

Annex 5:

Overview of ABS Implementation in EU Member States

This annex to the “Background Document on an overview of recent activities on indicators on access and benefits sharing (ABS) under relevant multilateral agreements including indicator proposals” summarises some EU member state level information regarding the implementation of ABS.

The sources of information presented in the tables below are as follows:

Signature and ratification of the Nagoya Protocol	List of signature and ratifications of the Nagoya Protocol on the website of the CBD http://www.cbd.int/abs/nagoya-protocol/signatories/default.shtml
Provision of funds for the CBD Access & Benefit-sharing Working Group	EU Biodiversity Action Plan Report Reporting Obligation http://biodiversity.europa.eu/countries_and_networks/bap/compare http://rod.eionet.europa.eu/obligations/638
Implementation and communication of the Bonn Guidelines	EU Biodiversity Action Plan Report Reporting Obligation http://biodiversity.europa.eu/countries_and_networks/bap/compare http://rod.eionet.europa.eu/obligations/638
Implementation and communication of Material Transfer Agreements	EU Biodiversity Action Plan Report Reporting Obligation http://biodiversity.europa.eu/countries_and_networks/bap/compare http://rod.eionet.europa.eu/obligations/638
Legal instruments for the implementation of ABS	Database on national ABS measures https://www.cbd.int/abs/measures/default.shtml

AUSTRIA

Nagoya Protocol			
signature	2011-06-23	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	40000
2009	0
Details:	Austria has provided 40,000 € in total for the 6th meeting of ABS Working Group in 2008 to support participation of representatives from developing countries as well as indigenous representatives.
Additional clarifications:	
Data source:	

Bonn Guidelines	
implemented?	N
communicated?	Y
Details:	No national legislation implementing the CBD Bonn Guidelines on Access and Benefit Sharing exists in Austria. Austrian Botanical Gardens are partners of the International Plant Exchange Network IPEN, which was developed as a model for the acquisition and the exchange of living plant material within the botanic gardens community in respect of the ABS requirements of the CBD. IPEN is a voluntary registration system intending to facilitate the botanic gardens plant exchange in accordance with the CBD provisions. Several national workshops / meetings have been organised with key stakeholders to raise awareness of the Bonn Guidelines. Information of stakeholders, breeders and seed industry.
Additional clarifications:	In Dec 2008 Austria organised an international workshop in Vienna to facilitate effective participation of indigenous representatives in the on-going negotiations on an international ABS regime (€ 15.000 in total).
Data source:	

Material Transfer Agreement	
implemented?	Y
communicated?	Y
Details:	No specific national legislation implementing the Material Transfer Agreement on the International Treaty on Plant Genetic Resources exists in Austria. However, general provisions on implementation of the IT in Austria are laid down in Federal Law

	Nr. 98/2006 (part III) (Ratification of the ITPGR). Workshops / conferences to raise the awareness of the Material Transfer Agreement of the ITPGR with key stakeholders and users are regularly organised. Information of stakeholders, breeders and seed industry.
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Additional clarifications:

Data source:

Belgium

Nagoya Protocol			
signature	2011-09-20	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	Belgium did not provide funding for the ABS Working Group.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	N
communicated?	N
Details:	There is no national legislation implementing the CBD Bonn Guidelines yet. FOD: The Belgian federal government plans to engage in awareness raising activities at the end of 2010 -beginning of 2011
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	N
communicated?	N
Details:	There is no national legislation implementing the Material Transfer Agreement of the International Treaty on Plant Genetic Resources.
Additional clarifications:	
Data source:	

Act of 28 April 2005 amending the Act of 1984 on patents, regarding the patentability of biotechnological inventions.		
National/Federal Legislation	Entered into force:	2005-05-23
ABS Element	<i>Description</i>	<i>Relevant articles/sections</i>
Other	Disclosure of origin in patent applications	Art. 5 (amending Art. 15, 1er)

Website: http://www.biodiv.be/implementation/cross-cutting-issues/abs/flyer_preparing-be-implementation-np.pdf

Has link to PowerPoint regarding implementation plans.

Bulgaria

Nagoya Protocol			
signature	2011-06-23	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	Bulgaria did not provide funding for the ABS Working Group.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	
communicated?	
Details:	
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	
communicated?	
Details:	
Additional clarifications:	
Data source:	

Biological Diversity Act of 2002		
National/Federal Legislation	Entered into force:	2002-09-08
ABS Element	<i>Description</i>	<i>Relevant articles/sections</i>
Prior Informed Consent (PIC) Procedures	Advance agreement (for other States)	Art. 66(3)
Mutually Agreed Terms (MATs)	Derivatives, studies for commercial purposes, joint scientific studies, etc. Material transfer (third parties)	Art. 66(3) Art. 66(5)
Other	Gratuitous provision for non-commercial purposes Ownership of the genetic resources Patents and intellectual property rights	Art. 66(4) Art. 66(1) Art. 66(2)

Croatia

Nature Protection Act		
National/Federal Legislation	Entered into force:	2003-10-23
ABS Element	<i>Description</i>	<i>Relevant articles/sections</i>
Competent National Authority	Ministry of Environmental Protection Republic of Croatia	Art. 89.4, 91.4 Art. 89.1
Scope	Genetic Material	Art. 89.1
Prior Informed Consent (PIC) Procedures	Possible transfer of rights to the user by contract Research and development results used in an equitable manner	Art. 90.3 Art. 90.2
Other	Conditions and methods of extraction Gene banks and access	Art. 89.3, 89.4 Art. 91

CYPRUS

Nagoya Protocol Cyprus			
signature	2011-12-29	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	Cyprus did not provide funding for the ABS Working Group.
Additional clarifications:	
Data source:	Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	N
communicated?	N
Details:	Cyprus does not have national legislation on implementing the CBD Bonn Guidelines on Access and Benefit-sharing exists. In addition, Cyprus does not have national activities that raise awareness of the CBD Bonn Guidelines on Access and Benefit-sharing.
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	Y
communicated?	Y
Details:	Cyprus has national legislation on implementing the Material Transfer Agreement of the International Treaty on Plant Genetic Resources. In addition, Cyprus has implemented national activities raising awareness of the Material Transfer Agreement of the International Treaty on Plant Genetic Resources.
Additional clarifications:	
Data source:	

Czech Republic

Nagoya Protocol Czech Republic			
signature	2011-06-23	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	10000
2009	0
Details:	The Czech Republic provided financial resources of the amount of EUR10,000 to the CBD Secretariat for ABS-related issues in October 2008.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	N
communicated?	N
Details:	The Czech Republic is a Party to the International Treaty on Plant Genetic Resources for Food and Agriculture and its ABS principles are embedded in the national legislation - mainly Act No. 148/2003 Coll. on Conservation of plant and microorganism genetic resources for agriculture. For more information, please consult the 4th National Report of the Czech Republic to the CBD Secretariat.
Additional clarifications:	
Data source:	http://www.cbd.int/reports/search/?type=nr-04

Material Transfer Agreement	
implemented?	Y
communicated?	Y
Details:	The Material Transfer Agreement of the International Treaty on Plant Genetic Resources is implemented through national legislation and public awareness of it is being raised. Three seminars were held specifically on the issue of SMTA with the various stakeholders.
Additional clarifications:	
Data source:	-

Legislation Related to Access and Rights to Genetic Resources document:
http://www.mzp.cz/www/webdav_biosafety.nsf/biosafety/pdf/Legislation%20Related%20to%20Access%20and%20Rights%20to%20Genetic%20Resources.pdf
Act. No 408/2000, on Protection of Plant Varieties Rights, as amended. Act No. 148/2003, on Conservation and Use of Genetic Resources of Plants and Microorganisms for Food and Agriculture.

Act No. 154/2000, on Breeding, Improvement and Register of Farm Animals.
Act No. 162/2003, on Conditions for Operation of Zoological Gardens.
Act No. 114/1992, on Protection of Nature and Landscape.
Act No. 100/2004, on Protection of Species of Wild Animals and Plants through Regulation of Trade with them and other Provisions for their Protection.
Act No. 387/2005, on Introducing Reproductive Material of Forest Woody Plants of Important Species and Artificial Hybrids Intended for Forest Regeneration and Reforestation.
Act No. 289/1995, on Forests.
National Programme on Conservation and Use of Genetic Resources.
Act No. 527/1990, on Inventions.
Act No. 206/2000, on Protection of Biotechnological Inventions.

National indicator on ABS?	Y/N
Details	

Denmark

Nagoya Protocol Denmark			
signature	2011-06-23	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	61742
Details:	Denmark provided DKK300,000 for five CBD meetings, which include the 8th meeting of the ABS Working Group in 2009. In addition, Denmark provided DKK600,000 for the participation of indigenous and local community representatives in the 8th and 9th meetings of the ABS Working Group and the 6th meeting of the Article 8(j) Working Group. In 2009 the Danish Government further decided to financially support an ABS Ministers Conference in March 2010 in Namibia. The funding was of approximately EUR0.5mio. The Conference supported the African Ministers of Environment and their ABS National Focal Points to coordinate and develop further the African positions in the international ABS negotiations and provided an opportunity to exchange views on critical matters with Ministers from Denmark, Germany, Netherlands and Norway. The conference was arranged by the "ABS Africa Initiative".
Additional clarifications:	The amount indicated for 2009 was calculated through an equal allocation to each of the meetings indicated, using the exchange rate of 1 January 2009.
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	UD
communicated?	Y
Details:	National legislation implementing the Bonn Guidelines on Access and Benefit-sharing is under development. Regular meetings are arranged by Ministry of Environment with representatives from the private sector, research institutions, other ministries and with NGOs on ABS matters.
Additional clarifications:	
Data source:	

Material Transfer Agreements	
implemented?	N
communicated?	N
Details:	While there is no national legislation implementing the Material

	Transfer Agreement of the International Treaty on Plant Genetic Resources, the common Nordic genebank NordGen is using the sMTA.
Additional clarifications:	The majority of Danish ex situ conserved PGRFA material is stored in the common Nordic genebank, NordGen. When implementing the treaty, we started at the Nordic level, that is with material in NordGen. NordGen is now using the sMTA and has informed about the sMTA on its website.
Data source:	

Greenland Home Rule Parliament Act No. 20 of November 20th 2006 on Commercial and Research-Related Use of Biological Resources		
Sub-national (Greenland) Legislation	Entered into force:	2006-12-01
ABS Element	<i>Description</i>	<i>Relevant articles/sections</i>
Competent National Authority	Greenland government or the authorised utilisation enterprise/s	Sec. 2 Art. 4
Scope	All forms of commercial and research-related acquisition and use of biological resources. Publication of results Patenting.	Sec. 1 Art. 2.1
Prior Informed Consent (PIC) Procedures	Survey licence Transfer to a third party	Sec. 1 Art. 6-7 Sec. 3 Art. 6.10
Mutually Agreed Terms (MATs)	Commercial licences Private law agreements Survey licence	Sec. 6, Art. 11 Sec. 1 Art. 6.5, Sec. 4 Art 8.4, Sec. 6 Art. 10.4, Sec. 1 Art. 6.4
Compliance Mechanisms	Annual reporting requirements Compensation of confiscation of illegally earned benefits and intellectual property rights Duty of information when publishing survey results and applying for patents Fines Withdrawal of survey and/or commercial licence	Sec. 7 Art. 12 Sec. 10 Art. 17 Sec. 4 Art. 8, Sec. 5 Art. 9 Sec. 10 Art. 16 Sec. 8 Art. 13
Other	Appeals of decisions	Sec. 9 Art. 15

Order No. 93 on Patents and Supplementary Protection Certificate		
National/Federal Legislation	Entered into force:	2009-01-29
ABS Element	<i>Description</i>	<i>Relevant articles/sections</i>
Other	Disclosure of origin in patent applications	Chapter 2.2.4

Estonia

Nagoya Protocol			
signature	-	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	Estonia has not provided funding for the ABS Working Group.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	Y/N
communicated?	N
Details:	
Additional clarifications:	Estonia has not inserted the CBD Bonn Guidelines into its national policy. However elements of it exist in national strategies and plans. The Ministry of Agriculture has compiled the Estonian National Programme "Conservation and Utilization of Plant Genetic Resources for Food and Agriculture 2007-2013". From the year 2008 crop genetic resources information is available in the Nordic and Baltic common web-based database SESTO. The Nature Conservation Development Plan until 2020 will have a special chapter about genetic resources.
Data source:	

Material Transfer Agreement	
implemented?	Y
communicated?	Y
Details:	Plant genetic resources for food and agriculture listed in Annex I and maintained in Estonia have been included in the Multilateral System. 1. The collections held by the Genebank of the Jõgeva Plant Breeding Institute, located in Jõgeva. 2. The potato collection held by the Department of Plant Biotechnology EVIKA of the Estonian Agricultural Research Centre, located in Saku. 3. The Malus, Prunus, Pyrus, Ribes, Rubus, Fragaria collection held by the Polli Horticultural Research Centre of the Estonian University of Life Sciences, located in Polli. Germplasm held in the collections listed above will be made available to users under the conditions of the Standard Material Transfer Agreement of the International Treaty on Plant Genetic Resources for

	Food and Agriculture.
Additional clarifications:	
Data source:	Detailed data on the composition of the collections is available through the website: http://www.nordgen.org/sesto/index.php?scp=est&thm=sesto

Finland

Nagoya Protocol			
signature	2011-06-23	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	10000
Details:	Finland provided funds for the 5th meeting (2007), 6th meeting (2008) and the 8th meeting (2009) of the ABS Working Group. The amount for the 8th meeting was EUR10,000.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	
communicated?	
Details:	
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	
communicated?	
Details:	
Additional clarifications:	
Data source:	

Finnish National Programme for Plant Genetic Resources for Agriculture and Forestry, established in 2003.

National Programme for animal Genetic Resources, established in 2004.

Programmes are monitored and developed by the Genetic Resources Committee.

<http://www.ymparisto.fi/download.asp?contentid=75624&lan=EN>

France

Nagoya Protocol France			
signature	2011-09-20	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	50000
2008	0
2009	0
Details:	
Additional clarifications:	
Data source:	Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	UD
communicated?	UD
Details:	National legislation implementing the CBD Bonn Guidelines on Access and Benefit-sharing is under development in France as are national activities that raise awareness of the CBD Bonn Guidelines on Access and Benefit-sharing.
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	UD
communicated?	N
Details:	National legislation implementing the Material Transfer Agreement of the International Treaty on Plant Genetic Resources is under development in France. France has not implemented national activities raising awareness of the Material Transfer Agreement of the International Treaty on Plant Genetic Resources.
Additional clarifications:	
Data source:	

Environmental Code as amended, Act No. 2006-436, of 14 April 2006, relating to national parks, marine parks and regional parks.		
National/Federal Legislation	Entered into force:	2006-03-15
<i>ABS Element</i>	<i>Description</i>	<i>Relevant articles/sections</i>

Competent National Authority	Regional Council President	Art. L331-15-6
Scope	Genetic resources from Guyana's Amazonian Park	Art. L331-15-6
Prior Informed Consent (PIC) Procedures	Enabling provision	Art. L331-15-6

Indicator: Number of patents for inventions based on genetic resources).

In its fourth national report to the CBD (République française 2009), section on biodiversity indicators¹, under theme 5: Access and benefit sharing, France presents an indicator number 25: *Nombre de brevets pour des inventions basées sur des ressources génétiques* (Number of patents for inventions based on genetic resources). The information required to calculate the indicator is provided by the National Institute for Industrial Property². The “state” type³ indicator makes it possible to follow the number of submitted patent requests for inventions based on genetic resources. It gives an idea about the use and enhancement of biodiversity, and in particular its genetic component. The indicator is calculated annually by counting the cumulative number of patent requests. It could be further detailed by making the calculations for separate types of genetic resources. The number of patents requests based on genetic resources expressed as a percentage to the total number of patent requests makes it possible to follow the evolution of the relative importance of genetic resources. The increase of this indicator is interpreted as a continued exploitation of biodiversity as a resource for industrial or commercial inventions. Its main advantage is that it is based on trustworthy regularly updated data which enables a close monitoring of the use of genetic diversity. This is particularly important for France's overseas territories (DOM & COM). It thus allows demonstrating the economic value of biodiversity conservation. Its main limit or weakness is that it only gives a very limited coverage of biodiversity (useful genetic resources) and of the issues surrounding the equitable access and benefit sharing, because the indicator does not reflect the identity patent holders.

¹ http://www.developpement-durable.gouv.fr/IMG/pdf/DGALN__1_indicateurs-biodiv-SNB-metropole.pdf

² Institut national de la propriété industrielle (INPI www.inpi.fr)

³ State / Pressure / Response

Germany

Nagoya Protocol Germany			
signature	2011-06-23	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	28000
2008	51100
2009	150000
Details:	Germany has provided the following amounts for the ABS Working Group: EUR28,000 in 2007, EUR51,100 in 2008 and EUR150,000 in 2009.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	N
communicated?	Y
Details:	While there is no national legislation implementing the Bonn Guidelines on Access and Benefit-sharing, the following activities raising awareness of the Guidelines have taken place:- National ABS Internet portal- Information brochure on ABS in Germany- Periodic round table meetings with user sectors on access and benefit-sharing- Guidelines for researchers and research institutions on compliance with domestic ABS regulations of provider countries when applying for national public research funding
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	N
communicated?	Y
Details:	While there is no national legislation implementing the Material Transfer Agreement of the International Treaty on Plant Genetic Resources (note that national legislation is not mandatory), awareness has been raised through discussions, Internet pages and German translation of the ITPGR and the SMTA: Staatliche Rechtsvorschriften sind nicht erforderlich; Nutzung des SMTA wurde aber in den betroffenen Institutionen eingeführt (Genbanksatzungen). Raising awareness of the SMTA: Mehrere Gespräche; Internetangebote (FAQs) des BMELV und der BLE; deutsche Übersetzung des ITPGR und SMTA.
Additional clarifications:	
Data source:	

Amendment to the German Patent Act (34a)		
National/Federal Legislation	Entered into force:	2005-02-28
ABS Element	<i>Description</i>	<i>Relevant articles/sections</i>
Other	Disclosure of origin in patent applications	Art. 34a

Guidelines for Funding Proposals Concerning Research Projects within the Scope of the Convention on Biological Diversity (CBD)		
National/Federal (Other)	Adopted:	2010-08-05

National Strategy on Biological Diversity		
National/Federal Strategy	Adopted:	2011-11-07

Greece

Nagoya Protocol Greece			
signature	2011-09-20	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	Greece did not provide funds to the CBD ABS Working Group.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	
communicated?	
Details:	
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	
communicated?	
Details:	
Additional clarifications:	
Data source:	

HUNGARY

Nagoya Protocol Hungary			
signature	2011-06-23	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group		
2006		0
2007		0
2008		0
2009		0
Details:	Hungary did not provide funds to the ABS Working Group.	
Additional clarifications:		
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/	

Bonn Guidelines	
implemented?	N
communicated?	Y
Details:	There is no national legislation implementing the CBD Bonn Guidelines on Access and Benefit-sharing. In January 2009 the Ministry of Environment and Water distributed a questionnaire on ABS among research institutions, universities, botanic gardens, museums, companies and NGOs that may be somehow involved in access to and supply of genetic resources. They were also informed about the website on the national CBD Clearing-House Mechanism (CHM), which contains background information on ABS. The questionnaire was sent out to 56 institutions, 1/3 of which responded to it.
Additional clarifications:	
Data source:	Hungarian questionnaire on ABS (In Hungarian): http://biodiv.kvvm.hu/convention/other_conv/fo638350/ABS_felmeres_2009.doc Information about ABS on the Hungarian CHM (In Hungarian): http://biodiv.kvvm.hu/convention/other_conv/fo638350

MTA implemented?	UD
MTA communicated?	Y
Details:	National legislation implementing the SMTA is under development. The SMTA has been translated into Hungarian and published in the official Journal of the Ministry of Agriculture and Rural Development (Földművelésügyi és Vidékfejlesztési Értesítő).
Additional clarifications:	
Data source:	

Ireland

Nagoya Protocol			
signature	2012-02-01	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	Ireland provided funds to the 5th and 6th meetings of the ABS Working Group in 2007 and 2008, respectively.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines implemented?	N
Bonn Guidelines communicated?	N
Details:	No national legislation implementing the CBD Bonn Guidelines on Access and Benefit-sharing exists, and no public awareness activities have taken place yet.
Additional clarifications:	
Data source:	

MTA implemented?	N
MTA communicated?	N
Details:	There is no national legislation implementing the Material Transfer Agreement of the International Treaty on Plant Genetic Resources and no awareness has been raised on the sMTA, however, the sMTA is being used for the transfer of crop germplasm.
Additional clarifications:	
Data source:	

Italy

Nagoya Protocol Italy			
signature	2011-06-23	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	Italy did not provide funds for the ABS Working Group.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	N
communicated?	Y
Details:	No national legislation implements the CBD Bonn Guidelines. The aims of the Standing Committee for Genetic Resources (see Narrative Summary in Action A.2.1.1) include:- the possible development of vegetable genetic resources marketing and the regulated access to benefits according to Bonn Guidelines;- the implementation of the Bonn guidelines even in relation to the ecosystem approach.
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	Y
communicated?	Y
Details:	In 2004 the Ministry for Agriculture started the project "Plant Genetic Resources (RGV/FAO)" (weblink: http://sito.entecra.it/portale/public/documenti/rgvtrattatofao.pdf) with the aim of implementing at national level the FAO Treaty on Plant Genetic Resources combining capabilities and scientific experiences. 28 Centres and Research Units are involved under the guidance of the Council for the Research and Experimentation in Agriculture (CRA - http://sito.entecra.it/portale/index2.php). Moreover in 2007 10 NGOs were involved in the Semi Rural Network (Rete semi Rurali; weblink: http://www.semirurali.net/). The three-year project provides for restoration, conservation, characterization, exploitation and documentation of plant genetic resources. Information on RGVs are available in a web database (weblink: www.rgv-politicheagricole-cra.it).
Additional clarifications:	

Data source:	http://sito.entecra.it/portale/public/documenti/rgvtrattatofao.pdf ; http://sito.entecra.it/portale/index2.php ; http://www.semirurali.net/ ; www.rgv-politicheagricole-cra.it
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Conversion into law, with amendments, of Decree-Law of 10 January 2006, n.3, implementing Directive 98/44/EC on the legal protection of biotechnological inventions.		
National/Federal Legislation	Entered into force:	2006-03-11
ABS Element	<i>Description</i>	<i>Relevant articles/sections</i>
Other	Disclosure requirement	Art. 5.2

Latvia

Nagoya Protocol			
signature	-	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	Latvia did not provide funds for the ABS Working Group.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	N
communicated?	N
Details:	There is no national legislation implementing the Bonn Guidelines on Access and Benefit-sharing and no activities raising awareness of the Guidelines has been raised yet.
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	N
communicated?	N
Details:	There is no national legislation implementing the Material Transfer Agreement of the International Treaty on Plant Genetic Resources, and no activities raising awareness of the Agreement has been raised yet.
Additional clarifications:	
Data source:	

Lithuania

Nagoya Protocol			
signature	2011-12-29	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group		
2006		0
2007		0
2008		0
2009		0
Details:	Lithuania did not provide funds for the ABS Working Group.	
Additional clarifications:		
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/	

Bonn Guidelines	
implemented?	N
communicated?	N
Details:	In 2001, law No IX-533 on National Plant Genetic resources was adopted. No activities raising awareness of the CBD Bonn Guidelines have been undertaken. Law No IX-533 on National Plant Genetic resources adopted in 2001
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	N
communicated?	N
Details:	Lithuania does not have national legislation implementing the Material Transfer Agreement of the International Treaty on Plant Genetic Resources nor have national activities raising awareness on this treaty been undertaken.
Additional clarifications:	
Data source:	

Luxembourg

Nagoya Protocol			
signature	2011-06-23	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	Luxembourg did not provide funds for the ABS Working Group.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	N
communicated?	N
Details:	Luxembourg has no national legislation implementing the Bonn Guidelines on ABS and no awareness on the Guidelines has been raised.
Additional clarifications:	
Data source:	

Material Transfer Agreements	
implemented?	Y
communicated?	Y
Details:	Luxembourg has national legislation implementing the Material Transfer Agreement of the International Treaty on Plant Genetic Resources. Awareness raising campaigns about the conservation and propagation of local fruit tree varieties have taken place regularly over the last decade, mainly by national NGOs, partially supported by the LEADER programme.
Additional clarifications:	
Data source:	For national ratification, see http://www.legilux.public.lu/leg/a/archives/2003/0196/a196.pdf#page=8

Malta

Nagoya Protocol Malta			
signature	-	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	Malta did not provide funds for the ABS Working Group.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	N
communicated?	N
Details:	The ABS requirements of the CBD text have been incorporated in national legislation via the 'Convention on Biological Diversity (Incorporation) Regulations, 2002' (Legal Notice 160 of 2002). This Legal Notice entered into force through Legal Notice 173 of 2002. In 2006, the 'Flora, Fauna and Natural Habitats Protection Regulations, 2006' (Legal Notice 311 of 2006, as amended by Legal Notice 426 of 2007 and Legal Notice 162 of 2009) entered into force. The aim of these Regulations is to contribute towards ensuring biodiversity in the territory of the Member States of the European Community through the conservation of natural habitats and of wild fauna and flora in the Maltese Islands. Moreover, these Regulations provide the provisions required for the implementation in Malta of a variety of European Directives and Regional Agreements.
Additional clarifications:	
Data source:	Convention on Biological Diversity (Incorporation) Regulations, 2002 http://www.mepa.org.mt/file.aspx?f=1507 Flora, Fauna and Natural Habitats Protection Regulations, 2006 http://www.mepa.org.mt/file.aspx?f=1211

Material Transfer Agreement	
implemented?	N
communicated?	N
Details:	The Material Transfer Agreement of the International Treaty on Plant Genetic Resources has been signed but not yet ratified.
Additional clarifications:	
Data source:	

Convention on Biological Diversity (Incorporation) Regulations, 2002, Legal notice 160 of 2002.

National/Federal Legislation	Entered into force:	2006-06-28
ABS Element	<i>Description</i>	<i>Relevant articles/sections</i>
Competent National Authority	Malta Environment and Planning Authority	Art. 2

Flora, Fauna and Natural Habitats Protection Regulations, 2006, Legal Notice 311 of 2006, as amended.

National/Federal Legislation	Entered into force:	2006-12-07
ABS Element	<i>Description</i>	<i>Relevant articles/sections</i>
Scope	Agriculture products and domesticated animals are excluded from PIC requirement Genetic resources for which Malta is the country of origin or providing those resources	Art. 36.1 Art. 37
Prior Informed Consent (PIC) Procedures	Permitting procedure Prior informed consent	Art. 43-48 Art. 36.1
Mutually Agreed Terms (MATs)	Benefit sharing Mutually agreed terms	Art. 36.3 Art. 36.2
Compliance Mechanisms	Fines	Art. 49.3
Traditional Knowledge Associated to Genetic Resources	Protect and encourage customary use of biological resources in accordance with traditional practices	Art. 35.c

Netherlands

Nagoya Protocol			
signature	2011-06-23	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	The Netherlands provided financial support to the 6th meeting of the ABS Working Group in 2008.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	N
Bonn Guidelines communicated?	N
Details:	The Netherlands does not have national legislation on implementing the CBD Bonn Guidelines on Access and Benefit-sharing. The Netherlands has not implemented any national activities that raise awareness of the CBD Bonn Guidelines on Access and Benefit-sharing.
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	N
communicated?	N
Details:	The Netherlands does not have does national legislation implementing the Material Transfer Agreement of the International Treaty on Plant Genetic Resources. The Netherlands has not implemented any national activities that raise awareness of the Material Transfer Agreement of the International Treaty on Plant Genetic Resources.
Additional clarifications:	The Netherlands uses the SMTA for all PGRFA requested from the gene bank.
Data source:	

Poland

Nagoya Protocol			
signature	2011-09-20	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	Poland did not provide funds for the ABS Working Group.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	N
communicated?	N
Details:	No national legislation implementing the CBD Bonn Guidelines on Access and Benefit-sharing has been adopted nor have activities raising awareness of the Guidelines been undertaken.
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	N
communicated?	Y
Details:	There is national legislation implementing the SMTA. In the Plant Breeding and Acclimatization Institute some workshops on the ITPGR and MTA for interested experts and plant genetic resources collection curators were conducted.
Additional clarifications:	
Data source:	

Portugal

Nagoya Protocol Portugal			
signature	2011-09-20	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	Portugal did not provide funds for the ABS Working Group.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	N
Bonn Guidelines communicated?	Y
Details:	Portugal does not have national legislation implementing the CBD Bonn Guidelines on Access and Benefit-sharing exists. However, Portugal has implemented national activities that raise awareness of the CBD Bonn Guidelines on Access and Benefit-sharing. Actualmente estão em desenvolvimento medidas administrativas com vista a implementar as linhas orientadoras de Bona em acesso aos recursos genéticos e partilha dos benefícios decorrentes da sua utilização. Tal como actualmente redigidas, estas medidas administrativas visam essencialmente afirmar a existência de uma autoridade nacional em matéria de ABS e estabelecer um procedimento PIC. Entre as competências propostas para a autoridade nacional do ABS tendo em vista elevar a consciência sobre a matéria constam as seguintes tarefas:§
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	N
communicated?	N
Details:	Portugal does not have legislation on implementing the Material Transfer Agreement of the International Treaty on Plant Genetic Resources. In addition, Portugal does not have national activities that raise awareness of the CBD Bonn Guidelines on Access and Benefit-sharing.
Additional clarifications:	
Data source:	

Decree-Law No. 118/2002		
National/Federal Legislation	Adopted:	2002-05-04
ABS Element	<i>Description</i>	<i>Relevant articles/sections</i>
Scope	Local varieties and autochthonous material of plant species	Art. 2
Prior Informed Consent (PIC) Procedures	Authorization by authorities	Art. 7 (1-3)
Mutually Agreed Terms (MATs)	Benefit-sharing (owner of plant material)	Art. 4 (4), 7 (4), 10 (1)
Compliance Mechanisms	Violations and sanctions	Art. 13-14
Traditional Knowledge Associated to Genetic Resources	Registration and protection of traditional knowledge	Art. 3
Other	Appellation of origin or geographical indication Commercialization Obligations of the owner of plant material Registration of plant material	Art. 6 Art. 8 Art. 10 (2-4) Art. 4, 9

Romania

Nagoya Protocol Romania			
signature	2011-09-20	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	Romania did not provide funding for the ABS Working Group.
Additional clarifications:	
Data source:	

Bonn Guidelines	
implemented?	
communicated?	
Details:	
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	
communicated?	
Details:	
Additional clarifications:	
Data source:	

Regulation implementing Patent Law 64/1991, as republished		
National/Federal Legislation	Adopted:	2008-06-18
<i>ABS Element</i>	<i>Description</i>	<i>Relevant articles/sections</i>
Other	Disclosure of the source of traditional knowledge in patent applications	Art. 16.1.c

Slovakia

Nagoya Protocol			
signature	-	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	n/d
2007	n/d
2008	n/d
2009	n/d
Details:	
Additional clarifications:	
Data source:	

Bonn Guidelines	
implemented?	
communicated?	
Details:	
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	
communicated?	
Details:	
Additional clarifications:	
Data source:	

Slovenia

Nagoya Protocol			
signature	2011-09-27	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	Slovenia did not provide funding for the ABS Working Group.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	Y
communicated?	N
Details:	Strategies and Acts that are implementing the Bonn guidelines: Law on Industrial Property Act, Nature Conservation Act, National Biodiversity Strategy and Action Plan, National Environmental Action Programme, Aarhus Convention.
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	Y
communicated?	Y
Details:	The text of the standard Material Transfer Agreement (MTA) has been translated in Slovenian language. Detailed instructions / guidelines have been prepared for the implementation of the standard MTA. The implementation of the standard MTA has been presented and discussed with the representatives of institutions keeping ex situ collections of plant genetic resources in public domain. All organisations keeping plant genetic resources in public domain use sMTA for distribution of accessions. Some private organisations keeping plant genetic resources have been informed about the use of sMTA as well.
Additional clarifications:	
Data source:	

Spain

Nagoya Protocol			
signature	2011-07-21	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	203847
2007	32971
2008	59186
2009	676207
Details:	Spain provided the following amounts to the ABS Working Group: -2006-ABS 4: 255.842 \$ (Conference servicing costs = 166.481\$; Developing Country Participants costs = 89.362 \$).- 2007-ABS 5: 44.430 \$ (Developing Country Participants costs = 1.109 \$; Indigenous and Local Communities Participants costs = 43.321\$).- 2008- ABS 6: 93.506 \$ (Developing Country Participants costs = 45.396 \$; Indigenous and Local Communities Participants costs = 48.110 \$).- 2009-ABS 7: 949.962 \$ (Conference Servicing costs = 328.204 \$; Developing Country Participants costs = 500.720 \$; Indigenous and Local Communities Participants costs = 121.038 \$).
Additional clarifications:	The exchange rate used is the one for 30 June of each year.
Data source:	Reference or title: Reports of CBD ABS Working GroupWeblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	Y
communicated?	Y
Details:	Spain has national legislation on implementing the CBD Bonn Guidelines on Access and Benefit-sharing. Additionally, national activities that raise awareness of the CBD Bonn Guidelines on Access and Benefit-sharing been implemented. Awareness of the CBD Bonn Guidelines on Access and Benefit-sharing is being implemented by The International University of Andalucía through the Master programme: Master Degree in Management, Access and Conservation of Species in Trade: The International Framework. Furthermore, Spanish Law 30/2006 on seeds, nursery plants, and plant genetic resources deals with access to plant genetic resources for food and Agriculture (not covered by The FAO International Treaty) in a manner which is in line with the CBD Bonn Guidelines.
Additional clarifications:	
Data source:	

Material Transfer Agreement	
implemented?	N
communicated?	Y

Details:	The SMTA of the International Treaty does not need to be implemented through national legislation. A number of awareness raising and implementation meetings have been undertaken and are scheduled for this year by INIA (National Institute of Agriculture Research and Food Technology) through the National Programme on Plant Genetic Resources for Food and Agriculture, which covers 33 public gene-banks, with the participation of MARM (Ministry of Environment, Rural and Marine Affairs).
Additional clarifications:	
Data source:	

Sweden

Nagoya Protocol Sweden			
signature	2011-06-23	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	180190
2009	0
Details:	In 2008, Sweden provided EUR180,190 for the meetings of the ABS Working Group.
Additional clarifications:	The exchange rate for the 2008 contribution is that of 30 June 2008.
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	N
communicated?	Y
Details:	Legislation implementing the CBD Bonn Guidelines on Access and Benefit-sharing does not exist. However, to raise awareness information material was published in 2007 in cooperation with other Nordic Countries.
Additional clarifications:	
Data source:	www.norden.org/sv/publikationer/publikationer/2007-739/at_download/publicationfile

Material Transfer Agreement	
implemented?	UD
communicated?	Y
Details:	National legislation implementing the Material Transfer Agreement of the International Treaty on Plant Genetic Resources is under development. Information has been disseminated through the national Programme for Diversity of Cultivated Plants (POM) and the Nordic Genetic Resource Center (NordGen), see A.2.1.11.
Additional clarifications:	
Data source:	

Regulation No. 2004:162, of April 1 2004, amending the Patents Decree		
National/Federal Legislation	Adopted:	2004-05-01
ABS Element	<i>Description</i>	<i>Relevant articles/sections</i>
Other	Disclosure of origin in patent applications	Art. 5.a

United Kingdom

Nagoya Protocol UK			
signature	2011-06-23	ratification	

Provision of funds for the CBD Access & Benefit-sharing Working Group	
2006	0
2007	0
2008	0
2009	0
Details:	The UK has not provided funding for the ABS Working Group.
Additional clarifications:	
Data source:	Reference or title: Reports of CBD ABS Working Group Weblink: http://www.cbd.int/meetings/

Bonn Guidelines	
implemented?	N
communicated?	Y
Details:	The UK does not have national legislation implementing the CBD Bonn Guidelines on Access and Benefit-sharing exists. However, the UK has national activities that raise awareness of the CBD Bonn Guidelines on Access and Benefit-sharing; Stakeholder groups are informed of progress of ABS negotiations at 6 monthly meetings. The Royal Botanic Gardens (RBG) Kew promote use of Bonn Guidelines in their training courses and material. Defra's web pages reference the Bonn Guidelines
Additional clarifications:	
Data source:	http://www.kew.org/data/cbdbotanists.html http://defraweb/environment/quality/biodiversity/geneticresources/index.htm

Material Transfer Agreement	
implemented?	N
communicated?	Y
Details:	The UK does not have legislation on implementing the Material Transfer Agreement of the International Treaty on Plant Genetic Resources. However, the UK has implemented national activities raising awareness of the Material Transfer Agreement of the International Treaty on Plant Genetic Resources: The contracts for the main gene banks funded by Defra require the use of the SMTA for annex 1 material and genebanks are encouraged to use the SMTA for other GRFA. Defra also promotes the use of the SMTA by other genebanks at the meeting of its stakeholder group, the UKPGRFA.
Additional clarifications:	
Data source:	