


CUBAN LEGAL FRAMEWORK WITH RELEVANCE FOR ACCESS TO GR AND BENEFITS- SHARING.



APPROACHES USED TO IDENTIFY THE LEGISLATION

- 1. Directly related to access to genetic resources and benefit sharing: 4 legal provisions**
 - 2. Concerning possible mechanisms of compliance and benefit-sharing measures: 7 legal provisions.**
 - 3. Other legislation to be considered for the management of this issue in the country: 8 legal provisions**
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TOTAL LEGAL PROVISIONS: 18

. Laws: 4

.Decree-Law: 6

.Decrees: 4

.Resolutions:


CITMA: 2

MINAGRI: 1

MINCEX: 1 (formerly MINVEC)



DIRECT RELATIONSHIP

- . Constitution of the Republic of Cuba**
 - . Law 81 «From the Environment»**
 - . Decree-Law 200 "Of Administrative no compliance in Environment"**
 - . CITMA Resolution 111/1996 "Regulations on Biological Diversity"**
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RELATED TO COMPLIANCE

DECREE-LAW 241 "AMENDING THE LAW OF PROCEDURE, CIVIL, ADMINISTRATIVE AND LABOR"

. DECREE-LAW 250 "FROM THE CUBAN COURT OF INTERNATIONAL COMMERCIAL ARBITRATION"

. RESOLUTION 15 OF 2006 MINVEC "STANDARDS FOR ECONOMIC COOPERATION THAT CUBA RECEIVES CHAPTER III: COLLABORATIVE PROJECTS"

. DECREE 262 "REGULATIONS FOR THE HARMONIZATION OF SOCIAL AND ECONOMIC DEVELOPMENT OF THE COUNTRY WITH THE INTERESTS OF THE DEFENSE"

RESOLUTION 139/2013, OF CITMA. ON INTERNATIONAL PROJECTS.

- . ACT 85 OF 1998 "FOREST LAW"**
- . LAW 14 "COPYRIGHT ACT" (PUBLICATIONS)**
- . DECREE-LAW 137 "ON VETERINARY MEDICINE"**
- . DECREE-LAW 153 "FROM PLANT HEALTH REGULATIONS"**
- . DECREE 169 " ADMINISTRATIVE NO COMPLIANCE OF REGULATIONS ON PLANT PROTECTION"**
- . DECREE 175 "REGULATIONS ON SEED QUALITY AND ITS VIOLATIONS"**
- . DECREE 181 "ADMINISTRATIVE NO COMPLIANCE OF REGULATIONS ON VETERINARY MEDICINE"**
- DECREE 268 "ADMINISTRATIVE NO COMPLIANCE OF FOREST REGULATIONS"**
- RESOLUTION 330 OF 1999 MINAG "REGULATION OF THE FORESTRY LAW"**

TO BE CONSIDERED FOR MANAGING THE ISSUE:

- . ACT 85 OF 1998 "FOREST LAW"**
- . LAW 14 "COPYRIGHT ACT" (PUBLICATIONS)**
- . DECREE-LAW 137 "ON VETERINARY MEDICINE"**
- . DECREE-LAW 153 "FROM PLANT HEALTH
REGULATIONS"**
- . DECREE 169 "ADMINISTRATIVE NO COMPLIANCE OF
REGULATIONS ON PLANT PROTECTION"**
- . DECREE 175 "REGULATIONS ON SEED QUALITY AND
ITS VIOLATIONS"**
- . DECREE 181 "ADMINISTRATIVE NO COMPLIANCE OF
REGULATIONS ON VETERINARY MEDICINE"**

**DECREE 268 "ADMINISTRATIVE NO COMPLIANCE OF
FOREST REGULATIONS"**

**RESOLUTION 330 OF 1999 MINAG "REGULATION OF
THE FORESTRY LAW"**

DECREE LAW No. 290

On Inventions and Patents

**DECREE-LAW No. 291, Relative
to the protection for the
intellectual property of plant
varieties.**



LAW 85 "FOREST LAW"

Article 54. In determined woods will be established areas dedicated to the preservation of forest genetic backgrounds.

The Ministry of Agriculture in coordination with the Ministry of Sciences, Technology and Environment dictates regulations for breeding, management and conservation of species, provenances or individuals included in the country's forest genetic resources genes.



RESOLUTION 111/1996 CITMA

Article 12. In any case, once granted access and prior to its implementation will be agreed in writing and signed by the natural or legal persons concerned and the Authority in accordance with the provisions of Article 9, obligations, specifications limits, restrictions and conditions under which the mutual access takes place, in order to always guarantee:

a) appropriate environmentally uses to give to that resources;

b) the right to share, in a fair and equitable way the results and benefits arising from the commercial use or any kind of biodiversity resources of the country, including access to and transfer of technology in appropriate cases.

Any use intended to give to those resources that have not properly been agreed under the above provisions shall require the prior approval of the Chairman of the Environment Agency of the Ministry.

RESOLUTION 111/1996 CITMA CONT..

Article 13. If the claim to access to these resources were the purpose of conducting scientific research, all efforts will be made as soon as practicable, to be realized or settled in the country, for which previously established and guaranteed in the form caused by national stakeholders, the broadest possible participation of the Cuban part of the process of research and the use of its results.

Article 14. Once approved the application, with previous evaluation, and signed the agreement set forth in Article 12, the competent authorities will issue the corresponding environmental license, without which access to the requested resource is not allowed.



**Decree Law Project on Access and
Benefit Sharing**

**Modification the Criminal Code
Project (Law)**

**Administrative Administrative no
Compliance Project (Law)**





**Thanks for your
attention**

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