will issue document to demonstrate that the user has provided the requested information
      - Beginning of verification process (users don't need to wait to be completed in order to proceed with the remittance)
- ✓ **Article 13 of Law 13,123/2001** - access GH or ATK in areas of national security (border zones and ocean islands), in Brazilian territorial waters, continental platform and exclusive economic zone – identification of all corporate board members of the company and associated institutions. They must also obtain prior authorization and approval from the Council of National Defense or Navy Command, according to each case
- ✓ "**Remittance**" shall be considered "**shipment of sample**" when the shipment of GH has the purpose of providing services abroad as part of R&D in which the responsible for the sample has carried out the access in Brazil. As with the remittance, the shipment of samples must be registered with SisGen, but it is not necessary to do it in advance

# Monitoring utilization : Bhutan

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).




- National permits: ABS agreement, Scoping Agreement, Material transfer Agreement, SMTA
- These agreements are verified by BAFRA (checkpoint) at exit points
- Only legitimate access with permits are allowed
- Patent office (checkpoint) liaise with NFP in case of receipt of application( related to GR and TK)

# Monitoring utilization : COSTA RICA

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

## Virtual Platform:

Authomatized system to monitor benefits sharing commitments stablished in PIC and MAT.

- CONAGEBIO program deadlines for those commitments.
- Users can upload documents to report fulfilment.
- If not, platform send authomatic emails to user, provider and National Competent Authority

## Executive Decree No. 39341-MINAE for the application of administrative sanctions

Published on March 16, 2016 and became effective in September 2016.

Its purpose is to establish a clear procedure to apply administrative sanctions in the case of unauthorized access to the genetic and biochemical resources of biodiversity, as established by the Biodiversity Law and provide legal certainty to permit applicants and competent authorities, to apply this sanctioning regime.

# Monitoring utilization : Poland

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

Not applicable – Poland has no access legislation and we do not monitor utilization of our national genetic resources.

# Monitoring utilization : << Lao PDR >>

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

There are domestic and international levels of monitoring the genetic resource utilization. Domestically, formal and informal communication with local authorities on the projects is a common practice. Internationally, IRCC contains minimum information such as issuing authority, date of issuance, validation, provider, unique identifier, user, subject cover, commercial/non-commercial, etc. Simple terms are also indicated including sharing of research results and publication with the local authorities and NCA; and the genetic resources are not allowed to the third party without the permission from provider.

If further experiment of the genetic resources is used for commercial purposes and/or the materials will be taken out of Lao PDR, the user then needs to inform the authority/NCA and the ABS agreement as well as Material Transfer Agreement must to be established among the user and provider with the support genetic resource and a certificate of origin as annexes for registration.

# Monitoring utilization : << Belarus>>

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

In the Republic of Belarus, under the International Technical Assistance Project “Strengthening of human resources, legal frameworks and institutional capacities to implement the Nagoya Protocol in the Republic of Belarus”, a database to monitor the GRs use has been developed.

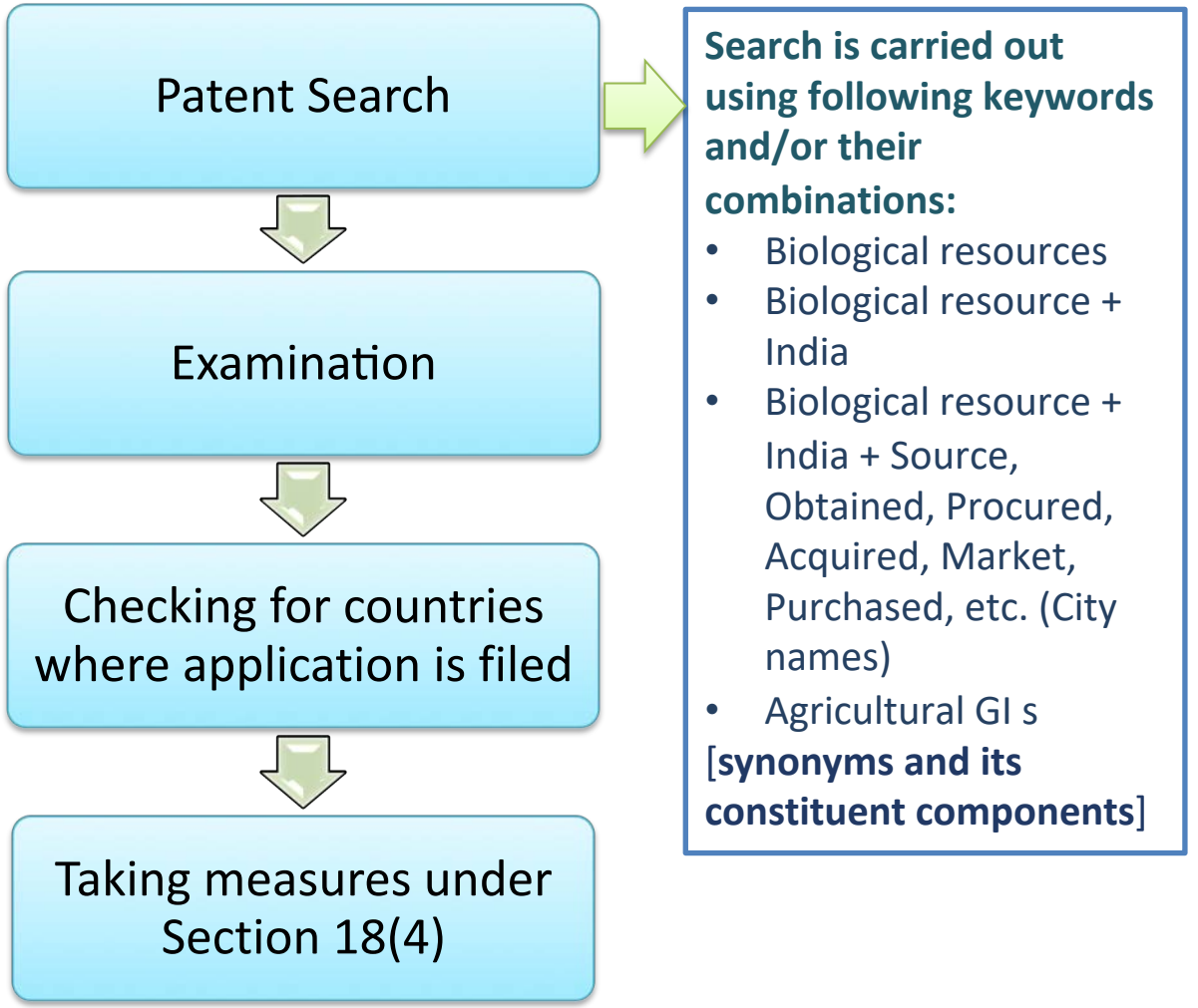
If the terms of transfer or use of the transferred genetic resources change, the provider and user must notify the Checkpoint and this information will be entered into the database and the Clearing-House.

At present, we do not consider it necessary to trace the transferred GRs use, as other countries do (e.g. Peru). We believe that providers and users fully trust each other and the Checkpoint function is to ensure the legality of their relationship.

# Monitoring utilization : INDIA

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- Status reports from the USER – Required under MAT
- Monitoring of Foreign Patents
- Monitoring of Indian Patents
- IT enabled ABS Monitoring Tool (GIZ)



# Monitoring utilization : Seychelles

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- Presently the country uses the MTA/MAT for Periodic user reporting
- Seychelles wishes to use an electronic monitoring system to monitor its national GR.
- Also wish to use an automated patent database

# Monitoring utilization : << Cameroon >>

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

# Monitoring utilization : Antigua and Barbuda

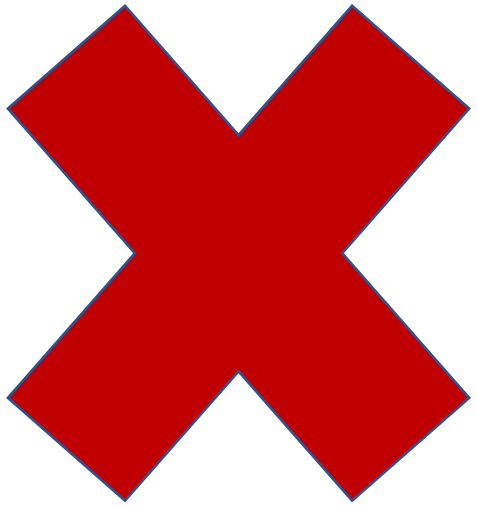
4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- Within the MAT – the agreement for access to genetic resources, we require periodic reporting that is followed up via email
- We also request that before any articles are published, the Department of Environment receives the draft beforehand
- We also request any data generated to be placed on our Environmental Information Management Advisory System (EIMAS)

# Monitoring utilization : Germany

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- Not applicable



# Monitoring utilization : Saint Kitts and Nevis

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- SKN uses a standard MAT terms for periodic user reporting to monitor utilization of our national genetic resources

# Monitoring utilization : << República Bolivariana de Venezuela >>

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

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- In the country, users sign a contract for access to the genetic resource with the Venezuelan state, and users must provide periodic reports to assess the status of the genetic resource.

# Monitoring utilization : URUGUAY

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

In relation to standard MAT terms for periodic user reporting, the difference depends on the purpose of the research:

**Non-Commercial Form**: the applicant agrees to send the report with the final outcomes of the research at the end of the project. (Item 5.6 of standard MAT terms).

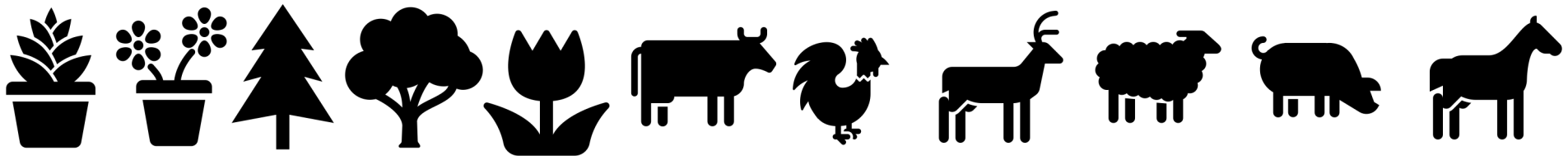
**Commercial Form**: the applicant agrees to send the report every six months with the project advances, as well as the final outcome report at the end of the project. (Item 5.5 of standard MAT terms).

On the other hand, we are working on the development of an electronic monitoring system that links all the different stages from the scientific collection to the presentation of the final report.

# Monitoring utilization : United Kingdom

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

N/A



# Monitoring utilization : Switzerland

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- For domestic resources, there is a requirement to document access and utilization.

- This information is notified to us on a voluntary basis from time of access on, or on a mandatory basis before commercialization or market approval.

# Monitoring utilization :

**4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).**

- Permit conditions
- Approved Material Transfer Agreements and Benefit Sharing Agreements
- Annual and biannual reporting by permit holders
- Compliance inspection
- Patent Office consult the Department of Environment, Forestry and Fisheries in the process of execution of their responsibilities.

# Monitoring utilization : << Serbia>>

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

Unfortunately, the Nagoya Protocol is still not operational in Serbia. Implementation will be fully in place in 2020, after the revision of the national legislation related to nature protection.

# Monitoring utilization : SENEGAL

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- Le Sénégal n'est arrivé à ce stade de mise en oeuvre.
- Le moment venu, les methodes de surveillances de l'utilisation des ressources génétiques adoptées par le pays seront communiquées.

- Senegal has not reached this stage of implementation.
- When the time comes, methods of monitoring the use of genetic resources adopted by the country will be communicated.

# Monitoring utilization : Rwanda

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- N/A
- The system yet to be established
- Provisions in the draft Ministerial Orders

# Monitoring utilization : Pakistan

14. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

Pakistan's draft Act proposes following mechanisms for monitoring the utilization of genetic resources:

(a) inspection;

(b) periodic progress and status reports by permit holders;

(c) a report or complaint by any other person; and

(d) any other mechanism deemed appropriate.

However here again Pakistan will benefit from the experiences of the other parties.

# Monitoring utilization : The Netherlands

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- Not applicable (no access rules, no need to monitor own genetic resources)

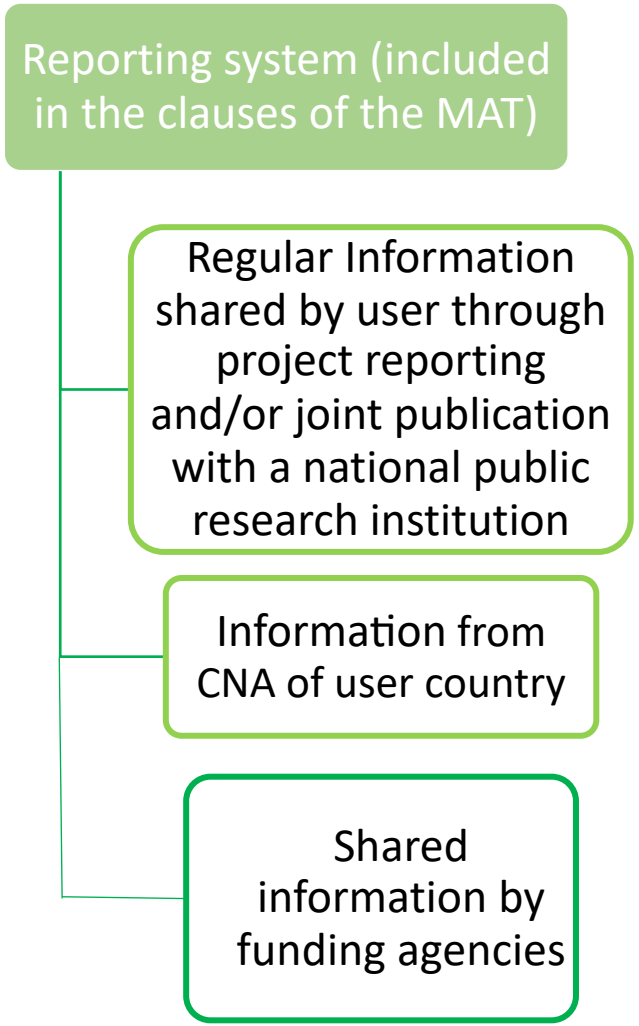
# Monitoring utilization : NEPAL

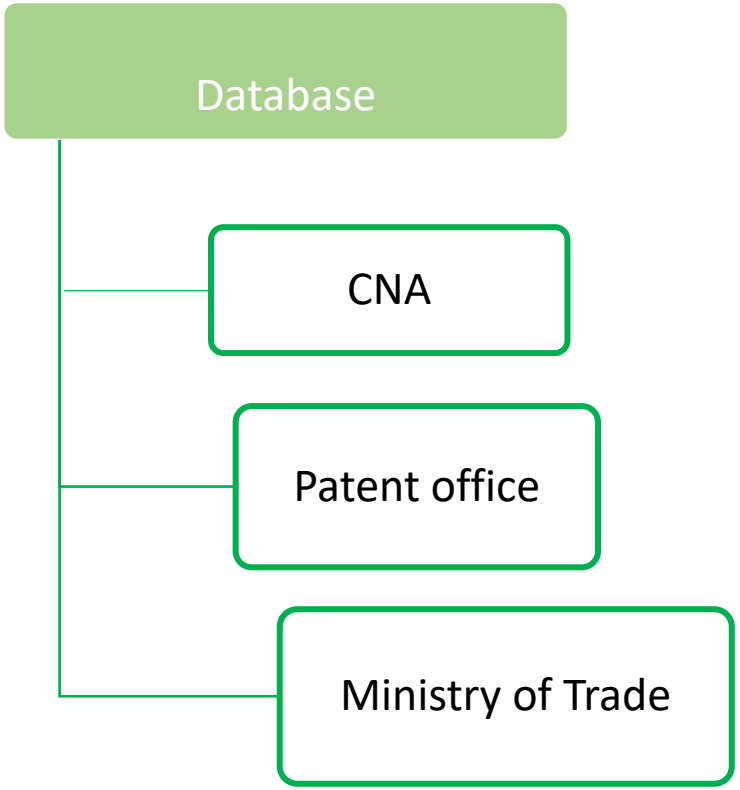
4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- Very limited information available
- In the draft ABS Bill of Nepal it has mentioned that as per the permit providing agency, the National Council and the Provincial Council will be responsible for the monitoring of the utilization of genetic resources.
- However, the detail method will be defined in ABS Regulations.

# Monitoring utilization : MADAGASCAR

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).




*Method in view (not yet effective)*

# Monitoring utilization : State of Kuwait

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- National genetic resources are monitored according to organizational specialization.
- Some data is communicated to the National Central Statistical Bureau.

# Monitoring utilization : << KENYA >>

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- Published research searches
- Media

In 1992, a researcher from a British University harvested some micro-organisms from the lake, and in 1995 sold them to companies in the Netherlands and the United States. Those companies were later sued by the Kenyan government for not sharing the financial benefits of their subsequent innovations with Kenya.

Wilson Kipkazi, chairman of the Endorois Welfare Council, says companies that conducted research at the lake never involved the community.

"We learned through media that multinational companies have made millions of dollars through genetic resources extracted from Lake Borogia. This really made the community furious...

"Fortunately, later on, some companies... decided to talk to the communities and pay back some royalties... It was not much money but it changed lives."

# Monitoring utilization : << Jordan >>

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- We will use the electronic monitoring system , standard MAT and follow up from checkpoint, but because our by-law doesn't enforce yet we try to have capacity building program which suggested to donor in phase 2 of project.

# Monitoring utilization : Guyana

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- The primary method we utilise is standard MAT terms for periodic user reporting. Occasionally, we also may receive a report of researchers activities from sister agencies to investigate.

# Monitoring utilization : << FRANCE >>

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- France has set up a regulation with procedures that require PIC & MAT for both commercial and non commercial projects.

# Monitoring utilization : FINLAND

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- None

# Monitoring utilization : European Union

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- Submission of due diligence to designated Competent National Authorities in the Member States at two points:
  - Research funding – where research involves utilization of genetic resources and/or associated traditional knowledge;
  - Final stage of development of a product
- Use of electronic submission method - DECLARE
- Member States which introduced access legislation rely on the same system for monitoring of their GRs;

# Monitoring utilization : Austria

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- Since the access of genetic resources according to Nagoya Protocol in Austria is not restricted, the utilization of national genetic resources is not monitored.
- Of course, methods are tested to monitor the use of genetic resources from the countries of origin in Austria. These methods will be integrated in our I&D system, e.g. electronic monitoring system.

- Very interested in: standard MAT terms for periodic user reporting, automated patent database and others

# Monitoring utilization : << Côte d'Ivoire>>

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- ❑ This question is not yet dealt with in my country. We could be interested in electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches and so on.



# Monitoring utilization : << Burkina Faso >>

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

## Surveillance system:

✓ **It is planned**:

- CPCC and CCCA + periodic operating reports of GR and CTA;

✓ **Currently:**

- Administrative device (local authorities, CT holders);
- Checkpoints (customs, water and forestry service , plant health service, research institute, etc.).
- MAT : TIRPGAA

# Monitoring utilization : << BENIN >>

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- **Termes MAT standard pour les rapports périodiques des utilisateurs**

# Monitoring utilization : Flanders / Belgium

4. What methods does your country take to monitor utilization of your national genetic resources? (electronic monitoring system, standard MAT terms for periodic user reporting, automated patent database or published research searches…). Please describe the methods (or those that you may be interested in).

- To date, utilization of Belgian GR is free
- If that changes, monitoring of utilization would be implemented in accordance with the EU regulation, as for other Parties' GR.
- Inspections plans have not been developed yet.

# Monitoring utilization

5. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

# Monitoring utilization : << Bhutan >>

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

**Strength**

Small population and users are minimal

External users are screened carefully and accepted

Challenges

- Lack of strong monitoring instruments in the exit points
- Porous border
- Commodities going out as a NWFP and as a biotrade

# Monitoring utilization : Brazil

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- Provisional Act monitoring proved impracticable and was one of the main reasons for changing the Law
- *Novos Rumos* operation issued fines over US$ 50 million
- Law 13.123/15 is still in the implementation phase and enforcement rules are still being discussed

# Monitoring utilization : Peru

5. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- There is no monitoring system for access to genetic resources and benefit compliance.
- Only one of the authorizations for access to genetic resources that have IRCC has more than one year of issuance.
- With the support of the GEF Nagoya Project in Peru, an informatic platform is being adapted to manage access to genetic resources that allows the monitoring, evaluation, control and fiscalization of access authorizations.

# Monitoring utilization : Dominican Republic

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are **some of your main challenges, most serious concerns, important questions or greatest accomplishments**?

Main Challenge: **Monitoring, itself!**



The need to **develop strategies** and **be as creative as possible to monitor**, with the resources we have now…




Most Serious Concern:
**Lack of control!**



# Monitoring utilization : Tajikistan

5. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

The main issue is the lack of necessary equipment, facilities and low level of knowledge of qualified specialists in monitoring of genetic resources.



# Monitoring utilization : Republic of Moldova

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

# Monitoring utilization : << Ecuador >>

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

| Challenges | Concerns: | Questions |
| --- | --- | --- |
| • National and abroad traceability<br>• Traceability of Digital Information on Genetic Sequences<br>• Traceability of modified genetic sequences | • Tendency to separate the biological resource from the genetic sequence.<br>• Digital Information on Genetic Sequences<br>• Modification of genetic sequences<br>• Traceability of modified genetic sequences<br>• Sinthetic biology | • How a country can mark its resource to trace it through time and space? Is there a mechanism similar to «DOI» to mark a resource?<br>• Until what point does a country can monitor a genetic modified resource? |

# Monitoring utilization : Brazil

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

*Information will be provided soon*

# Monitoring utilization : Bhutan

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

Lack of strong monitoring instruments in the exit points

Porous border

Commodities going out as a NWFP and as a biotrade

# Monitoring utilization : COSTA RICA

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

## Main challenges

- International traceability, monitor and control

## Concerns

- Designation and capacity building for checkpoints in order to be efficient.
- Checkpoints not just receiving information from ABS-CH about issued permits, but also trying to find illegal cases
- Targets on the Post 2020 biodiversity framework

## Accomplishments

- Automated platform to monitor and control benefits
- Standardized reports on benefit sharing
- Procedure for verification and control

# Monitoring utilization : Poland

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

Not applicable

# Monitoring utilization : << Lao PDR >>

5. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

As mentioned in above that domestic and international levels are implemented in the country. There is not serious concerns domestically. The biggest challenge might be a tracking mechanism for outside country of genetic resource utilization.

For instance, although the PIC/MAT/IRCC indicates terms and conditions for the user to report and share of the research results from the utilization of GR, there is not yet receiving such of information recently.

# Monitoring utilization : << Belarus>>

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

At present, we cannot assess the effectiveness of a monitoring system for GRs, since the first transfer in compliance with the requirements of the Nagoya Protocol was carried out for the non-commercial use only in 2017. In total, during the 2017-2019 period, seven GR transfers were realized and there were no cases of any changes in contract terms.



# Monitoring utilization : INDIA

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

| Foreign Patent Office | No. of cases |
|---|---|
| EPO | 19 |
| USPTO | 18 |
| Canada | 9 |
| China | 1 |
| Japan | 1 |
| WIPO | 1 |
| Australia | 5 |
| Taiwan | 1 |
| Total | 55 |

| Monitoring Indian Patents | | | |
|---|---|---|---|
| Division | March | April | May |
| Biotechnology | 88 | 40 | 53 |
| Agrochemical | 52 | 21 | 22 |
| TK - Biotech | 5 | 2 | 3 |
| Microbiology | 26 | 15 | 16 |
| Biochemistry | 41 | 15 | 21 |
| Food | 37 | 28 | 29 |
| Pharmaceuticals | 273 | 103 | 215 |
| Total | 522 | 224 | 359 |
| NBA approval required | 101 | 38 | 45 |

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

## Main Challenges

- Monitoring users from abroad
- Failure of users to provide update on research
- Some researchers sometimes are not honest in their intent
- The country has limited capacity for implementing some of the measures in place (e.g. contracts, negotiations,research)

# Monitoring utilization : << Cameroon >>

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

# Monitoring utilization : Antigua and Barbuda

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

Our main challenge in monitoring genetic resources is a lack of human resources. We are a very small department and do not have dedicated staff for the implementation of the Nagoya Protocol through our legislation.

Our legislation is new and we are still restructuring our Department.

# Monitoring utilization : Germany

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- Challenge:
  - Identifying users (no databases of Nagoya-Protocol users exist)

- Concern:
  - Finding & understanding information about PIC/MAT requirements of provider states in order to decide whether an institution falls within scope or not

- Accomplishment:
  - So far 33 risk-based checks, incl. 3 on-the-spot audits & 1 check based on substantiated concerns
  - Identification of 1 case of non-compliance

# Monitoring utilization : Saint Kitts and Nevis

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

# Monitoring utilization : << República Bolivariana de Venezuela >>

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

• In the country, users sign a contract for access to the genetic resource with the Venezuelan state, and users must provide periodic reports to assess the status of the genetic resource.

# Monitoring utilization : URUGUAY

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

The tool for monitoring genetic resources at present is the form for Access to Genetic Resources and /or Biochemicals for Non-commercial and Commercial Uses.

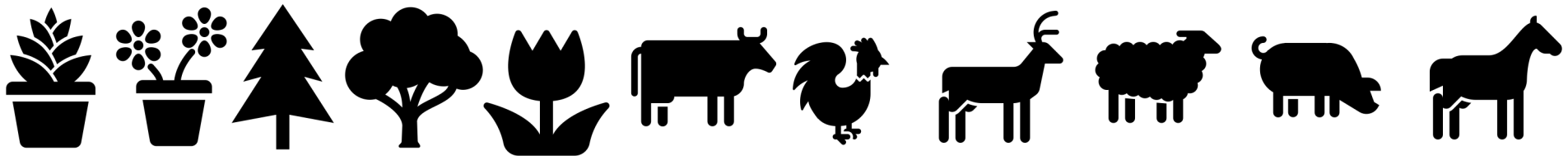
Since this information is a stage , a system is being designed to monitor genetic resources, from the scientific collection to the final report of the research.

So our challenge is to have an online management system, in order to cover all the stages involved in the process.

# Monitoring utilization : United Kingdom

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

N/A



# Monitoring utilization : Switzerland

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- It is difficult to raise awareness and sensibilize users of GR for their obligations, mostly from small businesses or in academia

- It is not very clear yet how the gained insight into utilization could be useful for protection of biodiversity.

4. **Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?**

## Challenges that the country used to face:

- The user would collect more than what is approved in terms of quantity.
- Sourcing of species from non-compliant suppliers/ middleman.

## Accomplishments:

- In order to deal with the above mentioned challenges, the Department established a unit responsible for Biodiversity Compliance Monitoring and Law Enforcement.
- The Department does not issue permit to the users who source raw material from non-complaint suppliers or middleman, but provide the user with the list of compliant suppliers.

# Monitoring utilization : << Serbia>>

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

Unfortunately, the Nagoya Protocol is still not operational in Serbia. Implementation will be fully in place in 2020, after the revision of the national legislation related to nature protection.

The main challenge is expected to be establishment of a system with designated checkpoints outside the Ministry of Environmental Protection as competent national authority on access and benefit-sharing. The division of competences between several public administration bodies can often be an obstacle to establishing a system with a clear hierarchy and authority.

# Monitoring utilization : SENEGAL

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

Du moment où aucun système de surveillance n'est encore mis place, il n'ya pas d'experience dans ce domaine.

As long as no monitoring system has been set up, there is no experience in this case.

# Monitoring utilization : Rwanda

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- N/A
- The system yet to be established

# Monitoring utilization : Pakistan

15. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

Pakistan has not any practical experience as yet

# Monitoring utilization : The Netherlands

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- Not applicable

# Monitoring utilization : NEPAL

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- In very initial stage.
- The main challenge is the lack of technical capacity to operationalize the system to regular monitor of the genetic resources.

# Monitoring utilization : MADAGASCAR

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

N/A

# Monitoring utilization : State of Kuwait

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- The system is still in conception phase.
- Monitoring is done according to type of material by concerned organization.
- Main challenge is to co-ordinate among all concerned organizations.
- Most serious concerns are the validity of data and the different monitoring approaches by organizations.

# Monitoring utilization : << KENYA >>

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- N/A Not yet applied

# Monitoring utilization << Jordan >>

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

The main challenge is the capacity building for stockholders in ABS issues and lack of knowledge between them. In addition the wide spread of some genetic resources in the region and similarly in use make monitoring difficult.

ABS- Clearing House will help in monitoring if solve the lack of capacity between parties.

# Monitoring utilization : Guyana

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- The current system is lacking as it relies mostly on good faith of researchers.
- Our main challenges remains monitoring of the intended use of the genetic material once removed from the country.
- Are proper ABS contracts adequate?

# Monitoring utilization : << FRANCE >>

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- One of the main challenge is to identify all potential users.
- One important issue is to be able to have a risk-based approach regarding the checks and to have the appropriate means to conduct them

# Monitoring utilization : European Union

4. Please reflect on your experience in operationalizing the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- Low awareness of users about access and benefit sharing
  - Difficult for the users to know when one is in scope of the Regulation; when to submit due diligence declaration
- Highly technical topic challenging also for the authorities
  - Requires knowledge of specific sectors
  - Requires knowledge about research and development activities

- Accomplishment - system is fully operational

# Monitoring utilization : Austria

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- How to implement a system that is effective and practicable when resources are limited?
- How to get all the players on board? Meaning stakeholder which also need to be informed and involved?
- …

# Monitoring utilization : << BENIN >>

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- **Pas d'expériences avérées.**
- **Les Directives Nationales APA n'ont pas sérieusement pris en compte le suivi.**
- **Le suivi informel révèle le non respect des engagements pris par les utilisateurs (rapportage périodique de l'utilisation des Ressources par exemple). Rien n'est plus fait. Silence total une fois l'accès accordé malgré les relances.**
- **Evaluation prévue pour la fin de l'année avec toutes les parties prenantes dans la perspective de l'élaboration de la loi APA**

# Monitoring utilization : << Côte d'Ivoire>>

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?




- ❑ Unfortunately, we don't have any experience yet in monitoring genetic resources .

# Monitoring utilization : << Burkina Faso >>

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- Choosing of key elements of the monitoring system,
- Operate the RG and CTA movement monitoring system;
- Avoid fraudulent outflows from the RG and Cta
- Make database of users

# Monitoring utilization : Flanders / Belgium

4. Please reflect on your experience operationalized the system to monitoring genetic resources in your country. What are some of your main challenges, most serious concerns, important questions or greatest accomplishments?

- (lack of) resources is a concern (working with GR's is a broad subject)

+ how to determine the effective users? (experiences from abroad have shown this)

+ how to establish the risk of non compliance?

# Monitoring utilization

## 6. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources

# Monitoring utilization : << Bhutan >>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

- Regular follow up with users on the update of utilization GR and TK
- Submission of research reports
- Condition of no third party transfer of information regarding to utilization of GR, TK and research results
- Condition of no- intellectual property rights application without prior approval from the country's competent national authorities.

# Monitoring utilization : Brazil

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

**N/A**

# Monitoring utilization : << your country >>

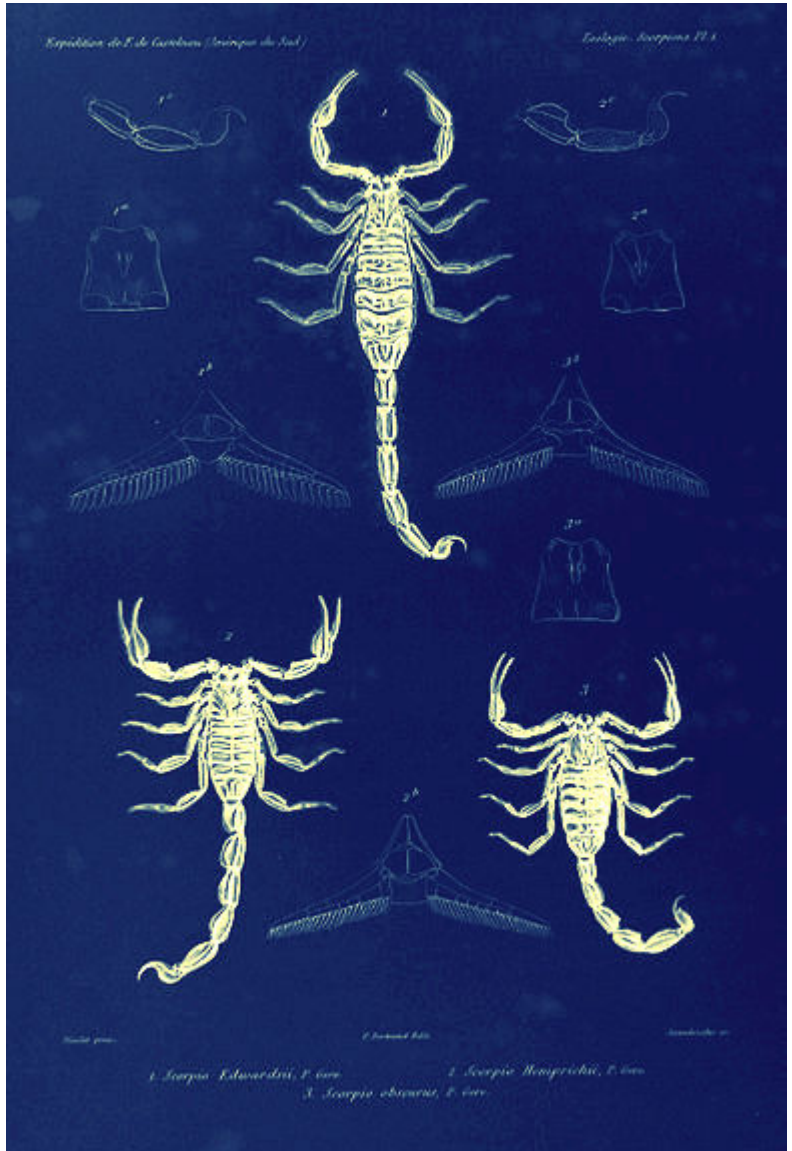
6. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

# Monitoring utilization : Dominican Republic

5. Please share a **very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources**?

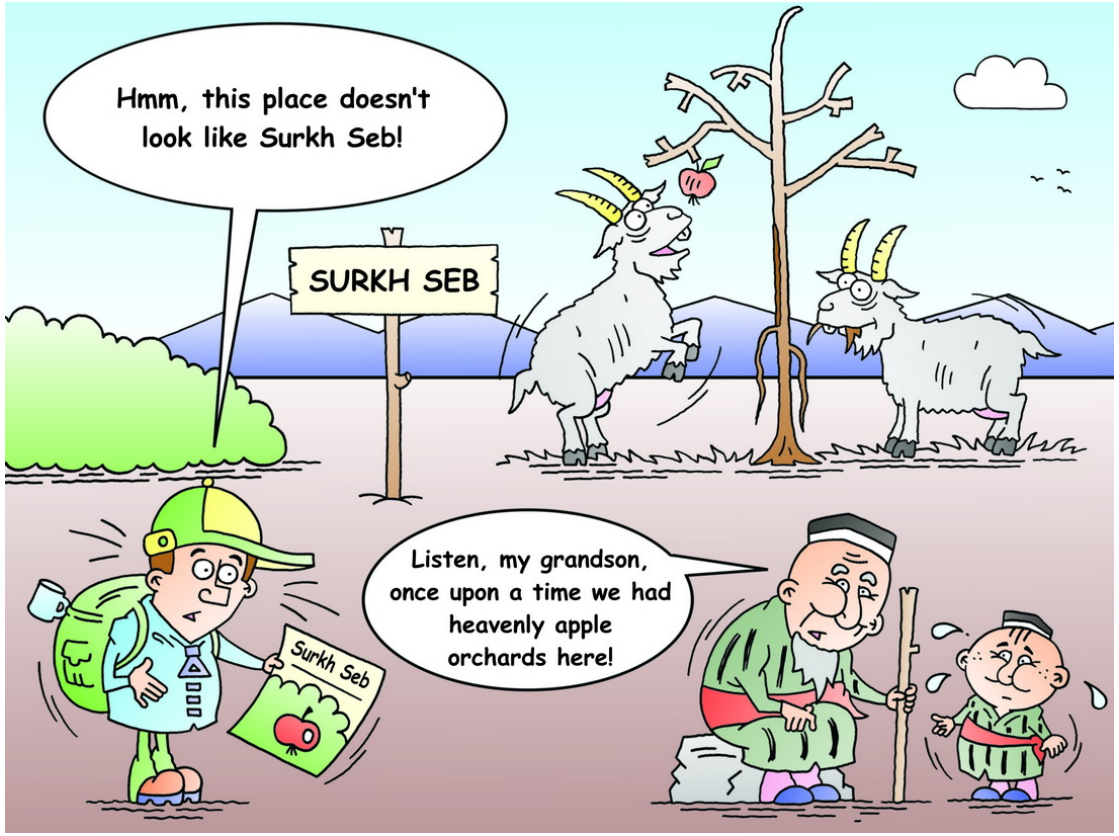
- ✓ The project with the **scorpion venom** to cure cancer that has constituted an important contribution to human well being.



# Monitoring utilization : << Tajikistan>>

6. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?




One of interesting cases was monitoring of the Surkh Seb genetic resource (apple variety). The uniqueness lies in the fact that this apple variety is resistant to climatic conditions.
This variety then served as the basis for grafting of other apple varieties which grow in mountainous regions of the country.

# Monitoring utilization : Republic of Moldova

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

# Monitoring utilization : << Ecuador >>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?




Wildlife → MAE

URBAN life→ GADs

# Monitoring utilization : Brazil

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

*Information will be provided soon*

# Monitoring utilization : Bhutan

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

- Regular follow up with users on the update of utilization GR and TK
- Submission of research reports
- Condition of no third party transfer of information regarding to utilization of GR and TK and research results
- Condition of no- intellectual property rights application without prior approval from the country's competent authorities.

# Monitoring utilization : COSTA RICA

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

# Monitoring utilization : Poland

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

# Monitoring utilization : << Lao PDR >>

6. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

There was a real story of an ABS clearance which is the first ABS case for the country after entering into force of the Nagoya Protocol in October 2014. There was an international organization working on animal conservation who want to export the genetic resources out from the country for research and development in a European country. At the time both local authorities and the organization were in the mode of confusion with the ABS clearance due to the project had been started before the country ratification to the protocol.

All relevant permission such as CITES, export permit and even Phyto were collected by the organization with supported by the local authorities who are the project counterparts with the time consumption. The funny is that those all permissions were not satisfied by the European Research Institute/user for receiving the samples

## 5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

Unfortunately, no experience of such cases at the moment.



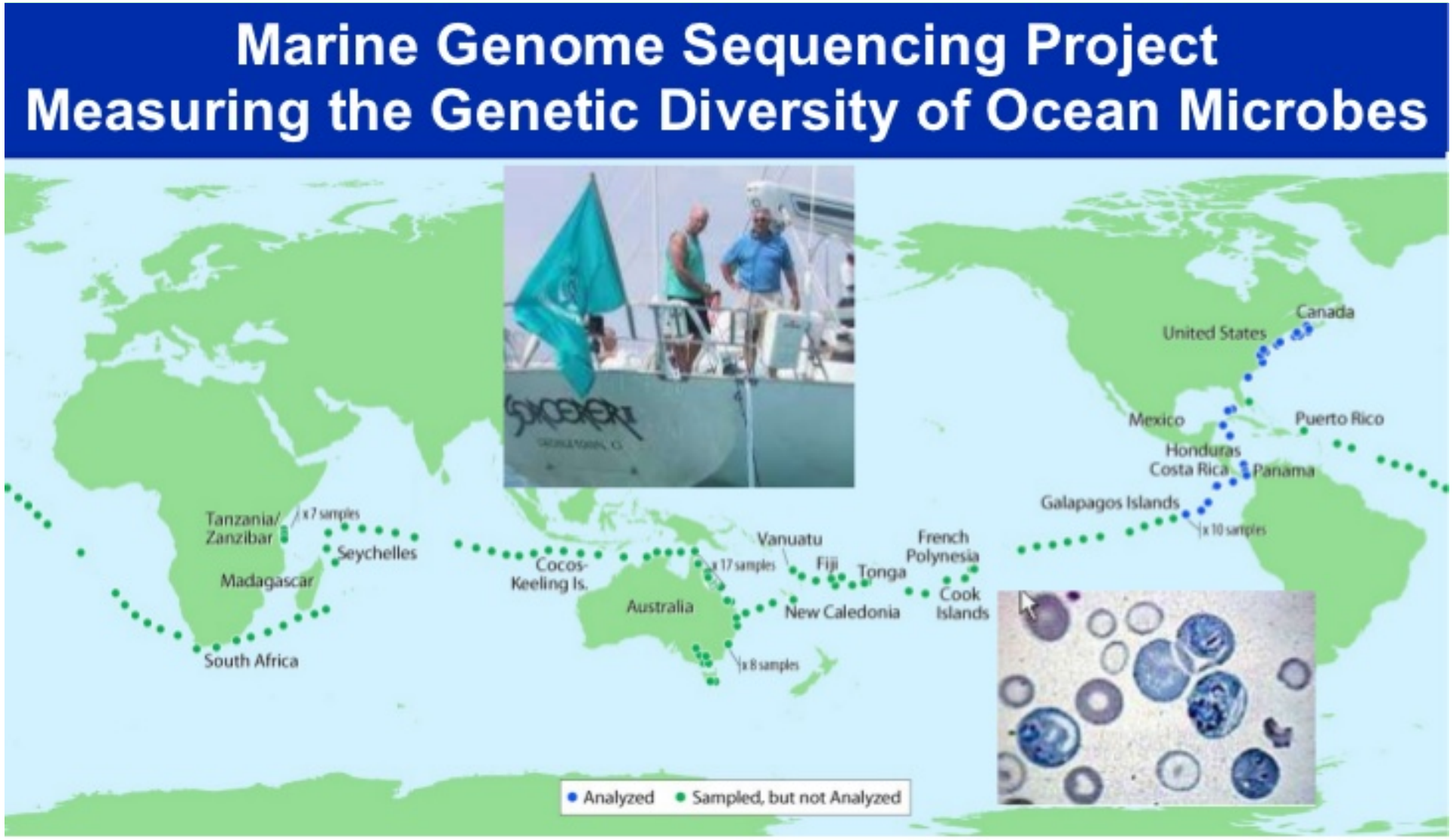
# Monitoring utilization : INDIA

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

| S. No. | Patent Office | No. of cases |
|---|---|---|
| 1 | European Patent Office (EPO) | 19 |
| 2 | US Patent and Trademark Office | 18 |
| 3 | Canadian Intellectual Property Office | 9 |
| 4 | State Intellectual Property Office | 1 |
| 5 | Japan Patent Office (JPO) | 1 |
| 6 | World Intellectual Property Office (WIPO) | 1 |
| 7 | Australian Patent Office | 5 |
| 8 | Taiwan Patent Office | 1 |
| | Total | 55 |

# Monitoring utilization : Seychelles

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?



# Monitoring utilization : << Cameroon >>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

# Monitoring utilization : Antigua and Barbuda

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

Stolen crotons from the airport!

- The user stepped out of the airport during a layover and clipped plants and placed them in his bag.
- He took them back to his “country” ( he did not tell us where) and then asked us if we were interested in the results of the study

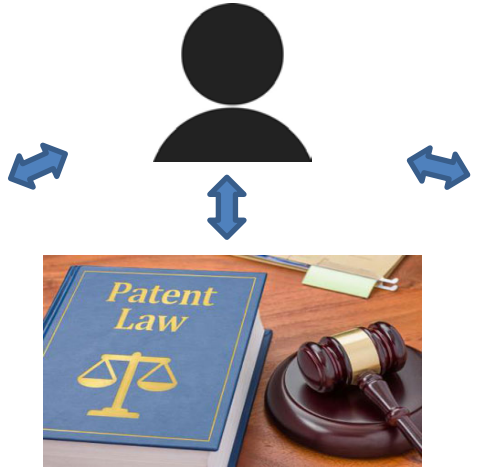
# Monitoring utilization : Germany

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

## Control Checks – Implementation in Practice

- Step 1: 8 sectors differentiated (pharma, cosmetics, biotech, etc.)
- Step 2: 20 institutions per sector pre-selected on random basis
- Step 3: 10 institutions filtered based on expert analysis
  - Expert analysis develops profile for each institution

Annual reports
- R&D expenses
- R&D location
- Strategies







- Step 4: Send questionnaire to identified institutions
  - 1st round of general questions (measures taken, origin of material, etc.)
  - Followed by 2nd round of individual follow-up questions (clarification of open questions)
- Step 5: On-the-spot checks (if necessary)



## Monitoring utilization : << República Bolivariana de Venezuela >>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

• We have a cocoa plantation (*Theobroma cacao* L.) in our ministry that expresses the genetic variability of a producing region of our country, and we can contact the interaction of the crop with a group of squirrels. There we enjoy seeing the children impressed with these animals in their habitat, and as we are interested in the games that the squirrels play in the trees.

# Monitoring utilization : INDIA

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

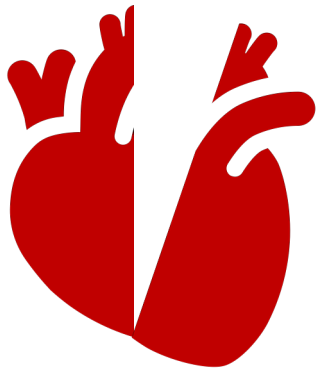
| **Patent** | **Formulation for treatment of inflammation, osteoarthritis, allergy, neuro degenerative disorder, diabetes** |
|---|---|
| Bioresources | Curcuma Longa , Ocimum Basilicum, Zingiber Officinale Moringa Oleifera, Murraya Koenigii |
| Patents Filed | India, WIPO, EPO, US, BR, PH, AU, EP |
| Third Party Observation under Art.115, EPC filed | 02/08/2016 |
| Transmittal of TPO to applicant | 09/08/2016 |
| First response from Patent applicant | 29/08/2016 |
| ABS agreement signed | 21/06/2017 |
| IRCC generated from ABSCH and uploaded to patent office databases | |

# Monitoring utilization : << your country >>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

We met a user eager to become the first person in the UK to submit an in-scope Due Diligence Declaration but had not yet reached the first checkpoint. We have not had the heart to tell him that he has been beaten to it…



# Monitoring utilization : << your country >>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

# Monitoring utilization :

**5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?**

- A User was in the process of obtaining an ABS Permit and when the permit application was still under consideration in the Department, the User decided to export finished products without a ABS permit and a validation of the CITES permit.
- The consignment was confiscated at the Airport and triggered law enforcement.
- The ABS Permit process was put on hold until the law enforcement process was completed.

# Monitoring utilization : << Serbia>>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

- -

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

Pas d’anecdote ou histoire à partager

No anecdote or story to share

# Monitoring utilization : Rwanda

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

- N/A
- No relevant case to be shared

# Monitoring utilization : Pakistan

13. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

# Monitoring utilization : The Netherlands

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

- Not applicable

# Monitoring utilization : NEPAL

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

- No any such examples, cases or story to share.

# Monitoring utilization : MADAGASCAR

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

N/A

# Monitoring utilization : State of Kuwait

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

# Monitoring utilization : << KENYA >>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?



## 2.3 MILLION FOR LAKE BOGORIA COMMUNITY IN ENZYME ROYALTIES

Oct 08 2014 | By: limobk | 0 | Tags:

Residents living around Lake Bogoria in Baringo County have benefited from Ksh 2.3 million in royalties from a Danish Bio-Enzyme company which was issued in form of bursary to over 249 students from the...

Read More »

The Baringo County has confirmed recent media reports that residents living around Lake Bogoria in Baringo County have received the sum of KES 2.3 Million in royalties from a Dutch bio-enzyme company. According to Baringo County news, this royalties deal comes after "successful negotiation between the Kenya Wildlife Service (KWS) and Novozyme – a foreign company that took an enzyme drawn from a Bacteria in Lake Bogoria hot springs about 15 years ago". It is reported that the royalties will be partly used as bursaries for over 200 local students while part of the funds will be deployed to fund other development projects in the area. However, local civil society organisations have reportedly demanded full disclosure of all the money from the royalties deal.

# Monitoring utilization : << Jordan >>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

- Don’t have yet.

# Monitoring utilization : << FRANCE >>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

# Monitoring utilization : European Union

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

- EU provides for legal framework
- Down to ground implementation at the Member States level

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?




© Bernhard Groeger

# Monitoring utilization : << Côte d'Ivoire>>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?




- ❑ I haven't got any interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources.

# Monitoring utilization : << Burkina Faso >>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

Nothing to report

# Monitoring utilization : Guyana

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

# Monitoring utilization : FINLAND

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

# Monitoring utilization : << BENIN >>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

# Monitoring utilization : Flanders / Belgium

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to monitoring utilization of genetic resources?

- There’s nothing funny about GR, only serious business… ☺

# Monitoring utilization

# Monitoring utilization

# 1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

# Compliance : << Bhutan >>

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

No experiences on the checkpoint communiques

# Compliance : Brazil

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

**N/A**

# Compliance : Peru

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

- Related to the receiving of check points comuniqués, at the time, we don’t have a stablished procedure.

# Compliance : << Tajikistan>>

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

The system is currently under development.

In the process of developing the system, we base on the principles of the work and best practices implemented in many countries with the support in coordination and consultation by Mr. Paul Odman.



Currently, the national Clearing-house Mechanism portal and online permitting system are being developed using the experience of already functioning systems.

*Oldham, P; Rukundo, O; Meyer, H (2016) An Online Research Permit and Monitoring System to Support National Implementation of the Nagoya Protocol. Concept Paper. DOI*

# Compliance : Dominican Republic

1. Describe the (envisioned) process **how checkpoint communiqués from ABS Clearing-House will be received and addressed**?

The mechanism is with letters addressed to the **Ministry of Environment and Natural Resources as NFP**.



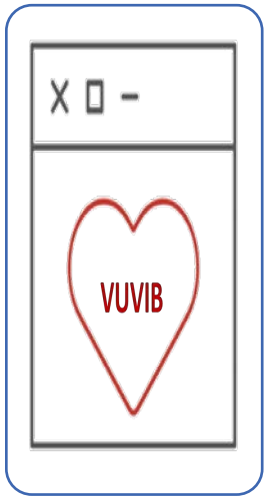
# Compliance : Republic of Moldova

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

# Compliance : << Ecuador >>

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

## Envisioned process




- Ecuador is designing an informatic platform; the goal is to communicate it with the ABSCH.
- Communiques from/to ABSCH will be canalized through the Ecuadorian Plataform, especifically: ABS National Focal Point section.
- ABS National Focal Point section will notify to the correspondent Competent National Authority.

# Compliance : Brazil

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

**N/A**

# Compliance : Bhutan

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

No experiences on the checkpoint communiques

# Compliance : COSTA RICA

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

# Compliance : Poland

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

Checkpoint communiques from ABS CH may be used as a support tool when preparing a yearly plan of checks on user compliance – if relevant information is not confidential.

It is not clear if the CNA will be authomatically notified about checkpoint communiques that are relevant for that country.

# Compliance : << Lao PDR >>

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

Honesty, I am personally not very sure of how exactly of the how checkpoint communiqué will be received the information. What I understand is that the ABSCH will receive the permission or IRCC submitted by the party and ABSCH will facilitate the information to both user and provider including the provided checkpoints from the website.

# Compliance : <<Belarus>>

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

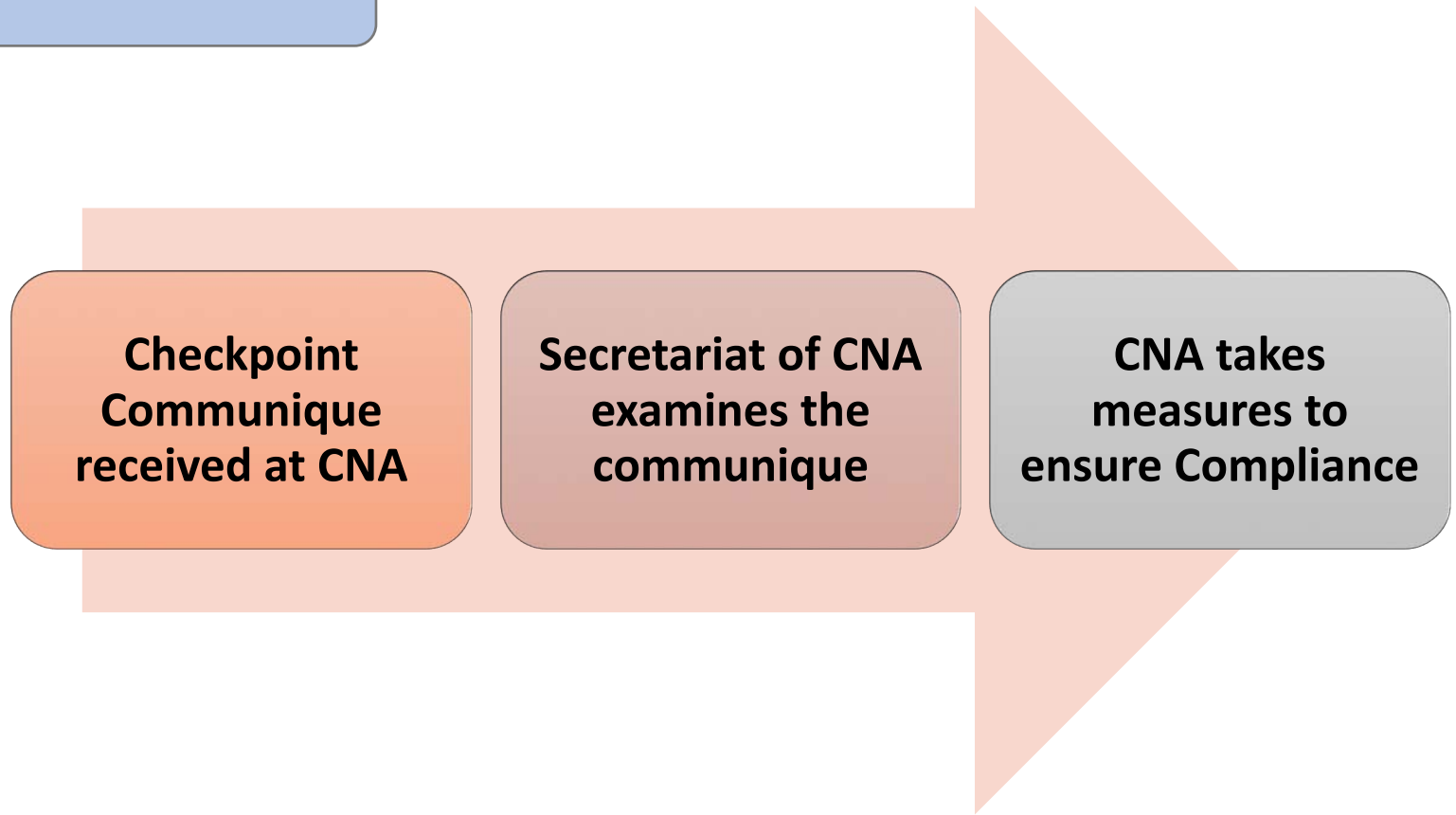
The Republic of Belarus has no practical experience with regard to such matter, but we expect that we will be able to receive information through ABS CH via the appropriate automatic message at the e-mail and/or in your Publishing Authority's Dashboard.



# Compliance : INDIA

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

**Envisioned Process**



# Compliance : Seychelles

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

- The CHM ; relayed Through email sent to CNA –FP
- The FP to acknowledge receipt
- Follow up done – if there is non-compliance then initiate legal actions (with or without involvement of the user country legal provisions)

# Compliance : << Cameroon >>

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

# Compliance : Antigua and Barbuda

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

Not sure at this point

# Compliance : Germany

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

- No CPCs will be received by German authorities as no access requirements exist
- However, after receiving a CPC provider state can trigger internat. collaboration:
  - Provider state needs to check whether info in CPC matches any PIC/MAT granted before or not
  - If not, provider state authority may contact BfN & inform about substantiated concerns
  - Such substantiated concerns can trigger compliance check by BfN

# Compliance : Saint Kitts and Nevis

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

## Compliance : << República Bolivariana de Venezuela >>

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

- A first step is to make an inventory of the opportunities and obstacles of the current legal and institutional framework, this will allow us to clearly establish the way to address the control points of the ABS Clearing-House.

# Compliance : URUGUAY

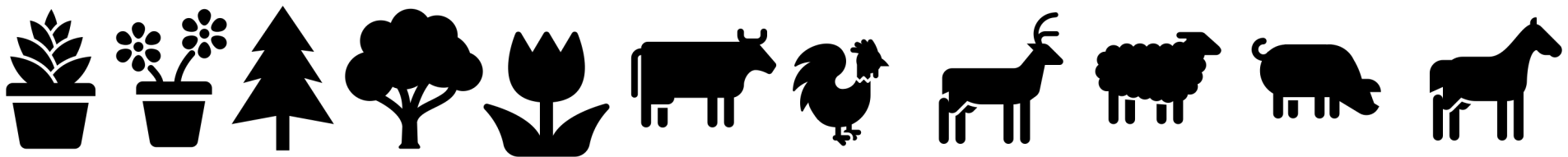
1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

We are working on it, once the checkpoints have been established, all the information received will be communicated to ABSCH.

# Compliance : United Kingdom

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

N/A



# Compliance : Switzerland

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

(probably not applicable since we do not require ABS permits)

Compliance : 

## 1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

- Once a Checkpoint Communique is received, the Competent National Authority will study the content of the communique and engage with the designated Checkpoint that generated the communique, if clarity or more information is required.
- Once all the information is received, the Competent National Authority will decide if there is a need to refer the matter to the unit responsible for Biodiversity Compliance Monitoring and Law Enforcement for further action.

# Compliance : << Serbia>>

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

Unfortunately, the Nagoya Protocol is still not operational in Serbia. Implementation will be fully in place in 2020, after the revision of the national legislation related to nature protection. Technical assistance from several EU founded project will help in establishing communication scheme for monitoring of utilization of genetic resources.

# Compliance : SENEGAL

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

- Les points de contrôle ne sont pas encore identifies
- Le moment venu, le pays déterminera les modalités de communication des points de contrôle au centre d'échange ABS.

- Checkpoints are not yet identified
- When the time comes, the country will determine how to communicate control points to the ABS clearing house.

# Compliance : Rwanda

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

- N/A
- The system yet to be established
- Provisions in the draft Ministerial Orders

## 17. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

Pakistan envisages to establish a mechanism similar to the one it is practicing in case of CITES

# Compliance : The Netherlands

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

# Compliance : NEPAL

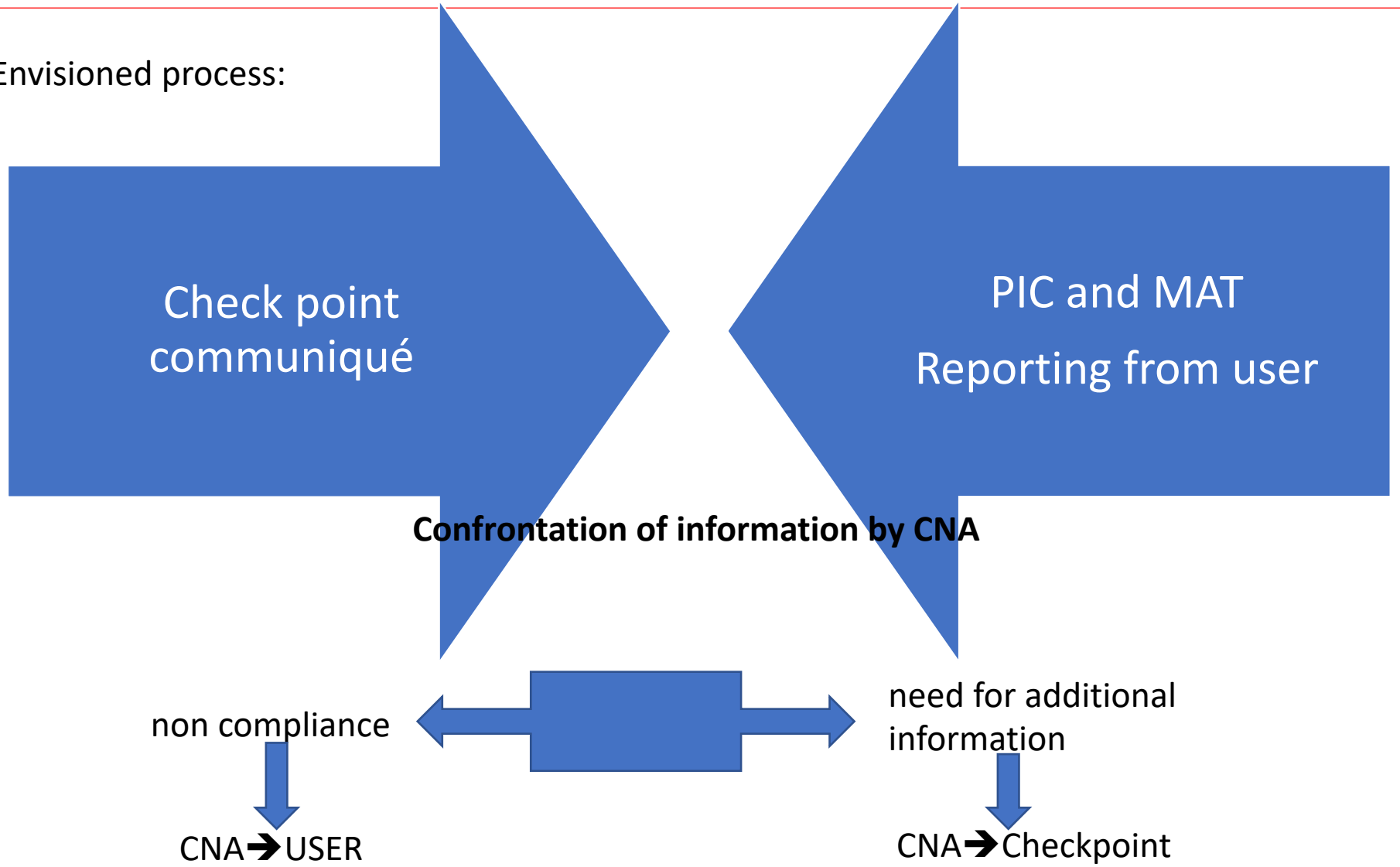
1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

- In very initial discussion process.

# Compliance : MADAGASCAR

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

Envisioned process:



# Compliance : State of Kuwait

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

- The ABS Clearing-House will form a hub for all data communicated from checkpoints.
- A monitoring and analysis body will monitor the data for any legal and/or misuse issues of resources and data according to national laws and bylaws and regional and international obligations.

# Compliance : << KENYA >>

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

- N/A

## Compliance : << Jordan >>

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

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- Under the draft by-law, there is a competent national committee include all relevant authorities, one of them FDA. There will be powers for FDA to enter ABS-CH and provide the committee with required data and take appropriate action if there are violation.

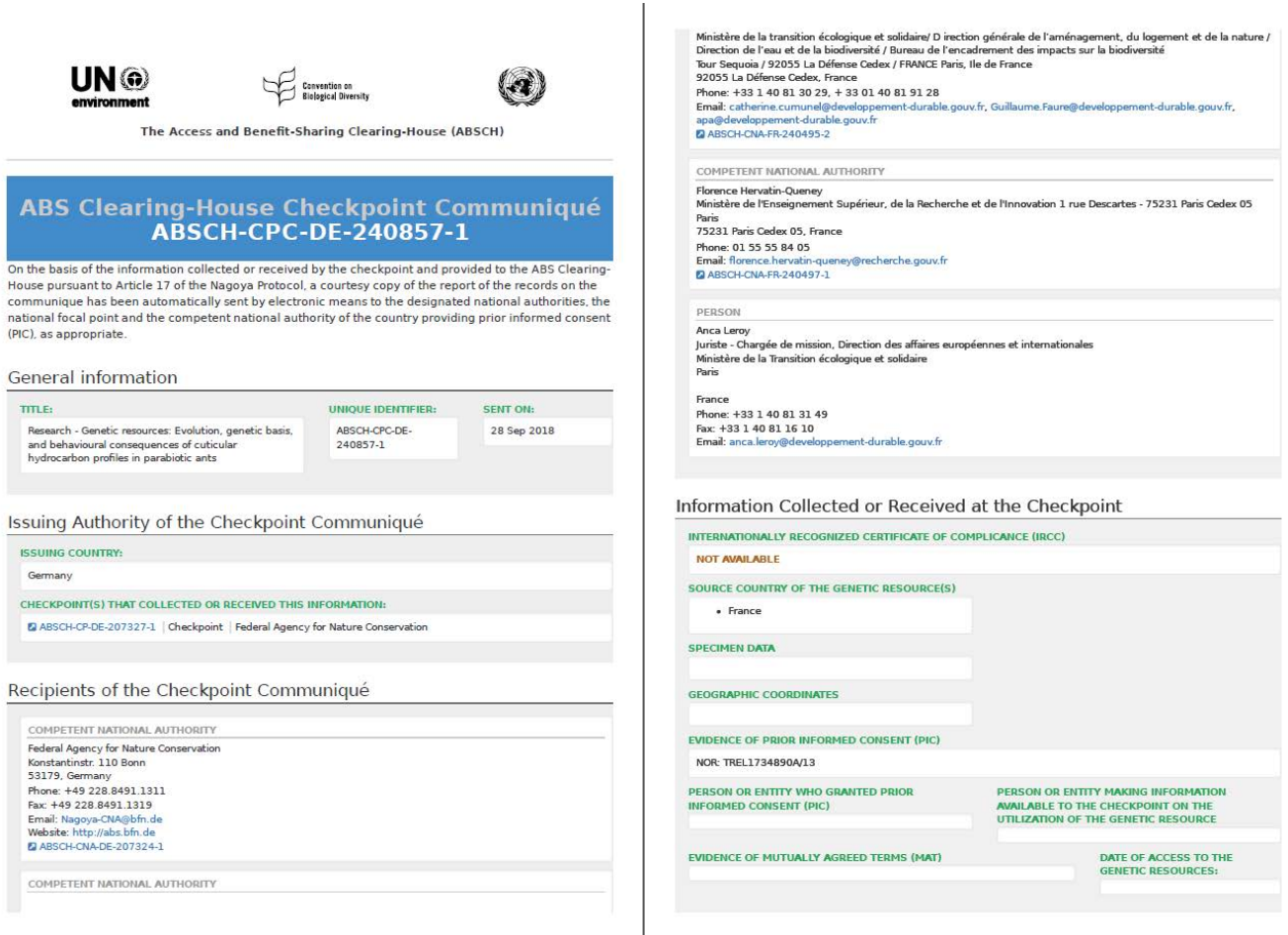
# Compliance : Guyana

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

# Compliance : << FRANCE >>

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

We received one checkpoint communiqué from Germany, that was sent by email, through the ABSCH



UN environment — Convention on Biological Diversity

The Access and Benefit-Sharing Clearing-House (ABSCH)

**ABS Clearing-House Checkpoint Communiqué**
**ABSCH-CPC-DE-240857-1**

On the basis of the information collected or received by the checkpoint and provided to the ABS Clearing-House pursuant to Article 17 of the Nagoya Protocol, a courtesy copy of the report of the records on the communique has been automatically sent by electronic means to the designated national authorities, the national focal point and the competent national authority of the country providing prior informed consent (PIC), as appropriate.

General information

| TITLE: | UNIQUE IDENTIFIER: | SENT ON: |
|---|---|---|
| Research - Genetic resources: Evolution, genetic basis, and behavioural consequences of cuticular hydrocarbon profiles in parabiotic ants | ABSCH-CPC-DE-240857-1 | 28 Sep 2018 |

Issuing Authority of the Checkpoint Communiqué

ISSUING COUNTRY:
Germany

CHECKPOINT(S) THAT COLLECTED OR RECEIVED THIS INFORMATION:
ABSCH-CP-DE-207327-1 | Checkpoint | Federal Agency for Nature Conservation

Recipients of the Checkpoint Communiqué

COMPETENT NATIONAL AUTHORITY
Federal Agency for Nature Conservation
Konstantinstr. 110 Bonn
53179, Germany
Phone: +49 228.8491.1311
Fax: +49 228.8491.1319
Email: Nagoya-CNA@bfn.de
Website: http://abs.bfn.de
ABSCH-CNA-DE-207324-1

COMPETENT NATIONAL AUTHORITY

Ministère de la transition écologique et solidaire/ D irection générale de l'aménagement, du logement et de la nature / Direction de l'eau et de la biodiversité / Bureau de l'encadrement des impacts sur la biodiversité
Tour Sequoia / 92055 La Défense Cedex / FRANCE Paris, Ile de France
92055 La Défense Cedex, France
Phone: +33 1 40 81 30 29, + 33 01 40 81 91 28
Email: catherine.cumunel@developpement-durable.gouv.fr, Guillaume.Faure@developpement-durable.gouv.fr, apa@developpement-durable.gouv.fr
ABSCH-CNA-FR-240495-2

COMPETENT NATIONAL AUTHORITY
Florence Hervatin-Queney
Ministère de l'Enseignement Supérieur, de la Recherche et de l'Innovation 1 rue Descartes - 75231 Paris Cedex 05
Paris
75231 Paris Cedex 05, France
Phone: 01 55 55 84 05
Email: florence.hervatin-queney@recherche.gouv.fr
ABSCH-CNA-FR-240497-1

PERSON
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Paris

France
Phone: +33 1 40 81 31 49
Fax: +33 1 40 81 16 10
Email: anca.leroy@developpement-durable.gouv.fr

Information Collected or Received at the Checkpoint

INTERNATIONALLY RECOGNIZED CERTIFICATE OF COMPLIANCE (IRCC)
NOT AVAILABLE

SOURCE COUNTRY OF THE GENETIC RESOURCE(S)
- France

SPECIMEN DATA

GEOGRAPHIC COORDINATES

EVIDENCE OF PRIOR INFORMED CONSENT (PIC)
NOR: TREL1734890A/13

PERSON OR ENTITY WHO GRANTED PRIOR INFORMED CONSENT (PIC)

PERSON OR ENTITY MAKING INFORMATION AVAILABLE TO THE CHECKPOINT ON THE UTILIZATION OF THE GENETIC RESOURCE

EVIDENCE OF MUTUALLY AGREED TERMS (MAT)

DATE OF ACCESS TO THE GENETIC RESOURCES:

# Compliance : FINLAND

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

# Compliance : European Union

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

- Question to provider country?? [CPC *from* ABSCH…]

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

- I don’t know what you mean by receiving a checkpoint communique from ABS Clearing House.

**?**

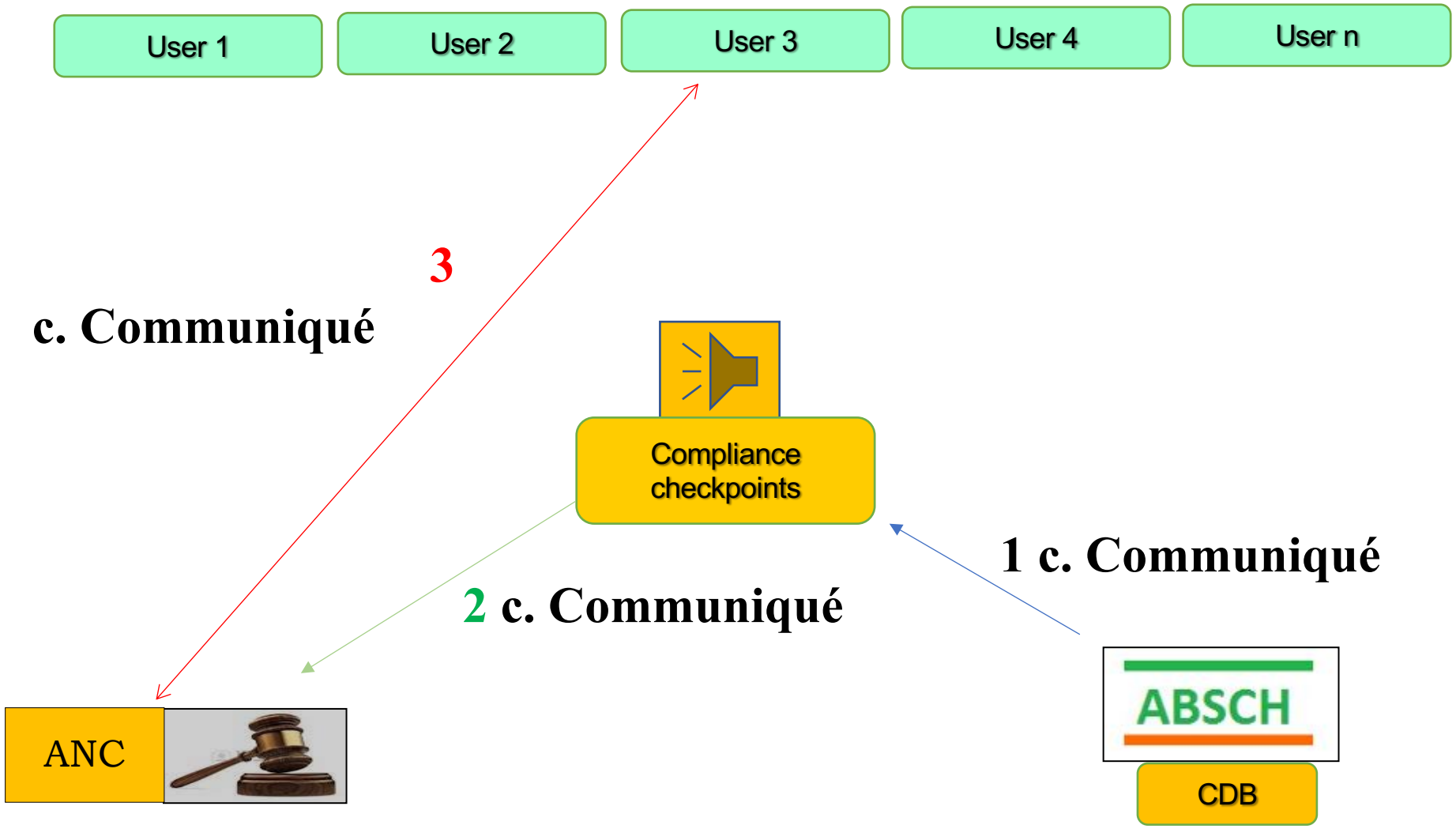
# 1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?




- This question is not yet dealt with. We will take it into account in the process of setting up checkpoints.

# Compliance : << Burkina Faso >>

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?



# Compliance : << BENIN >>

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

- **NON ENCORE DISCUTER**

# Compliance : Flanders / Belgium

1. Describe the (envisioned) process how checkpoint communiqués from ABS Clearing-House will be received and addressed?

---

- Currently IRCC's are sent through the intermediate of the publishing authority.

Note: We still only received two (and they lack information, so first step will be to get them finalized)

# Monitoring utilization

## 2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

# Compliance : << Bhutan >>

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- *As per Biodiversity Bill 2019*
  - *Article 129: The Competent National Authority shall, on the recommendation of the National Focal Point, designate check points for the purpose of monitoring and tracking access and utilization of genetic resource or associated traditional knowledge.*
  - *Article 130: The National Focal Point shall cooperate with member states to ensure compliance with respective legislation of member countries relating to access to genetic resources or associated traditional knowledge.*

# Compliance : Brazil

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

**Nagoya Protocol:**

- ✓ members are responsible for inspecting and enforcing the applicable norms, be it as a provider or as a user
- ✓ Countries must establish clear and transparent laws, in particular to ensuring legal and regulatory security for users

**Brazil Legislation** on Biodiversity scope is focused on native GH:

- ✓ Certificates/Registry
- ✓ Nagoya will require updates: ABS clearing house and other countries legislations
- ✓ **CGen** – enhance personal and financial resources

**In theory**, other countries laws needed to be translated and published in the Official Journal

# Compliance : Peru

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- The case has not occurred.

# Compliance : Dominican Republic

2. What **measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries**?

***They have to ask the user to deliver the **IRCC** or **evidence** that shows compliance of **ABS** legislation*** If they don't…




- **Sanctions:** Suspension of the process.

- ✓ **Publishing Authority** (Ministry of Environment and Natural Resources) informs the **ABS CH**.



# Compliance : << Tajikistan>>

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

Currently, all procedures are regulated within the framework of national legislation.

For trading outside the country, the Ministry of Economic Development and Trade of the Republic of Tajikistan has introduced special tariffs for the price chain, which are agreed upon conclusion of contracts.



# Compliance : Republic of Moldova

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- The Customs Authority has an electronic TARIM permit system (**INTEGRATED CUSTOMS TARIFF OF THE REPUBLIC OF MOLDOVA**)

http://customs.gov.md/en/content/integrated-customs-tariff-republic-moldova

Customs legislation:

- Customs Code of the Republic of Moldova nr. 1149/2000;
- Order no.292-o /2013 (with further amendments made by Order no 532-o/2013), regarding the facilitation of exports of goods;
- Order no.301-o /2013 (with further amendments made by no. 550-o of Nov. 14, 2013), on streamlining import/export procedures;
- Order no.302-o/2013 on business hours of customs posts;
- Decision no.328-d/2013 on filling out detailed customs declarations for goods shipped through international express post;
- Order no. 286-o/2013, on amending the Order no. 346-o/2009, on approving the Technical Rules for the printing, use and completion of the detailed customs declaration.

# Compliance : << Ecuador >>

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

| Current process | Envisioned process |
| --- | --- |
| • MTAs<br>• Road controls by the Ministry of Environment police.<br>• Criminal Organic Law | • National regulation in application of Protocolo de Nagoya.<br>• National System of Registration and Acreditation of Researchers<br>• Traceability through Ecuadorian Platform<br>• MTAs<br>• Road controls by the Ministry of Environment police.<br>• Criminal Organic Law<br>• ABSCH<br>• WIPO |

# Compliance : Brazil

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- **Nagoya Protocol:**
  - members are responsible for inspecting and enforcing the applicable norms, be it as a provider or as a user
  - Countries must establish clear and transparent laws, in particular to ensuring legal and regulatory security for users

- **Brazil Legislation** on Biodiversity scope is focused on native GH:
  - Certificates/Registry
  - Nagoya will require updates: ABS clearing house and other countries legislations
  - **CGen** – enhance personal and financial resources

# Compliance : Bhutan

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- *As per Biodiversity Bill 2019*
  - *Article 129: The Competent National Authority shall, on the recommendation of the National Focal Point, designate check points for the purpose of monitoring and tracking access and utilization of genetic resource or associated traditional knowledge.*
  - *Article 130: The National Focal Point shall cooperate with member states to ensure compliance with respective legislation of member countries relating to access to genetic resources or associated traditional knowledge.*

# Compliance : COSTA RICA

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

# Compliance : Poland

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- UE Regulation No 511/2014 *on compliance measures for users from the Nagoya Protocol on Access to Genetice Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union*
- Polish Act of 19 July 2016 *on Access to Genetic Resources and Sharing of Benefits Arising from their Utilization*
- Institutional arrangement in place
- Intensive plan of regular checks on users compliance conducted by network of environmental inspectors (80 entities controlled each year)
- Information and communication activities addresses to the main groups of potential users

# Compliance : << Lao PDR >>

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

Some of this is mentioned in question 5 of the monitoring utilization above. Terms and conditions in the permission and mutually agreed terms of genetic resource utilization seem to be measures for the users under its jurisdiction.

In addition, we use user performance and their reputation for priority of using our genetic resources.

# Compliance : <<Belarus>>

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

As already mentioned, Belarus has developed a system for accessing genetic resources in compliance with the NP Provisions, which can be found on the website of the National Coordination Centre on Access to Genetic Resources and Benefit-sharing.

The Database to monitor the GRs use is the only developed tool now to record the transfer of genetic resources and the terms of their utilization.

Mutually agreed terms include requirements (provisions) on the user's obligation to inform the provider of genetic resources on any changes in the terms of GRs utilization.

# Compliance : Seychelles

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- It needs to put in place mechanism for monitoring the have information from the user on the conditions of access (regular M&E)

# Compliance : << Cameroon >>

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

Application of the national law or Administrative procedures and reporting of cases utilization of genetic resources from other countries in our Country when informed to the Focal Point of the Providing Country. We expect vice-versa

# Compliance : Antigua and Barbuda

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

Once we receive information that a user is utilising resources in Antigua and Barbuda, we will communicate with the user and ensure they are using the resource in accordance with the legislation or regulatory framework in place in the Provider country

# Compliance : Germany

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

**Art. 4 EU Reg.:** General due diligence obligation

- User to ascertain that
  - GR/TK accessed in accordance with applicable ABS legislation
  - Benefits fairly & equitably shared upon MAT

**Art. 7 EU Reg.:** Obligation to file due diligence declarations

- 2 checkpoints
  - Art. 7.1 at stage of research funding
  - Art. 7.2 at last stage of product development

**Art. 9 EU Reg.:** Compliance checks

- On the basis of
  - Periodically reviewed control plans using risk-based approach
  - Substantiated concerns

**Art. 5 EU Reg.:** Register of collections

&

**Art. 8 EU Reg.:** Recognition of best practices

- Both options for mitigating risk of non-compliance

# Compliance : Saint Kitts and Nevis

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- SKN is primarily a provider country. No formal mechanisms have been put in place to ensure users of GR are in compliance with ABS requirements from provider countries

## Compliance : << República Bolivariana de Venezuela >>

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- There is currently no administrative procedure to comply with the ABS requirements of the supplier countries.

# Compliance : URUGUAY

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

The users in  Uruguayan jurisdiction must comply with Ministerial Resolution 1844/2017 and fill in the Application Form for Access to Genetic Resources and/or Biochemical Compounds, which are uploaded at the Ministry website.

- **In the Provisional Application Form for Access to Genetic Resources and / or Biochemical compounds for non-commercial research purposes:** it is requested to specify who will have access to Genetic Resources, “natural persons authorized under the responsibility of the applicant” (item 4.1) and in the Applicant´s Statement (items 5.4, 5.5 and 5.7).
- **In the Provisional Application Form for Access to Genetic Resources and / or Biochemical Compounds for commercial purposes.** It is requested to specify who will have access to Genetic Resources  “natural persons authorized under the responsibility of the applicant” (item 4.1) and in the Applicant´s Statement (item 5.2, 5.3, 5.4. 5.5, 5.6.5.7 and 5.8).

# Compliance : United Kingdom

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

## Awareness Raising

- Improve awareness of responsibilities through running sector specific workshops, visiting businesses/users, writing articles etc.

## Audits

- Remote audits for companies to complete and return to us
- In-person interviews
- Currently designing an approach to inspections and running first inspection programme

# Compliance : Switzerland

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- Visits to companies checks prepareness for fulfilment of due diligence
- Talks at stakeholder association meetings
- Yearly «user» conferences with possibility to ask questions
- informal thematic discussions on open questions for implementation
- Help desk answers questions from users by mail and phone

## Compliance : 

**2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?**

- If the user is sourcing material from outside the country, they are required to provide proof that shows that they are compliant with the requirements of the provider country, in accordance with the Nagoya Protocol on ABS.
- National measures are still under development.

# Compliance : << Serbia>>

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

Implementation of Nagoya Protocol will be fully in place in 2020, after the revision of the national legislation related to nature protection. This process is followed by implementation of the Regulation (EU) 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 and related Implementing Regulation. Provisions of the national legislation relating to ABS will be in line with EU Regulations, as they are subject of EU membership negotiations process.

# Compliance : SENEGAL

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

Sur ce plan, les mesures à prendre vont dépendre de la nature de la démande fournie par l'utilisateur et de l'utilisation même de la ressource.

In this regard, the measures to be taken will depend on the nature of the demand provided by the user and the very use of the resource.

# Compliance : Rwanda

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- N/A
- The system yet to be established
- Provisions in the draft Ministerial Orders

## 18. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

Chapter 9 of the draft Act allows to handle the situation of non-compliance and also to make rules and regulation regarding compliance of the NP

*No customs officer shall:*

*(1) accept a permit for export of genetic resources, or biological resources to be used for the purpose of accessing genetic resources, that is not accompanied by an access permit issued by the permitting authority; and*

*(2) allow the import into Pakistan of genetic resources that are not accompanied by an international certificate of compliance*.

Again Pakistan will benefit from the experiences of other parties.

# Compliance : The Netherlands

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- The Netherlands have implemented the Nagoya Protocol in a special Act. High penalties can apply (max 6 years imprisonment).
- A survey was made to identify user groups in 2014
- A target group and risk analysis was made in 2017 as basis for an enforcement strategy.
- Inspectors have been trained (ongoing)
- The NVWA are actively carrying out inspections on users since 2017. We started with inspections on the spot, but are now experimenting with digital (remote) inspections, sometimes followed up by a physical inspection.

# Compliance : NEPAL

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- Nepal is a developing country, rich in Genetic resources and traditional knowledge. Hence, can have more role as a provider country than the user country.
- However, the draft ABS Bill has clearly planned that before accessing the genetic resources prior informed consent and mutually agreed terms need to be established.
- The national users need to contact through Provincial Genetic Resources Management Council and the international users need to contact through National Genetic Resources Management Council before reaching to the owner of the GR and TK.

# Compliance : MADAGASCAR

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

**In each MAT, a clarification will be given on the settlement of the disputes with the users: first the mediation, then the arbitration, then by the way of the national jurisdiction, in application of the Malagasy law**

# Compliance : State of Kuwait

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- It currently falls to the concerned organization.

# Compliance : << KENYA >>

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- N/A

# Compliance : << Jordan >>

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

1- international arbitration and public sanctions.
2- Environment protection law.
3- Access and benift sharing by-law (when enter enforce)
4- MAT

# Compliance : Guyana

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

# Compliance : << FRANCE >>

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- France follows the EU regulation that transposed the compliance part of the Protocol.
- Thus, users have to fill online a due diligence declaration when they use GR from a country Party to the Nagoya Protocol, with evidence that they are compliant with ABS requirements from provider countries.

# Compliance : FINLAND

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- According to the Act on the Implementation of the Nagoya Protocol, users who import to Finland genetic resources or traditional knowledge shall provide notification to the competent authority within one month from the import date the National Competent Authorities
- The EU member state users of foreign genetic resources and TK must follow due diligence as set out in EU Regulation 511/2014
- Inspections of user organisations

# Compliance : European Union

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- Checks on user compliance (Art. 9 of the EU ABS Regulation)
  - Carried out by Member States
  - Risk-based approach
    - Surveys on users of GR/ TKaGR
    - Awareness-raising as part of the plans
  - Taking into account application of best practice

- Rules on penalties – established at Member State level (Article 11 of the EU ABS Regulation)

# Compliance : Austria

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- In Austria the respective requirements are contained in the federal law Implementing the obligations under the Nagoya Protocol and Regulation (EU) No. 511/ 2014 (Federal law Gazette I No. 36/2019).
- **Preparation of risk-based implementation plans** (Art. 9 EU ABS Regulation) started.
  - The control plan will describe the procedures, controls or assigned activities required to verify compliance.
  - The first step is to identify and record the sectors and sub-sectors that are potential users of genetic resources. Via Internet research, enquiries to umbrella organisations and interest groups, a list of possible sectors concerned is compiled.
  - Risk criteria will then be identified, on the basis of which an initial selection can be made. For a brief profile of the institutions/organisations concerned, the following information can be collected via Internet, patent databases and commercial registers: institutional structure, location of the R&D department, annual budget or R&D expenditure, internal job offers (natural scientists), products, innovation prizes, publication of research results and future strategies.

# Compliance : << Côte d'Ivoire>>

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- This question is not yet dealt with. We will take it into account in the process of setting up checkpoints and compliance measures elaboration.



# Compliance : << Burkina Faso >>

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- **Creation and institutionalization of checkpoints**
- **Inspections and unannounced visits to facilities and realizations**
- Provision of the necessary financial and human resources
- Capacity building of these checkpoints
- Awareness of RG and CTa users
- Inspections and unannounced visits to facilities and realizations

# Compliance : << BENIN >>

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- **NON PRISE EN COMPTE DANS LES DIRECIVES NATIONALES APA EN VIGUEUR**
- **A PRENDRE EN COMPTE DANS LE CADRE DE L'ELABORATION DE LA LOI APA EN PREVISION**

# Compliance : Flanders / Belgium

2. What measures does your country take to ensure users under its jurisdiction are in compliance with ABS requirements from provider countries?

- Information is key, so we started with round tables and gatherings explaining the NP
- Next step will be to monitor administrative steps in eg. Import documents
- Under the EU regulation, Member States must develop an inspection plan using a risk-based approach.

Monitoring utilization

# 3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

# Compliance : << Bhutan >>

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- In case of non-compliance, the case will be dealt according to the law of the kingdom (Penal Code of Bhutan)
- Dispute shall be solved as per the Alternate Dispute Resolution mutually agreed by parties
- Seek cooperation of member states

# Compliance : Brazil

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- *Novos Rumos* operation issued fines over US$ 50 million
- Right of appeal to the Cgen
- Several fines were reviewed, and there are still many lawsuits
- Law 13,123/15 tried to resolve non-compliance issues with the compromise term

# Compliance : Peru

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- The country does not have in its legal norms sanctions and infractions. They are being incorporated in the update of the national regulation for their sanction.

# Compliance : Dominican Republic

3. Please **describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance**?

- ✓ **Use** the MAT standard terms for Non-Compliance Cases
- ✓ **Apply** Administrative Sanctions
- ✓ **Execution** of the Bond
- ✓ **Notify** the ABS CH







3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

If such a situation arises, the issue will be resolved in accordance with national legislation and international rules and procedures.

In a special Law of the Republic of Tajikistan No. 506 dated March 26, 2009 “On statutes and regulations”, it is stipulated, that in case of questions which are not addressed in national legislation, the country acts in accordance with international legal acts if this does not contradict with the national legislation.



# Compliance : Republic of Moldova

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- In our country the import / export of any species from the wild fauna or flora and product and derivative of them requires a permissive act from the Environment Agency - subdivision of the Ministry (MARDE). For CITES species – it is need to obtaining the CITES permit/certificate, but for non-CITES species - Environmental Agreement.
- The Customs Authority has an electronic TARIM permit system. Beneficiaries of objects of the vegetal and animal kingdom (including genetic resources) must obtain all necessary documents, including CITES Permits or Environmental Agreement.
- Thus, for any plant or animal, which represents a genetic resource, it will be difficult to cross the borders of the country without a permissive document for the import /export procedures.

# Compliance : << Ecuador>>

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?



Real case: *Solanum galapagense*

https://patents.google.com/patent/WO2014128268A1/en



# Compliance : Brazil

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

# Compliance : Bhutan

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- In case of non-compliance, the case will be dealt according to the law of the kingdom (Penal Code of Bhutan)
- Dispute is solved as per the Alternate Dispute Resolution mutually agreed by parties

# Compliance : COSTA RICA

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

# Compliance : Poland

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

Cases of non-compliance, identified as a result of the user check, are subject to a financial penalty determined by a decision of the regional inspector competent for the place of residence or the site of the user, or the place of conducting operations related to the utilization of genetic resources:

- For transfer or utilization of GR or TK related to GR without MAT or inconsistently therewith – from PLN 5000 to PLN 100 000 *(1 USD = 3,9 PLN)*
- For failing to seek, keep and transfer to subsequent users information and documents referring to the material or for failing to keep the information relevant to access and benefit sharing for twenty years after the end of the period of utilization - from PLN 1000 to PLN 100 000.
- For utilization of GR despite failure to obtain an access permit or its equivalent and to establish mutually agreed terms - from PLN 10 000 to PLN 200 000.
- For failing to submit a DDD when applying for financing the research - from PLN 1000 to PLN 20 000.
- For failing to submit a DDD or the information from IRCC at the final stage of product development - from PLN 5000 to PLN 100 000.

# Compliance : << Lao PDR >>

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

In general, persons or organizations will be reprimanded, warned, punished, fined, or shall compensate depending on light or heavy penalty accordingly. In some cases withdraw permission might apply for non-compliance issue, while some cases might classify as a concerned list.

# Compliance : <<Belarus>>

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

In harmonizing national legislation with the Nagoya Protocol, the Republic of Belarus plans to provide for liability measures for non-compliance cases in the Code of Administrative Offenses of the Republic of Belarus.

The main expected problem is a mechanism to identify non-compliance with the Nagoya Protocol.

# Compliance : Seychelles

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- User A takes plant species for scientific research . Checkpoint in User country (research and development) reports non-compliance. Seychelles as provider country contacted through checkpoint communique . Seizure of materials by CNA in user country, return of GR to provider country followed by legal action.

# Compliance : << Cameroon >>

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

# Compliance : Antigua and Barbuda

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

We would first determine what approach the Provider country focal point would like us to take ranging from seizure and repatriation of the resource, attempting to re-negotiate on behalf of the provider or to open a line of communication with the focal point of the Provider country and the user.

# Compliance : Germany

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- **CNA undertakes compliance check**
  - Triggered by risk-based plan or
  - Substantiated concerns

- **Check leads to CNA assumption of a situation of non-compliance**
  - CNA requests user to show relevant documents (PIC/MAT)

- **If no relevant documentation provided**
  - **Reactive measures are taken**
    - User asked to remedy non-compliance (get PIC/MAT)
    - Prohibition to further utilize until successful remedy
    - Seizure, confiscation if remedy unsuccessful
  - **Due diligence violation is sanctioned**
    - Regulatory fine up to 50.000 €
    - Regulatory fine may exceed financial benefit that perpetrator has obtained (i.e. 50.000 € may be exceeded, in principle ad infinitum)
  - **NFP / CNA of provider state is informed**

# Compliance : Saint Kitts and Nevis

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

## Compliance : << República Bolivariana de Venezuela >>

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- If it is proved that an investigator has accessed the genetic resource without making the appropriate request, an administrative procedure will be opened before the Public Ministry.

# Compliance : URUGUAY

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

There will be a chapter where sanctions will be established in case of non-compliance, in the regulatory decree that is being drafted.

# Compliance : United Kingdom

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?




- Education
- Informal Warning
- Enforcement undertaking
- Compliance / Enforcement / Stop Notice
- Formal Caution
- Fines
- Product withdrawal / Seizure
- Court Action
- Publicity

# Compliance : Switzerland

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- Spot check for fulfillment of due diligence requirement for the GR / utilization in question

- administrative measures: ban on utilization of the GR in question

## 3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

**A person convicted of any offence in terms of ABS legislation is liable to :**

- Imprisonment not exceeding 5 years
- 10 years for second offences
- Fine not exceeding R5-million
- R10-million for second offences
- Both fine and imprisonment



# Compliance : << Serbia>>

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

When shortcomings have been detected, the competent authority shall issue a notice of remedial action or measures to be taken by the user. Depending on the nature of the shortcomings, competent authority may also take immediate interim measures.

If the shortcomings cannot be corrected, or the user does not want to correct them, CA shall apply the rules on penalties applicable to infringements and shall take all the measures necessary to ensure that they are applied. The penalties provided for shall be effective, proportionate and dissuasive.

# Compliance : SENEGAL

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- Pas d’experience vecue dans ce cas de figure.

- No experience lived in this case

# Compliance : Rwanda

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- In case of non-compliance,
- The permit shall be withdrawal
- The fines shall be imposed

19. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

Set procedure is defined in the draft law to proceed on situation of non-compliance (Reference Chapter 8). Penalties both fines as well as imprisonment are prescribed

# Compliance : The Netherlands

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- The enforcement strategy is primarily focused on remedial action (Administrative law). For example, if a document is missing, the user will get a reasonable period for getting the document. If this is not possible, but the document is needed, the user can be summoned to stop the use. The Minister can take immediate interim measures to enforce this.
- Serious offences will be forwarded to the prosecutor (Criminal law). Max 6 years imprisonment.
- There have not been cases of non-compliance yet.

# Compliance : NEPAL

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

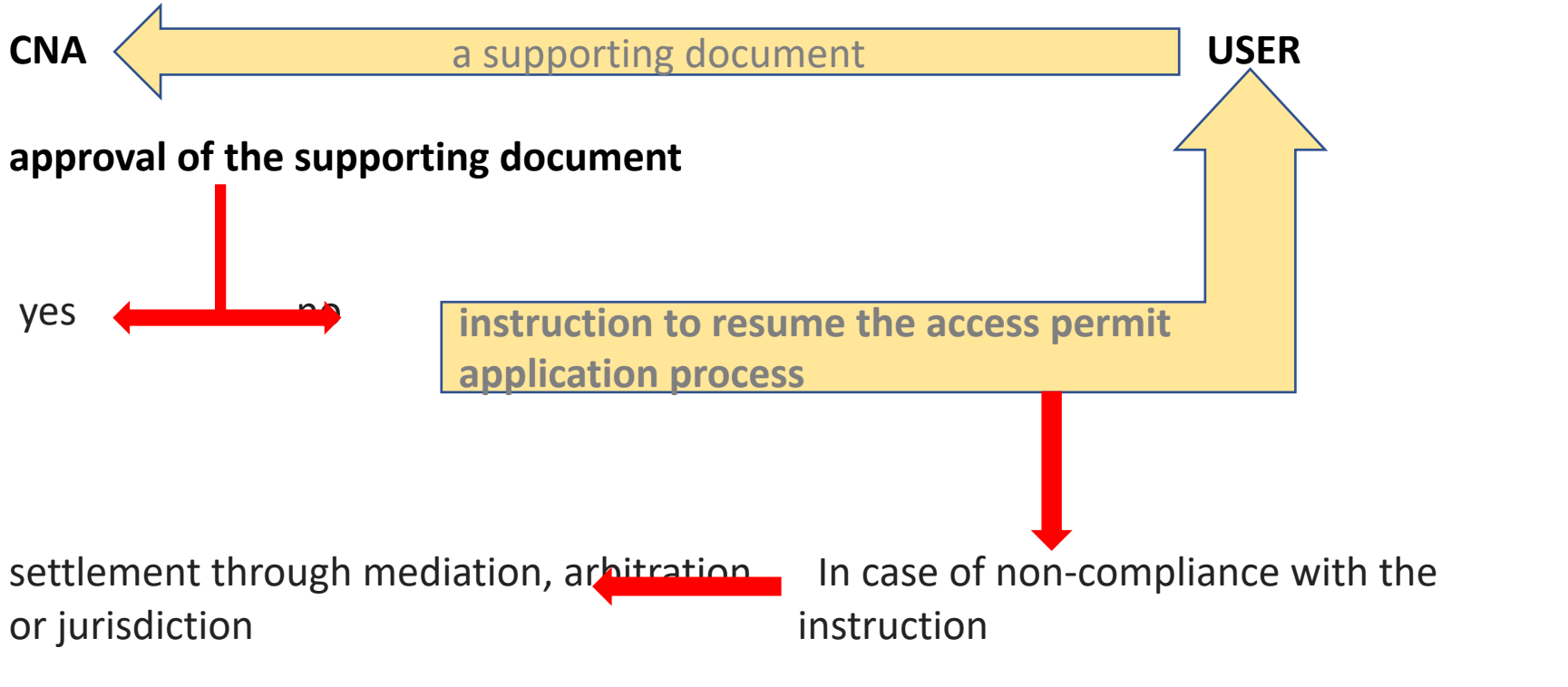
- Not available
- It would be very difficult if Nepal has to deal with the issue of non-compliance as the lawsuits in international courts are expensive and the technical capacity is not adequate to monitor such issues. We firmly believe that the transparency and accountability are most important element of Nagoya protocol.

# Compliance : MADAGASCAR

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

Hypothetical situation :

- change of GR use, non-compliant with the terms of the MAT
- or a transfer of GR to a third person or entity, without the authorization of the ANC



# Compliance : State of Kuwait

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- Where an issue of non-compliance is detected, the managing authority will address the matter with the concerned organization and the materials or data will be seized for further analysis of the situation.
- Correspondence is made with provider country to negotiate the matter at hand and ascertain the procedures and requirements.
- Further steps are taken according to the legal/administrative requirements of the provider country.

# Compliance : << KENYA >>

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

## PART IV-BENEFIT SHARING

19. Application of Part.
This Part shall apply subject to the laws in force relating to intellectual property rights.

20. Benefits sharing.
(1) Without prejudice to the generality of the foregoing, the holder of an access permit shall facilitate an active involvement of Kenyan citizens and institutions in the execution of the activities under the permit.

(2) The facilitation by the holder of an access permit shall include enjoyment of both monetary and non-monetary benefits arising from the right of access granted and the use of genetic resources.

(3) Monetary benefits include –

(a) access fees or fee per sample collected or acquired;

23. Offences.
A contravention or failure to comply with any of the matters provided in these Regulations shall constitute an offence.

24. Penalties.
Any person convicted of an offence under these Regulations shall be liable to imprisonment for a term not exceeding eighteen months, or to a fine not exceeding three hundred and fifty thousand shillings, or both.

# Compliance : << Jordan >>

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

Resort to international arbitration and public sanctions
Through the Component committee the checkpoint send the violation to take action with high level committee and legal unit in ministry of environment

# Compliance : Guyana

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- We recently had a case where a researcher conducted research without a permit. Now when it was time to verify the specimens for export by the CSBD, she had no permit. As such the researcher was not able to export any specimen.

- Other options considered were possible ban and to inform her university.

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- We have not had such a case so far
- However, in case of non compliance regarding research fundings, users would have to return these fundings
- Furthermore, the legislation prescribes that this shall be punished with one year's imprisonment and a fine of €150,000
- If we had to deal with an issue of non-compliance, we probably would :
  - seek to make the user comply with the ABS legislation using the appropriate legal means (judicial/administrative measures), in order to end the infringement
  - we would cooperate with the provider country if it appears there's a risk of non-compliance of the user with its national legislation

# Compliance : FINLAND

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- According to the national legislation, a user who intentionally or through gross negligence fails to comply with obligations, shall be sentenced to a fine for a violation of the rules on genetic resources, unless the deed is to be considered a minor one or a more severe punishment is laid down in other legislation.

- The National competent authorities may also oblige the user to provide notification by a notice of a conditional fine or notice of enforced suspension of activities either fully or partly. Provisions on the notice of a conditional fine, notice of enforced compliance and notice of enforced suspension are laid down in the Act on Conditional Fine (1113/1990).

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- CNAs of Member States carry out checks
  - In accordance with a periodically reviewed plan developed using risk based approach;
  - Or when in possession of relevant information (including on the basis of substantiated concern provided by third parties) regarding user's noncompliance
    - Special consideration give to concerns raised by provider countries
  - Checks include examination of
    - Measures taken to exercise due diligence;
    - Documentation / records
  - Possible on-spot checks

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- In accordance with **Federal law Gazette I No. 36/2019** users shall within the meaning of Regulation (EU) No 511/2014, upon request, provide the competent authority with all information necessary for the implementation of Regulation.
- Infringements of the provisions of Regulation (EU) No 511/2014 (Z 1 to 4) and against an obligation to provide information pursuant to § 2 (3) (Z5) will be sanctioned. Administrative penalties of up to EUR 50,000 shall be standardised for the infringements mentioned.
- The competent authority for conducting criminal proceedings pursuant shall be the District Administrative Authority.
- If the Federal Minister for Sustainability and Tourism, in the performance of her duties as the CNA, becomes aware of a situation which constitutes or could constitute an administrative offence, she shall immediately inform the penal authority thereof.
- Some of the provinces in Austria would like to introduce their own regulations.

# Compliance : << Côte d'Ivoire >>

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?




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- ❑ This question will be dealt with on a case-by-case basis in ABS contracts (MAT).

# Compliance : << Burkina Faso >>

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- Non-compliance facts are received and recorded by a Compliance Checkpoint
- The information is transmitted to the ANC + PF-ABS and the ABS-CH
- ANC after verification, initiates amicable settlement procedures;
- ANC takes administrative sanctions
- ANC initiates legal proceedings (At the national, sub-regional and international levels, etc.)

# Compliance : << BENIN >>

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance? PLANIFIER

- **Communiquer l'utilisateur sur le CHM/APA**
- **Informer les autres PF/APA sur l'utilisateur**

# Compliance : Flanders / Belgium

3. Please describe a situation (hypothetical or real) outlining how your country might deal with an issue of non-compliance?

- We believe that guidance of the users is our main concern and that this is a participative process. Communication & information is key, and sanctioning will be the lender of the last resort.

# Monitoring utilization

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

# Compliance : << Bhutan >>

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Administrative, Legal and Policy frameworks are in place and functional.
- Procedure to obtain PIC and establish MAT is in place
- There is a provision to address Trans boundary compliance in the revised bill

*Article 130: The National Focal Point shall cooperate with member states to ensure compliance with respective legislation of member countries relating to access to genetic resources or associated traditional knowledge.*

# Compliance : Brazil

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

**N/A**

# Compliance : Peru

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- The difficulties in the monitoring and evaluation of the authorizations due to the complex traceability of the processes and information in this kind of projects.
- Have a fluid communication between the competent authorities and patent offices from other countries.

# Compliance : Dominican Republic

4. Please reflect on your **experience regarding compliance (Articles 15 & 16).** What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

To comply with these articles we have initiated a **capacity building** process, institutionally and with communities.



It is a big challenge to fulfill all the regulation requirements but we are **making efforts**…





# Compliance : << Tajikistan >>

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?




Following the implementation of the Nagoya Protocol, the National Biodiversity and Biosafety Center officially issued 12 permits for the export of seed, herbarium and living organs of plants.

Regarding commercial products (ferula juice, licorice root, ephedra stems, rose hips, sea buckthorn and their relevant derivatives) relevant permits are issued by the Ministry of Economic Development and Trade of the Republic of Tajikistan.

# Compliance : << Ecuador>>

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

## Challenges

- Have a new national regulatory framework on ABS.
- Negociation under Ecuadorian Constitution parameters.
- Previous Informed Consent from Indigenous Peoples and Local Communities (each one have their own consuetudinaries norms).

## Concerns:

- Valorization of biodiversity.
- Valorization of traditional knowledge.
- Traditional knowledge linked to biological resources (not to genetic resourses).
- New regulatory framework on ABS must be accurated.
- Shared biodiversity through region.

## Greatest accomplishment

- Agreement of all National Competent Authorities: new regulation draft, Ecuadorian Platform project.

# Compliance : Bhutan

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

Administrative, Legal and Policy framework is in place and functional.
Procedure to obtain PIC and establish MAT is place
There is a provision to address Trans boundary compliance in the revised bill

*Article 130: The National Focal Point shall cooperate with member states to ensure compliance with respective legislation of member countries relating to access to genetic resources or associated traditional knowledge.*

# Compliance : Poland

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

Our compliance system is based on checks conducted by environmental inspectors on the basis of the yearly plan of checks.

Activities that are subject to control are very complicated and highly specialised and this is the biggest challenge to the inspectors who are in a disadvantageous position in relation to the entity that is controlled.

# Compliance : << Lao PDR>>

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

Based on our experience in compliance with the regulatory requirements, the permission is granted within a short period and is identified as a respect and transparency user which shall be related to further collaboration.

An important question for me here is… what is the most effective assessment and monitoring for ensuring the user compliance under its jurisdiction that seems to be related to question 2 above?

Can you share a very concreate example on this matter?

# Compliance : <<Belarus>>

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

Currently, access to the genetic resources of Belarus is ensured according to the text of the Nagoya Protocol itself, as national legislation does not stipulate related provisions yet, including legal norms to determine non-compliance with the Protocol.

Proposals for amendments and additions to the national legislation of the Republic of Belarus were prepared as a result of the implementation of the UNDP-GEF Global Project “Strengthening of human resources, legal frameworks and institutional capacities to implement the Nagoya Protocol in the Republic of Belarus” and submitted to the National Competent Authority – the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus – to be included in the plan for regulatory legal acts.

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

## Greatest Challenges

- Inability to enforce (legislation)
- Applicants failed to adhere to conditions stipulated in MTA
- Failure to provide right information and report promptly

# Compliance : Antigua and Barbuda

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

Ensuring compliance with our MAT when our genetic resources leave our shores has been one of our biggest challenges.

We have also been under utilising the ABSCH to get into contact with the Focal Points of User countries.

# Compliance : Germany

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Concern:
  - Insufficient responsiveness of NFPs / CNAs in provider states
    - No response / answers at all by some provider states
    - Users are often put off over months without providing answers / guidance or taking decisions
    - Email addresses published on ABS CH sometimes do not work
  - Leading to situations of (unintended) non-compliance or blocked scientific research projects

## Compliance : << República Bolivariana de Venezuela >>

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- The implementation of ABS in practice, in particular the development of ABS legislation, presents many challenges, there are weaknesses to follow up on all activities related to the genetic resource and even more when the resource leaves the national jurisdiction.

# Compliance URUGUAY

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

It is a challenge to think about mechanisms that are in accordance with the provisions of Art. 16, due to the particularity of the Traditional Knowledge Associated (TKA) holders in our country, who are mostly family farmers with private territorial management.

# Compliance : United Kingdom

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

**Main challenge:** Identifying potential users – easier for some sectors than others

**Main concern:** Users report spending a long time chasing up provider countries for details of access measures with little response or clarity – it can delay, restrict or prevent important research. Both users and providers miss out on potential benefits.

**Important questions:** Issues around scope. Practicalities of inspections. What's to stop users lying about the point of access?

**Accomplishments:** Our awareness raising and user engagement. User feedback shows increased level of engagement, urgency to develop internal procedures and feeling of "empowerment" (actual quote) rather than being worried about the legislation





# Compliance : 

**4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?**

## Challenge:

- The Users are not sourcing directly from the providers. They use Agents from the provider countries to supply them with the required genetic materials.
- Hence, they usually not in position of a permit apart from a letter from their Agent.

## Primary Concerns:

- Lack of ABS legislation in the provider countries.

## Important question:

- At what stage should an inquiry be considered to have been attended to?

## Accomplishment:

- None.

# Compliance : << Serbia>>

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

The biggest concern regarding compliance measures is appropriate transposition of the provisions of the Protocol into national law. Sometimes it is not possible to transpose into national law all the provisions of international agreements because of a different way of writing and adopting regulations.

# Compliance : SENEGAL

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

Notre plus grand défi actuellement est de mettre en place une legislation nationale appropriée relative au protocole de Nagoya et APA pour pretender gérer les questions de conformité.

Our biggest challenge right now is to put in place appropriate national legislation related to the Nagoya Protocol and APA to pretend to handle compliance issues.

# Compliance : Rwanda

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- We are in process to develop the specific legislation related to genetic resources

20. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

Once the ABS regimen is established, we would be able to share experiences

# Compliance : The Netherlands

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Identifying “users” is a challenge.
- We found that companies/institutions try to comply, but are at the moment risk-avoiding and try not to use genetic resources where access rules apply.
- Companies fear the administrative burden, but are implementing Nagoya Protocol in their administration.
- Not getting replies from National Focal Points of provider countries is frustrating users that are trying to comply.
- Awareness raising first, but carrying out inspections is an important incentive for users to really start implementing the Nagoya Protocol.
- Implemented new inspection method: digital inspection. Users get an online questionnaire that they are obliged to fill in. This way they have to demonstrate if they are user / no user, what kind of genetic resources, from which countries, how they fulfill their due diligence obligations. Can be followed by a physical inspection. Small group of specialized inspectors and keeping them up-to-date is a challenge.

# Compliance : NEPAL

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Nepal still need to develop appropriate, effective and proportionate measures to address situations of non-compliance
- The draft bill has few provisions of Punishment and Penalties for the violation of the national law. Respective District Court has jurisdiction for the cases for the violation of the Act. However, Nepal Government may formulate necessary Regulations for the effective implementation of the Act

# Compliance : << KENYA >>

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Designating check points who are active
- Not to ready to reveal/ share information

# Compliance : << Jordan >>

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

In the same region there is the same genetic resource in more than one country. ( regional and international challenges).

# Compliance : Guyana

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Not much efforts has been placed on compliance and understanding of the ABS framework is lacking.
- Absence of legislations makes it more difficult.
- Major concerns include the sharing of TK from ILCs when interacting with researchers/users.

# Compliance : << FRANCE >>

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Biggest challenge : to raise awareness about ABS, to have a good system of monitoring the utilization of GR within our jurisdiction
- Primary concerns : means and methods to plan and conduct checks effectively
- Important questions : how can the Parties cooperate effectively in a case of non-compliance ?

# Compliance : FINLAND

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Potential users of GR or TK may be difficult to identify
- Sufficient awareness raising is challenging
- Users of GR or TK may not understand that their activity fall under obligations in the NP, EU Regulation or national ABS legislation

# Compliance : European Union

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- On the ground checks carried out by the Member States
- EU most advanced in implementation
  - Still – delays in setting up institutional and administrative framework in the MS (infringement action)
  - Early days of implementation:
    - (almost) all MS set up institutional framework
    - not all MS yet carry out checks
- Main challenges (as identified in the Implementation Report, prepared by EC, 2018):
  - Low level of awareness about ABS
  - Users complain about complexity of the system and unclear wording of the obligations
  - Technical file – challenging also for authorities

# Compliance : Austria

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- The federal law entered into force in May 2019.
- Biggest challenge at the moment is the development of an effective risk-based implementation plan which will be the basis for a lot of other tasks.

# Compliance : << Côte d'Ivoire>>

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?




- In my opinion, the main challenge remains the monitoring of the resources once the information given by the checkpoint communiqué is not accurate as mentioned on the permit. What to do?... it's a real concern for me.

# Compliance : << Burkina Faso >>

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- What effective national measures to enforce compliance?
- Accessibility to international jurisdictions
- Frank cooperation from Parties where RG / CTa is used
- How to prevent possible corruption or combat it

# Compliance : << BENIN >>

4. Please reflect on your experience regarding compliance (Articles 15 & 16). What are some of your biggest challenges, primary concerns, important questions or greatest accomplishments?

- Le Décret portant Directives nationales APA du Bénin a été élaboré et adopté comme mesure intérimaire, pour combler le vide juridique en la matière. Elles servent de code de conduite applicable en cas d'accès aux RG et CTA du Bénin en attendant la prise d'une loi spécifique APA qui va aborder tous les autres aspects du Protocole de Nagoya sur l'APA. Le but est de faciliter les recherches aux étudiants et autres chercheurs qui sont confrontés à des problèmes d'autorisation d'accès, en application de la Convention sur la diversité biologique et des Accords multilatéraux qui en sont issus pour continuer les travaux de recherche dans les laboratoires extérieurs et les coopérations universitaires.
- Elaboration d'une loi spécifique APA : Grands défis
  - Non maîtrise des implications de l'application des lois et certains Accords de partenariat des pays utilisateurs sur l'utilisation des RG du Bénin
  - Comment tenir compte de l'inclure dans le champ d'application de la loi, les informations de séquençage numérique (ISN)
  - Comment définir les concepts de « Accès simplifié » et « Accès accéléré »et les procédures y afférentes dans la loi (Article 8)

# Monitoring utilization

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to compliance (Articles 15 & 16)

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to compliance (Articles 15 & 16)

## A case of a PhD student from Bhutan

Access was granted to five plants based on MTA
Research was conducted in Australia and Thailand
Discovered anti-malarial compound
Tried to file patents in Australia and Thailand on their own.

But

Because of certain obligations in MTA, they couldn't file in those countries and referred to material originating country for consciences
They have to transfer the research results to Bhutan and the patent was filed accordingly.

# Compliance : Brazil

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to compliance (Articles 15 & 16)

**N/A**

# Compliance : Peru

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to compliance (Articles 15 & 16)

5. Please share **a very interesting real-life story, funny anecdote, amazing case or marvelous example related to compliance (Articles 15 & 16)**

**What can we say?** Let's just say that getting investigators to comply with legislation requirements has been a tough challenge, full of all types of surprises









# Compliance : << Tajikistan>>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to compliance (Articles 15 & 16)

An attempt was prevented to smuggle ferulia seeds outside the country for the purpose of growing and then collecting gum, which is used for pharmaceutical and cosmetic purposes, and also as seasoning added to food in the countries of Asia.






To identify economic, pharmaceutical and cosmetic value of the exported material, a working commission was created with the involvement of scientists and specialists.

After the assessment, the seeds were confiscated and returned to local farms for sowing in Tajikistan.

# Compliance : << Ecuador >>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to compliance (Articles 15 & 16)

PIC obtention →(San José de Payamino - Quechua Amazon Community)

- Etnobotanical Research
- Results: 5 possible commercial uses
- Herbarium (National Support Entity) and Researcher contact State to inform and for governmental advice
- Ministry of Environment requires PIC to give a new authorization
- 1-Researcher socializes project with community 2-Debate in community
- Act authorizing project (must be registered in Gobernamental entity)



https://abs-sustainabledevelopment.net/gallery/la-comunidad-indigena-san-jose-de-payamino-otorgo-el-primer-consentimiento-libre-previo-e-informado-en-abs-en-ecuador/

# Compliance : << Lao PDR >>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to compliance (Articles 15 & 16)

Genetic resources related to human disease is not included in the NP-ABS and it is under the authority of Health Ministry. We have a few applicants who request an assistance for making permission even there is no need.

# Compliance : Seychelles

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to compliance (Articles 15 & 16)

- Compliance doesn’t work every time
- Sorcerer II visited the Seychelles under Diplomatic Flags and to date, we have not get even a report of the GR they collected despite attempts were ma

# Compliance : Antigua and Barbuda

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to compliance (Articles 15 & 16)

Montserrat

- Overseas Department of the United Kingdom
- Antiguan student going overseas to study with fish purchased from the market

# Compliance : << República Bolivariana de Venezuela >>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to compliance (Articles 15 & 16)

- Some cases of misuse of genetic resources have been identified in the country, basically due to misappropriation of resources, without prior informed consent.

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to compliance (Articles 15 & 16)

No matter who runs the workshop, leads a meeting, or gives the presentation, all businesses, without fail, send their enquiries to Katie. Never Rob.





# Compliance : << KENYA >>

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to compliance (Articles 15 & 16)



## 2.3 MILLION FOR LAKE BOGORIA COMMUNITY IN ENZYME ROYALTIES

Oct 08 2014 | By: limobk | 0 | Tags:

Residents living around Lake Bogoria in Baringo County have benefited from Ksh 2.3 million in royalties from a Danish Bio-Enzyme company which was issued in form of bursary to over 249 students from the...

Read More »

The Baringo County has confirmed recent media reports that residents living around Lake Bogoria in Baringo County have received the sum of KES 2.3 Million in royalties from a Dutch bio-enzyme company. According to Baringo County news, this royalties deal comes after "successful negotiation between the Kenya Wildlife Service (KWS) and Novozyme – a foreign company that took an enzyme drawn from a Bacteria in Lake Bogoria hot springs about 15 years ago". It is reported that the royalties will be partly used as bursaries for over 200 local students while part of the funds will be deployed to fund other development projects in the area. However, local civil society organisations have reportedly demanded full disclosure of all the money from the royalties deal.

# Compliance : EU

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to compliance (Articles 15 & 16)

- 1st checkpoint communique published did not include the necessary information about the user…! (not set up in the system properly, despite multiple tests run before)

5. Please share a very interesting real-life story, funny anecdote, amazing case or marvelous example related to compliance (Articles 15 & 16)



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# Additional Information

## Additional information : << Bhutan >>

Please share any other information that you think is important that has not been covered.

**ABSCH activities**

We have not progressed so much because of obvious reasons:

1. Even the Competent National Authority is lacking knowledge on ABSCH and do not have confident to train national users
2. Delayed in passing the ABS Act
3. Lack of fund

# Additional information : Brazil

## Experience in Brazil: monitoring utilization of GR and systems for issuing and tracking permits

- Brazil is an **important** actor within the **international discussions on ABS**
- Brazil occupies almost half of South America
  - 6 biomes: Amazon rainforest; Pantanal; Cerrado; Caatinga; Pampas; Atlantic Forest
  - marine coastline of 3.5 million km2
  - most biologically diverse country in the world, containing 22% of the world's biodiversity
  - more than 305 indigenous ethnic groups and around 40 other types of local communities
  - development opportunities
  - Brazilian agriculture is a major user of exotic biodiversity, while the Brazilian cosmetic, pharmaceutical and biofuel industries are heavy users of national biodiversity

- **Since 2000**, established legislation on access to genetic resources, including the use of genetic information, TK and ABS in accordance with the CBD

- **Law No 13,123/2015**, regulated by Decree No 8,772/2016 - identification of the GR and its origin, even when obtained *in silico*

- **Administrative procedures**: only requires registry in an electronic system for the management of GH and ATK – SisGen

- **Governance system** for access to GR and ATK – Genetic Heritage Management Council

## New aspects brought by Law 13,123/2015:

**"Experience in Brazil: monitoring utilization of GR and systems for issuing and tracking permits"**

- **Facilitated mechanism** for access to GR
  - ✓ Change in the regulation
  - ✓ Previously focused on the control of access to genetic resources
  - ✓ Shifted towards control of economic exploitation of products or reproductive materials
  - ✓ Aiming for innovation and sustainable use and conservationof GR
    - Development of an **online registration system** (SisGen)
      - ✓ **Trace, track and oversee access** to **genetic resources and ATK activities**
      - ✓ SisGen electronic system is declaratory
      - ✓ As opposed to the old *modus operandi* of the Provisional Act
        - The **registration** must only be carried out **prior to specific moments such as shipment, request for intellectual property rights, publication of results and commercialization**. Research and development activities that do not result in any of the above-mentioned activities are not required to be registered
- **Registration is not needed prior to access (research and development)** itself when only the genetic resources are accessed, **without access to traditional knowledge**: these activities are not restrained by any prior administrative procedure for granting access
  - **PIC for access to traditional knowledge is mandatory** and should be obtained directly with indigenous and local communities

# Additional information : Brazil

**“Experience in Brazil: monitoring utilization of GR and systems for issuing and tracking permits”**

- **Feasibility of monitoring of compliance**: based on fiscal and accounting principles and rules
  - A clearly established **point of incidence**
  - **defined percentage** of benefit-sharing
  - **valued** under a specific concept such as **“net revenue”**
- **Single point of incidence -** Economic exploitation of finished product or reproductive material
  - Link with the **highest value added**, discharging R&D
  - Because of the **single point of incidence**, intermediate products are exempt
  - Economic benefits are shared **when they exist**
- **Percentage** of monetary BS derived from the product or reproductive material sales
  - 1 percent of **net revenues**
  - No speculation of values and **no surprises** for genetic resource users
  - Predictability and **legal certainty** to invest in bio-based product arising from access
- **Possibility to share** the benefits through **non-monetary** means
  - 75% of the predicted value for the monetary modality
  - Projects for the **conservation, innovation or sustainable use of biodiversity**
  - Free distribution of products in programs of social relevance
  - Considers expenses in implementation and encourages non-monetary modality
- **Exempt from benefit-sharing**:
  - Licensing, transferring or permitting any use of IP rights
  - Small businesses, micro individual entrepreneurs
  - Traditional farmers and their cooperatives

# Additional information : Brazil

**“Experience in Brazil: monitoring utilization of GR and systems for issuing and tracking permits”**

## Legal requirements for Access to Genetic Heritage or access to ATK in Brazil:

- Access to genetic heritage or associated traditional knowledge for research and technological development purposes depends on **registration** of the activity in SisGen **or prior authorization from the CGen**, as appropriate
- For access to **associated traditional knowledge of identifiable origin, prior informed consent** from the indigenous population, local community or knowledge-providing farmer is required
- In the case of **access to sample** of traditional, local or Creole variety, a **subsample** of reproductive material of the variety subject to *ex situ* collection access maintained by a public institution **shall be required**, except if the sample was obtained from the same collection

## Several notices of infraction (Ibama/MMA)

- Irregular access to genetic resources and associated traditional knowledge
- Encouraging regularization and preventing irregular activities related to access to genetic heritage and associated traditional knowledge

## CONSIDERATIONS FOR FOOD AND AGRICULTURE in the Law No 13.123/2015

**“Experience Brazil: monitoring utilization of GR and systems for issuing and tracking permits”**

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**Agricultural activities** :

- Describes reproductive material as any plant propagating material or animal reproductive material, originating from sexual or asexual reproduction
- The benefits resulting from the economic exploitation arising from access to GR for food and agriculture are to be shared only on the commercialization of the reproductive material

**Includes traditional farmer** in the list of ATK providers along indigenous or local communities:

- *Traditional farmer - Natural person using traditional variety local or Creole or locally adapted breed or Creole and maintains and conserves the genetic diversity of these varieties and breeds, including The family farmer*

**Exemption** of all previous or following links on that same production chain

- Purpose of use of a genetic resource - Food and Agriculture **or** industrial activity
- For example, the sale of food to the final consumer
- Aims not to cause excessive weight in food and agriculture chains

**No differences in procedures** for access to GR (plants, animals, micro-organisms, forests, etc)

**No differences in benefit-sharing rules**: 1% of net revenue is applicable to any subsector

# Additional information : Brazil

**“Experience in Brazil: monitoring utilization of GR and systems for issuing and tracking permits”**

*The **Nagoya Protocol** recognizes the importance of genetic resources to food security and the special nature of **agricultural biodiversity**. The Nagoya Protocol requires Parties to consider, in the development and implementation of their ABS legislation or regulatory requirements, the **importance of GRFA and their special role for food security**.*

**Brazil** is positioned in favor of Global Multilateral Benefit-Sharing Mechanism to resolve ABS:

- Lack of origin information
- Transboundary situations
- Products and reproductive material from multiple access from different origins

**Treaty**:

- No need for PIC to access genetic resources covered by the Multilateral System
- There is already a Global Benefit-Sharing Fund in place
- Sharing of information, crucial for our current scientific demands

**OCDE**:

- Sustainable agriculture with Biodiversity
- Restraining commands shouldn’t be applicable to farmers and bioproducts
- Brazilian legislation foresees DSI of GH - Scope of CBD and the Treaty

**National Fund of Benefit-Sharing - FNRB**

- ATK of non-identifiable origin: 1% of the net revenue, to be paid to the FNRB
- ATK of identifiable origin benefits must be shared with ATK provider and FNRB
  - With the provider, the BS can be negotiated freely, monetary or non-monetary form (BSA)
  - FNRB - 0.5% of annual net revenue or half the value established in the sectorial agreement

# Additional information : Brazil

**“Experience Brazil: monitoring utilization of GR and systems for issuing and tracking permits”**

## CONCLUSIONS

- **Change of focus**: regulating **results** instead of regulating **processes**:
  - Monitoring finished products, instead of monitoring the process
  - End of the chain: economic exploitation of products and reproductive material
  - Relieves the bureaucratic burden of research and development
  - Monetary benefit-sharing should be an obligation when there is a clear monetary benefit being obtained from the use of a genetic resource
- **Effective tracking and tracing tools** allowing monitoring of compliance:
  - Predictable rules – prediction of costs and obligations
  - Legal clarity - encourage the use of genetic resources.
  - More benefits to biodiversity conservation and sustainable use of GR
- **Challenges**
  - Microorganisms and sustainable agriculture - not in the Treaty
  - Radical changes in agriculture prevented by bureaucracy
  - Reconciling technology demands on sustainable biologic agriculture with on-farm requirements and regulatory framework requirements

# Additional information : Peru

Please share any other information that you think is important that has not been covered.

- Peru is currently updating the regulations on access to genetic resources to harmonize it with the specifications of the Nagoya Protocol. This is a participatory process between the governmental, non governmental institutions and civil society.
- This is an opportunity to incorporate the lessons of the practice, strengthen the management of access to genetic resources within the framework of the value chain and strengthen the capacities of the actors involved, officials, researchers, businesses and indigenous peoples. Likewise, the update will standardizes the procedures of the competent authorities and reinforces the promotion of research, innovation and development in Peru. On the other hand, it incorporates a new verification point (National Council of Science and Technology) and develops the sanctions and infractions in case of non-compliance.

# Additional information : Dominican Republic

Please share **any other information that you think is important that has not been covered.**



What has been **really important within the process**?

- ✓ Develop **legal framework**
- ✓ Work closely with **stakeholders**
- ✓ **Sharing experiences** with other countries
- ✓ **Negotiating contracts**: Important lessons!
- ✓ Received **capacity building**







# Additional information : << Tajikistan>>

Please share any other information that you think is important that has not been covered.

---

At this stage of the implementation of the Nagoya Protocol, the country does not yet have a system in accordance with paragraph 17.1. However, it should be noted that the Ministry of Economic Development and Trade of the Republic of Tajikistan practically carries out the functions of regulating the use of genetic resources on a general basis, as simply biological resources, without classification by genetic resources and assessing the price value of genetic resources. All issues are regulated on the basis of a bilateral agreements between the supplier and the user. The benefits are transferred to the budget of the country, distributed equally according to the Law of the Republic of Tajikistan "On the State Budget". Control is carried out by customs authorities in accordance with documents and product certificate of conformity.

Periodically, upon receipt of applications from partners, information is posted voluntarily on the website of the National Biodiversity and Biosafety Center. The main issues on establishing the system for the use of genetic resources are related to the lack of experience in introducing the system, interagency barriers and lack of mechanisms for the use of genetic resources.

# Additional information : INDIA

Please share any other information that you think is important that has not been covered.

| | |
|---|---|
| 1992 | Convention on Biological Diversity |
| 2002 | The Biological Diversity Act |
| 2006 | First ABS Agreement - MAT |
| 2011 | Nagoya Protocol Signed |
| 2012 | 100th ABS Agreement - MAT |
| 2014 | ABS Guidelines |
| 2014 | ITPGFRA Notification |
| 2015 | First IRCC issued |
| 2019 | 1000th ABS Agreement - MAT |



# Additional information : Republic of Moldova

Please share any other information that you think is important that has not been covered.

1. In 2019 year, the Ministry planned to elaborate the drafts of normative acts, as follow:
- the Law on the commercialization of the forest reproductive material / according to the RM-EU Agreement, by harmonizing the national legislation with the provisions of UE Directive 1999/105 / EC from 22 December 1999;
- the new Forest code;
- the Law to amendments to the Law of the Animal Kingdom and the Law of the Plant Kingdom.

2. In Moldova (Chisinau), on 21 of March, 2019, was organized the International Conference: ,,Conservation of vegetal and animal genetic resources in the Republic of Moldova", organized by the Ministry of Agriculture, Regional Development and Environment of the Republic of Moldova, FAO Moldova and the project "Technical Assistance for the implementation of the Sector Reform (European Neighborhood Pro gramme to Agriculture and Rural Development (ENPARD)". In the framework of the Conference have participated representatives (authorities, scientists, communities) from: Moldova, Bulgaria, Romania and Ukraine. During the event I have had a presentation: "*Implementation of the Nagoya Protocol in the Republic of Moldova. Problems and perspectives*."

# Additional information : << Ecuador >>

Please share any other information that you think is important that has not been covered.

**Transition period:**

- From Ministry of Environment to Secretariat of Higher Education, Science, Technology and Innovation

**Normative framework:**

- New regulation draft about to be approved by the President of the Republic of Ecuador.

**Tools:**

- Ecuadorian Plataform (virtual information, to interoperate among National Competent Authorities). This will operativize new regulation.
- **Tradditional Knowledge:**
- National Competent Authority is promoting voluntary deposits of traditional knowledge (registry to evidence TK)

## Additional information : COSTA RICA

Please share any other information that you think is important that has not been covered.

# POST 2020 BIODIVERSITY FRAMEWORK

ABS AND TRADITIONAL KNOWLEDGE GOALS, TARGETS, INDICATORS

# Additional information : Poland

Please share any other information that you think is important that has not been covered.

- Being the member state of the EU, Poland is obliged to implement the regulation (EU) 511/2014 on compliance measures for users of the Nagoya Protocol, and Commission Implementing Regulation (EU) 2015/1866 laying down detailed rules for the implementation of Regulation (EU) 511/2014 as regards the register of collections, monitoring user compliance and best practices. Implementation of those regulations is supported by the Commission Notice - Guidance document on the scope of application and core obligations of Regulation (EU)511/2014.
- In order to create institutional framework for the implementation of EU regulation related to the Nagoya Protocol, Poland has adopted its national legislation - Act of 19 July 2016 on Access to Genetic Resources and Sharing of Benefits Arising from their Utilization (hereinafter: ABS Act)
- Poland does not regulate access to its genetic resources nor to the traditional knowledge
- In order to ensure compliance with NP provisions under Polish jurisdiction, several posts have been created in the Polish administration, including 17 posts in the National Environmental Inspection responsible for conducting user checks
- Each year around 80 entities are being controlled by the environment inspectors

# Additional information : << Lao PDR >>

Please share any other information that you think is important that has not been covered.

This might be discussed after attending the workshop for an effectiveness outputs

# Additional information : <<Belarus>>

Please share any other information that you think is important that has not been covered.

Belarus pays special attention to the problems of the countries of Eastern Europe related to the safeguarding of traditional knowledge associated with genetic resources and ensuring the legal regulation of access to them and their utilization monitoring.

The Convention on Biological Diversity and the Nagoya Protocol emphasize the importance of the maintained viability of traditional knowledge and practices, as their existence and transfer contributes to the conservation and sustainable use of biological diversity and the wider application of such knowledge and practices with consent and participation of their holders.

Belarus proposes to develop a global project to build/strengthen human, institutional and legislative capacities to maintain and ensure legal access to traditional knowledge associated with genetic resources and the viability of such knowledge and the continuous practice of its transfer.



# Additional information : Seychelles

Please share any other information that you think is important that has not been covered.

- Seychelles will focus more of its efforts and capacity in developing sound MATs given limited ability and uncertainties when it comes to monitoring compliance and enforcement.

# Additional information : Queensland, Australia

Please share any other information that you think is important that has not been covered.

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Some examples of biodiscovery occurring in Queensland:

1. University of Queensland and Dugalunji Aboriginal Corporation's spinifex project

http://www.uq.edu.au/research/impact/stories/indigenous-opportunity-sprouts-from-desert-discovery/

2. Griffith University Institute for Drug Discovery

http://statements.qld.gov.au/Statement/2018/10/26/agreement-with-griffith-university-signals-a-major-step-forward-for-biodiscovery

https://www.griffith.edu.au/institute-drug-discovery

3. Queensland University of Technology's resurrection grass project

https://www.abc.net.au/news/rural/2015-12-11/sugars-key-to-resurrection-grass/7021894

https://www.qut.edu.au/news?news-id=100705

# Additional information : United Kingdom

Please share any other information that you think is important that has not been covered.

We have received reports from users that some provider countries have not responded to emails.

We need better awareness of other countries access measures, through up to date information in the MSR and PRO sections on the ABS-CH. This will help us better support users and help further research and development rather than hinder it.



## Please share any other information that you think is important that has not been covered.

- How can the feedback received from the Competent National Authority that received the Checkpoint Communique influence the final decision of the designated Checkpoint in executing their functional duties. If, for instance, the designated Checkpoint is a Patent Office, will a patent be granted regardless of the non-compliance triggered ?

# Additional information : SENEGAL

Please share any other information that you think is important that has not been covered.

- Le Sénégal n'est pas très avancé dans la mise en oeuvre du protocole de Nagoya
- Malgré l'existence d'une stratégie et d'un plan d'action national, la mise en place d'un cadre institutionnel et législatif n'est pas encore effective;
- Le pays est dans le processus d'elaboration d'une loi sur la biodiversité
- Cela va constituer une opportunité pour inserrer des dispositions relavives au protocole de Nagoya et APA;
- Cette loi va constituer la base légale et les autres details de mise en oeuvre du protocole feront l'objet de décrets d'application ou d'arrêtés selon la nature de la question à traiter.

- **Senegal is not very advanced in the implementation of the Nagoya Protocol**
- **Despite the existence of a national strategy and action plan, the establishment of an institutional and legislative framework is not yet effective;**
- **The country is in the process of developing a law on biodiversity**
- **This will be an opportunity to insert provisions related to the Nagoya and APA Protocol;**
- **This law will constitute the legal basis and other details of implementation of the protocol will be the subject of implementing decrees or orders depending on the nature of the issue to be addressed.**

## Additional information : << KENYA >>

Please share any other information that you think is important that has not been covered.

- Monitoring compliance

There are various laws and regulations governing access and benefit sharing in the country which act as tools of compliance. Key among them is the ABS Regulations of 2006 developed under EMCA, 1999. It is important to note that violation of the access and benefit-sharing Regulations 2006, constitute offences under the Act, EMCA, 1999; and violation of Kenyan Constitution (Constitution of Kenya, 2010). Various Acts related to ABS are listed in Appendix V of the Toolkit. Violation of any of these Acts may result in fines, imprisonment and other consequences. Violation may also increase the transaction time needed to obtain a formal access permit by an applicant.

Lead agencies, designated national competent authorities, and providers of GR are responsible for observance of the law and enforcement at any of the stages of ABS. Therefore, it is essential not only to know the relevant policies, principles and laws, but also to have a practical understanding of the various tools and the required procedural steps necessary for full compliance.

# Additional information << Jordan >>

Please share any other information that you think is important that has not been covered.

1) Preparation of Biocultural Community Protocols and linking them to the ABS bylaw;
2) Creating partnerships and linking other stakeholders together;
3) Showcasing bioprospecting in the country

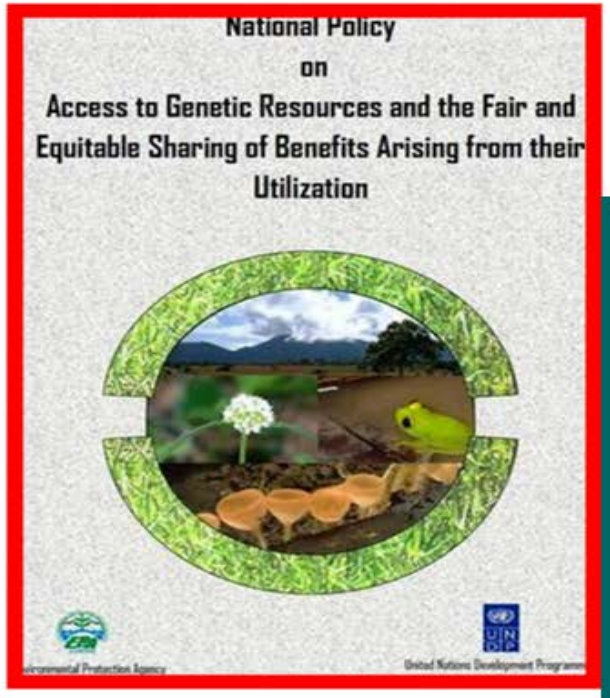
# Additional information : Guyana

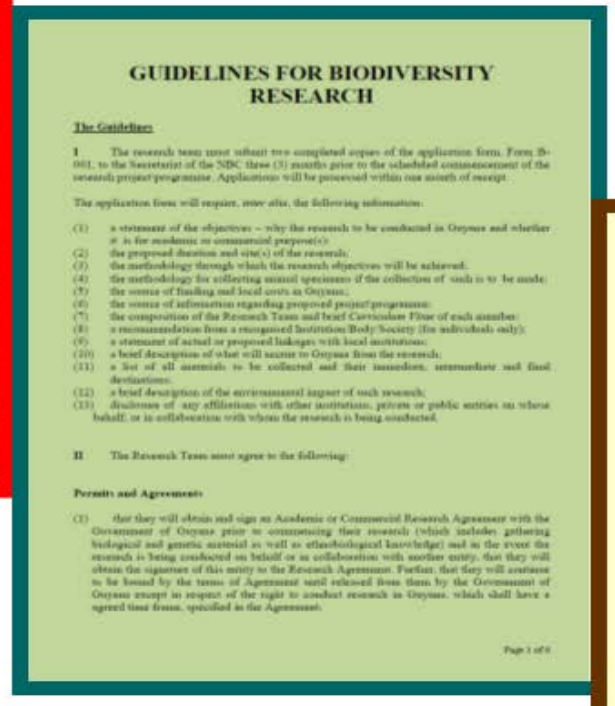
Please share any other information that you think is important that has not been covered.

- Guyana has developed draft ABS regulations.
- An ABS Policy was developed in 2007; needs to be updated along with Research Guidelines which is what currently obtains.
- Model template contracts were developed to assist Indigenous peoples when negotiating with researchers.

# Additional information : Guyana

Please share any other information that you think is important that has not been covered.



GUIDELINES FOR BIODIVERSITY RESEARCH

The Guidelines

I The research team must submit two completed copies of the application form, Form B-001, to the Secretariat of the NBC three (3) months prior to the scheduled commencement of the research project/programme. Applications will be processed within one month of receipt.

The application form will require, inter alia, the following information:

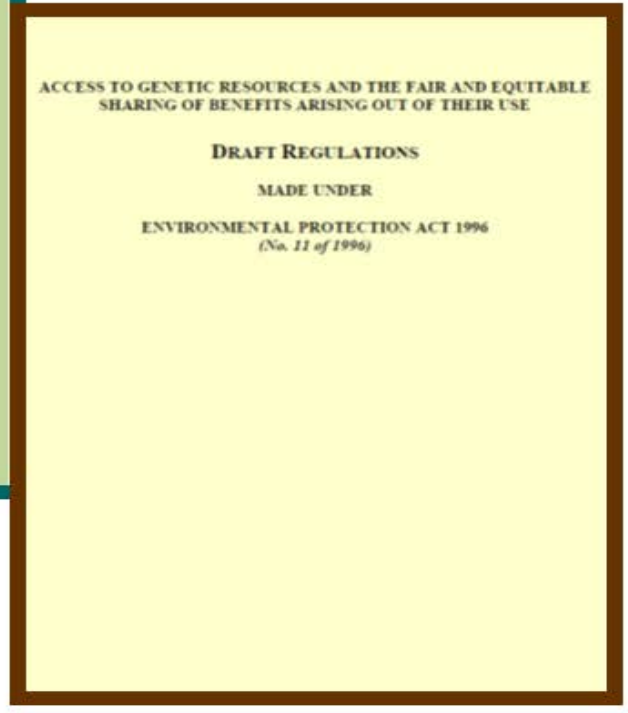
(1) a statement of the objectives – why the research to be conducted in Guyana and whether it is for academic or commercial purpose(s);
(2) the proposed duration and site(s) of the research;
(3) the methodology through which the research objectives will be achieved;
(4) the methodology for collecting animal specimens if the collection of such is to be made;
(5) the source of funding and local costs in Guyana;
(6) the source of information regarding proposed project/programme;
(7) the composition of the Research Team and brief Curriculum Vitae of each member;
(8) a recommendation from a recognized Institution/Body/Society (for individuals only);
(9) a statement of actual or proposed linkages with local institutions;
(10) a brief description of what will accrue to Guyana from the research;
(11) a list of all materials to be collected and their intended, intermediate and final destinations;
(12) a brief description of the environmental impact of such research;
(13) disclosure of any affiliations with other institutions, private or public entities on whose behalf, or in collaboration with whom the research is being conducted.

II The Research Team must agree to the following:

Permits and Agreements:

(1) that they will obtain and sign an Academic or Commercial Research Agreement with the Government of Guyana prior to commencing their research (which includes gathering biological and genetic material as well as ethnobiological knowledge) and in the event the research is being conducted on behalf or in collaboration with another entity, that they will obtain the signature of this entity to the Research Agreement. Further, that they will continue to be bound by the terms of Agreement until released from them by the Government of Guyana except in respect of the right to conduct research in Guyana, which shall have a agreed time frame, specified in the Agreement.

Page 1 of 6



ACCESS TO GENETIC RESOURCES AND THE FAIR AND EQUITABLE SHARING OF BENEFITS ARISING OUT OF THEIR USE

DRAFT REGULATIONS

MADE UNDER

ENVIRONMENTAL PROTECTION ACT 1996
*(No. 11 of 1996)*

# Additional information : European Union

Please share any other information that you think is important that has not been covered.

- The EU ABS Regulation provides also for measures supporting compliance:
  - Best practices
  - Register of collections

# Thank you:

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