

Access and Benefit Sharing: a new (kid on the) block?

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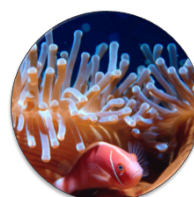
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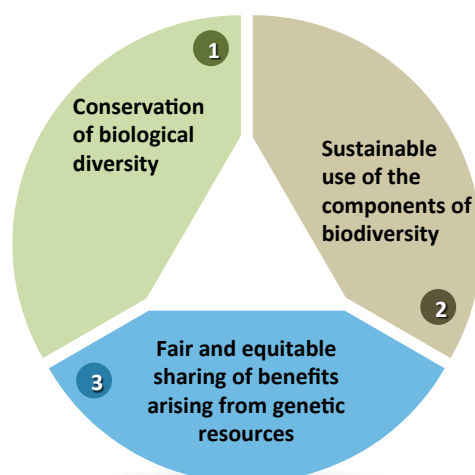
Sector
oriented

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Convention on Biological Diversity

3 Pillars



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Convention on Biological Diversity

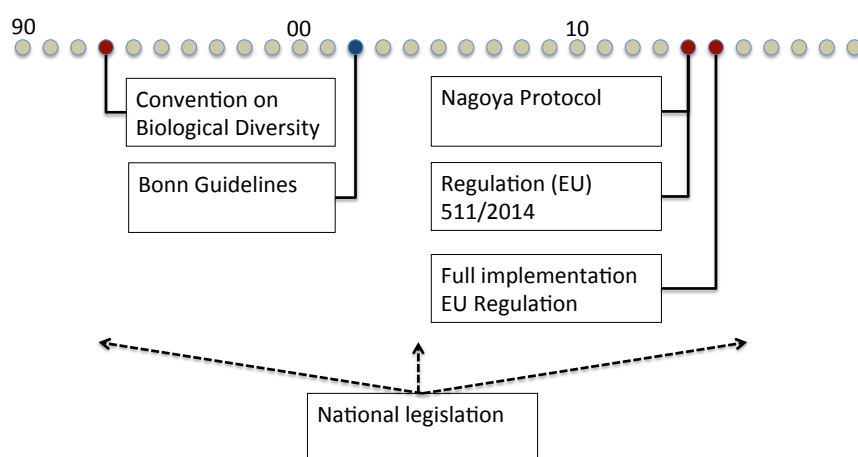
Article 15

- States have **sovereign rights** over their natural resources in areas within their jurisdiction.
- Parties to the Convention have the obligation to take appropriate measures with the aim of **sharing the benefits** derived from their use.
- Parties to the Convention have the authority to determine **access to genetic resources** in areas within their jurisdiction.



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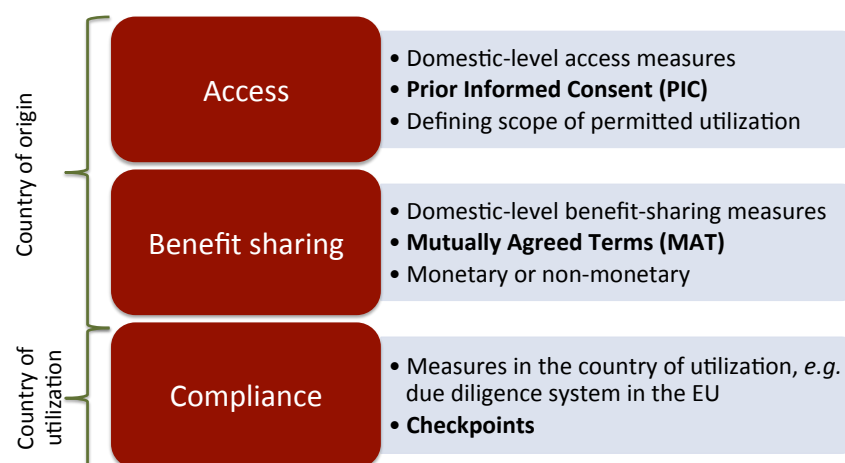
ABS Legal framework



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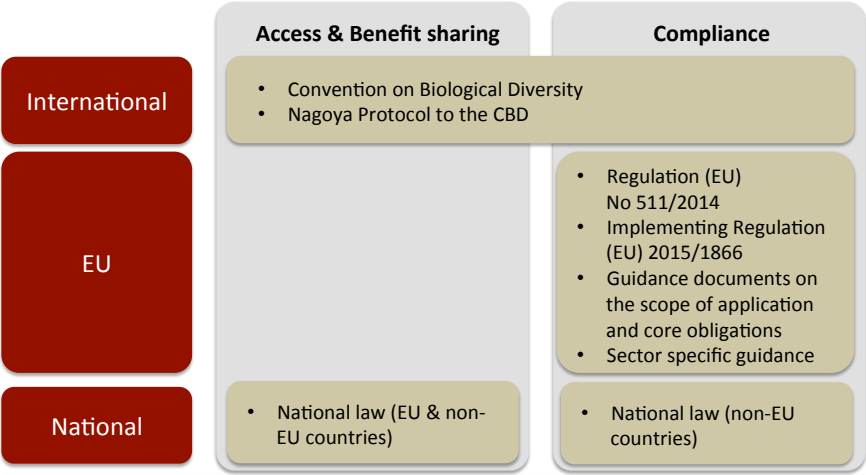
ABS Legal framework

Nagoya Protocol



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ABS Legal framework

V 2.0 Draft – 07 February 2017 Guidance Document for the Plant Breeding sector

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ABS Legal framework

Scope

- Material
 - Genetic Resource
 - Digital Sequence Information
 - Traditional Knowledge
 - Commercial varieties
 - Derivatives
- Temporal
- Geographical
- Access
- Utilization (screening, intent, tools)

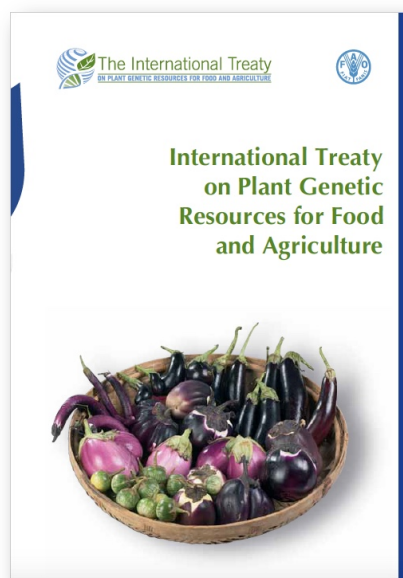
*Possibly different
between AB and C*



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Scope

- Excluded of application Nagoya Protocol if governed by a specialized international instrument: Plant species included in Annex I of ITPGRFA



ABS Legal framework

Obligations Regulation (EU) No 511/2014

- 1) Obtain PIC and settle MAT, if required
- 2) Use and transfer material in accordance with MAT
- 3) Substantiate due diligence, obligation by seeking, keeping and transferring information to subsequent users
- 4) Notify authorities at checkpoints by Due diligence Declaration

In case of **insufficient information or uncertainties** about legality of access and use:

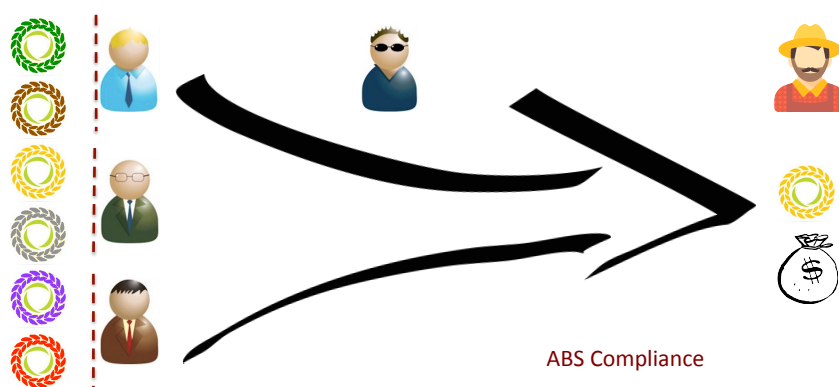
- Obtain an access permit and establish MAT; or
- Discontinue utilisation.

Obligation of
conduct or result?

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ABS requirements

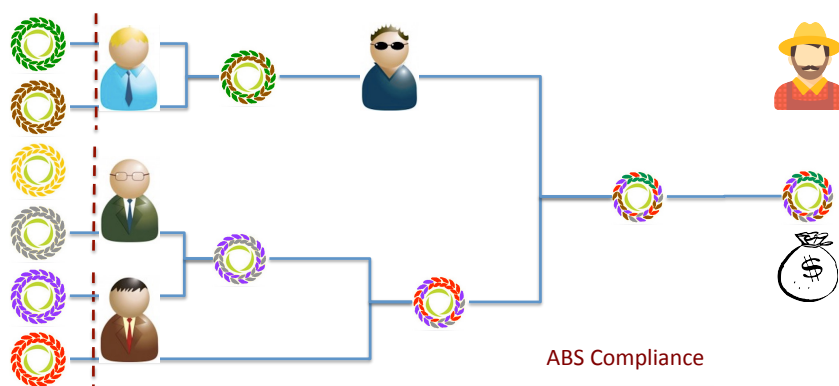
Impact & issues – simple selection scheme



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ABS requirements

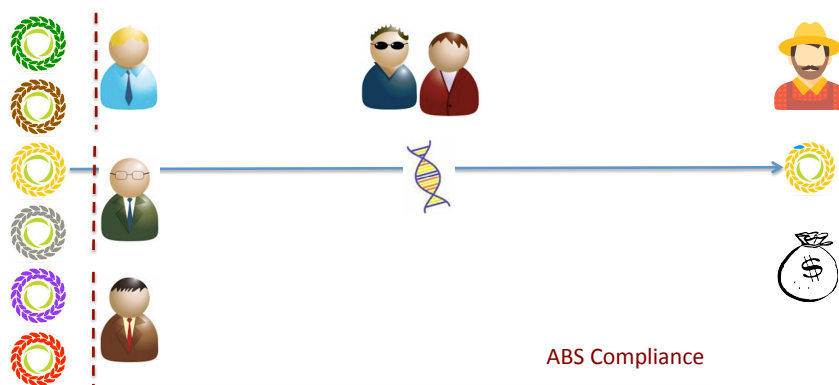
Impact & issues – breeding scheme



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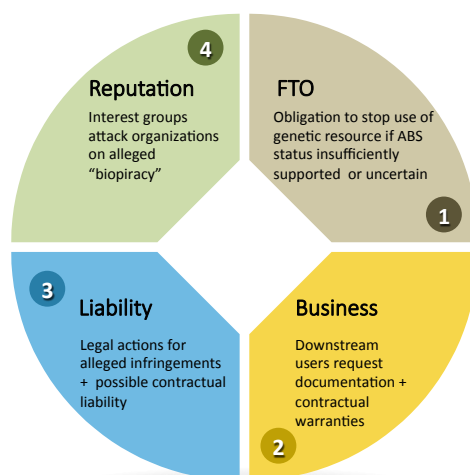
Impact & issues – simple biotechnology scheme



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ABS compliance system

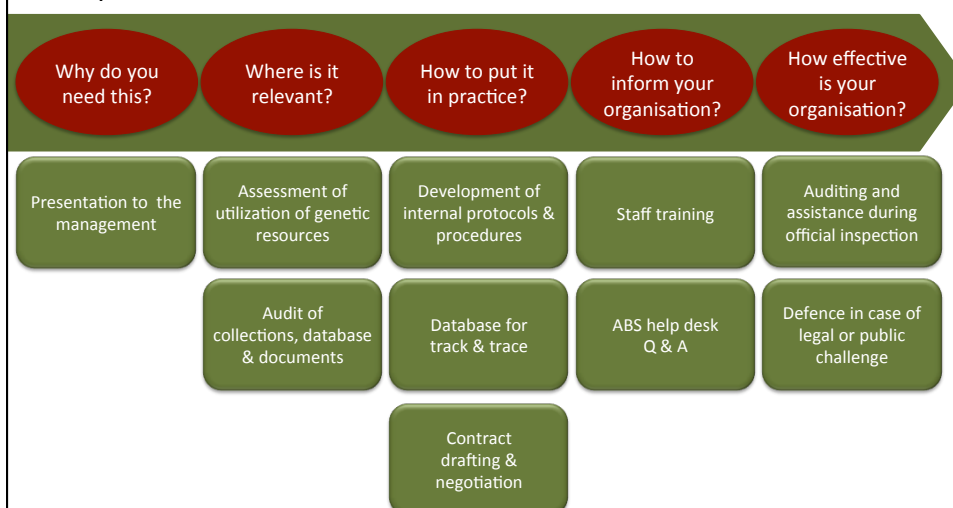
Avoiding potential impact



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ABS compliance system

Implementation



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