



A<sub>ccess</sub> &  
B<sub>enefit</sub>  
S<sub>haring</sub>

update & experiences

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# IBMA activities

- IBMA Working group ABS started:
  - Willem Ravensberg, David Cary, Ulf Heilig, Johannette Klapwijk, Philip Kessler

Charter of Principles, new article:

*‘To respect the Nagoya Protocol on Access to Genetic Resources and Equitable Sharing of benefits arising from Utilisation (ABS) to the Convention on the Biological Diversity’*

# IBMA activities

- IBMA Working group ABS:
  - Willem Ravensberg, David Cary, Ulf Heilig, Johannette Klapwijk, Philip Kessler
- attended Workshop on Access regulations in Europe (EC)
- involved in development of the Guidance Document for the Biocontrol & Biostimulants sector (EC)

# EU regulation 511/2014: scope

**EU General Guidance document** defines **inside scope**:

- Provider country is party to the Nagoya Protocol
- Provider country has applicable access legislation
- Genetic Resource was accessed after 12 October 2014
- Genetic Resource is not covered by a specialised access instrument (Treaty)
- Genetic Resource is of non-human origin
- Genetic Resource is subject to R&D/ utilisation
- R&D is done within the EU

*Compliance check only when all conditions are fulfilled!*

*If not within scope you may still have obligations towards the provider country in case national regulation exists, but compliance will then not be checked in EU*

# EU regulation 511/2014: utilisation

Utilisation according to **EU Sectorial Guidance document for biocontrol and biostimulants:**  
(under development, not confirmed!)

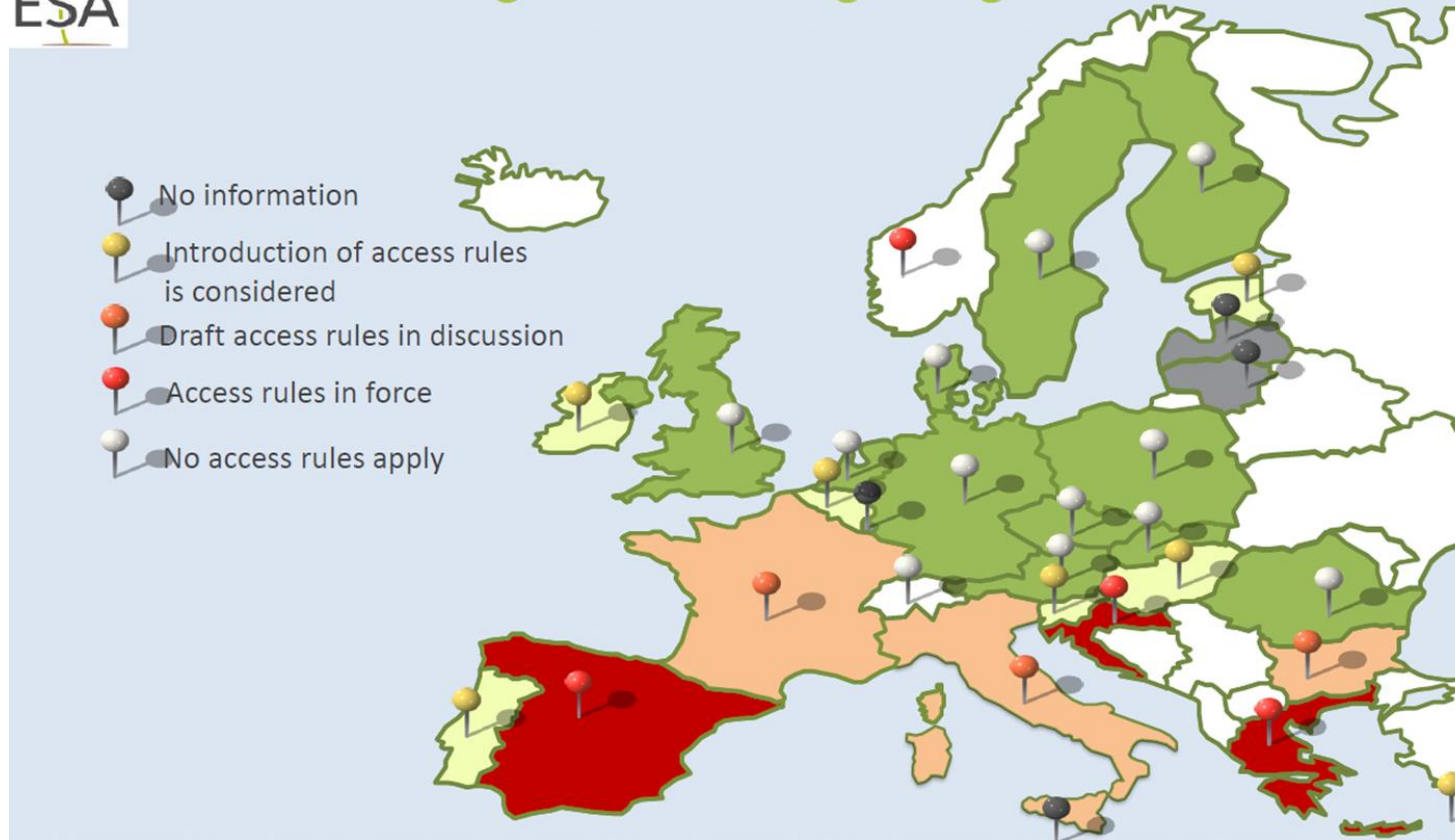
- Morphological and molecular characterisation : no
- **Scientific research on background of traits** : **yes**
- Comparison/ selection of existing strains : no
- **Selection/ crossing (breeding activities)** : **yes**
- Genetic resources as testing tools : no
- Assess optimal rearing conditions : no
- Multiplication of organisms (micro and macro) : no
- **Sterile insect techniques** : **yes**
- **Isolation and selection of active substances/ metabolites** : **Yes**



# Access Regulation in Europe

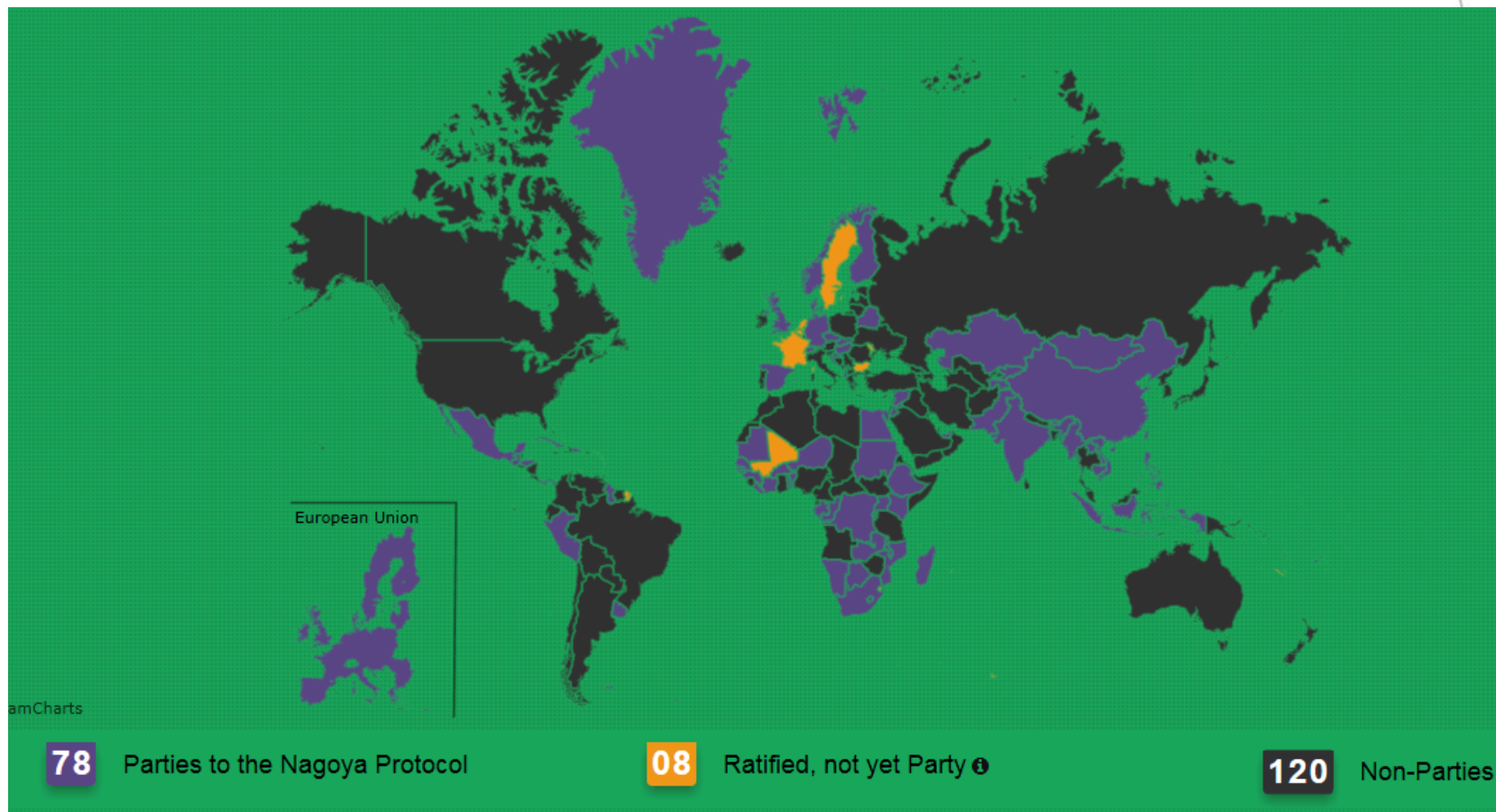


## Overview of legal situation regarding access

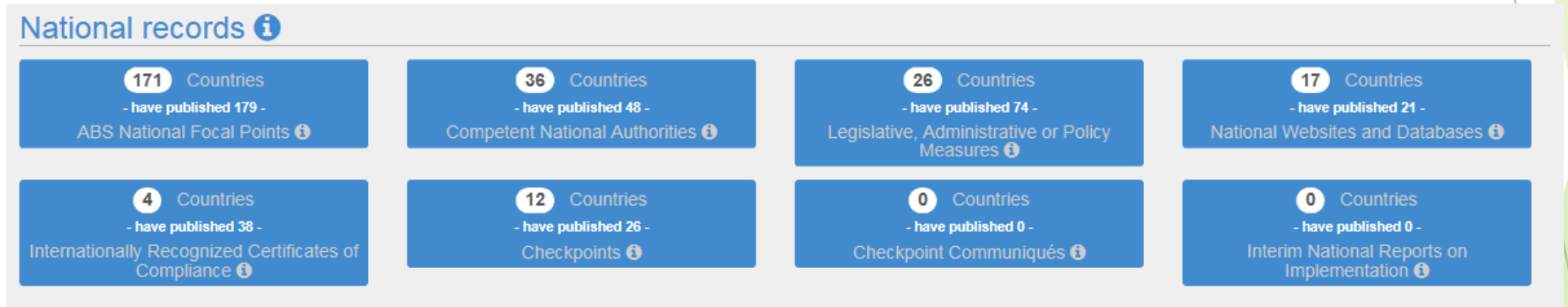


Source: Szonja Czörgő, ESA, Oct16

# Nagoya Protocol Parties



# Nagoya Protocol Parties



ABS Clearing House: [www.absch.cbd.int](http://www.absch.cbd.int)



# Examples national legislation: Switzerland

## **Nachweis der Meldung zur Nutzung einer genetischen Ressource oder des sich darauf beziehenden traditionellen Wissens gemäss Nagoya-Verordnung**

Gemäss Art. 14 Abs. 1bis der Pflanzenschutzmittelverordnung (PSMV; SR 916.161) muss ein Neuzulassungsgesuch für ein Pflanzenschutzmittel, dessen Entwicklung auf der Nutzung genetischer Ressourcen oder auf sich darauf beziehenden traditionellen Wissens beruht, die Registernummer gemäss Art. 4 Abs. 3 oder 8 Abs. 5 der Nagoya-Verordnung (NagV, SR 451.61) beinhalten. Die Registernummer dient als Nachweis der Erfüllung der Meldepflicht nach den Art. 4, 5 oder 8 der NagV und ist Voraussetzung für die Zulassung gemäss Art. 14 Abs. 1bis PSMV. Der Meldepflicht nach Art. 4 NagV ist dann Folge zu leisten, wenn der Zugang zur genetischen Ressource nach dem 12. Oktober 2014 erfolgte (siehe Art. 25d des Bundesgesetzes über den Natur und Heimatschutz (NHG); SR 451). Handelt es sich um eine Nutzung von sich auf genetische Ressourcen beziehendem traditionellem Wissen nach Art. 23p NHG gilt die Meldepflicht nach Art. 4 NagV sinngemäss. Handelt es sich um die Nutzung einer genetischen Ressource aus dem Inland gemäss Art. 8 NagV, so ist der Nachweis der Erfüllung der Meldepflicht mit Inkrafttreten des Art. 8 NagV ab 1. Januar 2017 zu erbringen. Weiterführende Informationen zu den Anforderungen finden sich in der Weisung.

# Examples national legislation: Switzerland

For registration of a Plant Protection Product an `ABS Registration number` has to be provided from 1 January 2017 onwards:

- Certificate of Compliance, Due Diligence Declaration?
- What in case that is not available because not necessary?
- What in case that is not available (yet)?

# Examples national legislation: Peru/ Colombia

- Biological resources not under scope of ABS legislation
- Confirmed that biocontrol agents, if only multiplied and not modified are not within scope
- But instead: Contract with local research institutes

# Examples national legislation: Brazil

November 2015: New Biodiversity Law:

- ‘Simplified process for scientific research’
- ‘Facilitates commercial development’

Member experience:

Access for research was simple, but agreement on commercialization not

# ABS experiences - publication

- Editors were approached by Ministry of Environment of **Argentina** that publication was prohibited because *P. longipes* was not acquired legally
- Authors were asked for proof of compliance
- The natural enemy never reached commercialization and the culture of that strain was destroyed.

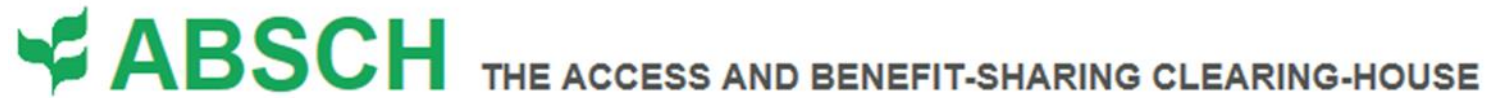


Biological control of *Tetranychus evansi* Baker & Pritchard and *Tetranychus urticae* Koch by *Phytoseiulus longipes* Evans in tomato greenhouses in Spain  
[Acari: Tetranychidae, Phytoseiidae]

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# Internationally Recognized Certificates of Compliance



## Examples (India):

664: garlic extract -> diabetes, Indian company: 0.2% annual gross ex-factory sale minus tax

789: *Trichoderma harzianum*, Indian company

700: taxonomic research, Plymouth University, UK: Only allowed in India

722: identifying diseases in corn

[www.absch.cbd.int](http://www.absch.cbd.int)



# Future activities working group

- Consider Best Practices for IBMA
- Provide examples PIC/ MTA to members
- EU: gather experiences and provide feedback to improve sector specific guidance doc
- National level: feedback on national legislation (through national groups)
- Contact FAO: multilateral approach?



Thank you for your attention

