

THE ABS
CAPACITY
DEVELOPMENT
INITIATIVE



L'INITIATIVE DE
RENFORCEMENT
DES CAPACITES
POUR L'APA

EU ABS Compliance Regulation 511/2014

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ABS Capacity Development Initiative

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funded by

BMZ



Federal Ministry
for Economic Cooperation
and Development



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OF THE ENVIRONMENT

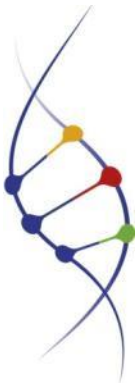


implemented by

giz

Programme implementing
the Biodiversity Convention

Political statements on ABS / NP



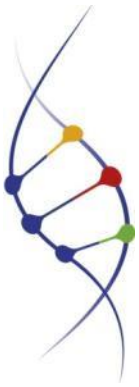
Commission Proposal COM(2012) 576 final (04.10.2012)

- "The Protocol rests on two main pillars: measures on access, and measures on user compliance."
- "Union implementation and ratification of the Protocol will create new opportunities for nature-based research, and contribute to the development of a bio-based economy."

EU Council Note on Art. 7 during EU Trialogue (Nov. 2013)

- Restricting checkpoints to the phase of utilisation "Using the principle of: 'nothing more, nothing less, than the Nagoya Protocol.' "

Art. 2 – Scope & Art. 3 - Definitions



EU ABS compliance rules only apply when these six conditions are met:

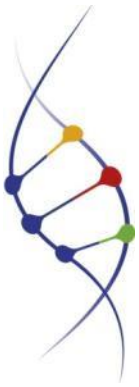
1. Access to genetic resource or associated traditional knowledge

"Genetic resources" means genetic material of actual or potential value.

"Genetic material" means any material of plant, animal, microbial or other origin containing functional units of heredity.

Access to e.g. oils, isolated biochemicals, heat-treated material is not under the scope of the EU ABS regulation – but maybe under the scope of the provider country's ABS regulation

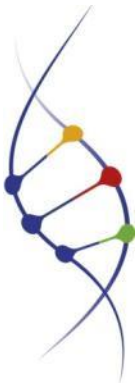
Art. 2 – Scope & Art. 3 - Definitions



EU ABS compliance rules only apply when these six conditions are met:

2. Genetic resources accessed is under sovereignty of a State
Access to GR outside of the jurisdiction of States e.g. in the Antarctica or the High Sea - no compliance obligations in the EU
2. Aquisition occurs in a Party to the Nagoya Protocol
Access to GR and aTK in non-Parties - no compliance obligations in the EU
Exclusion of any access before the entry into force of the NP for a specific country

Art. 2 – Scope & Art. 3 - Definitions



EU ABS compliance rules only apply when these six conditions are met:

4. ABS regulative framework exists in this Party

No ABS framework / no ABS contract – no compliance obligations in the EU

Exclusion of access to any GR, including commodities, in EU countries without access regulation, e.g. DE

4. Access after 12 Oct. 2014

Exclusion of all GR and aTK which were accessed before

Exclusion of any future utilisation of such GR and aTK

Art. 2 – Scope & Art. 3 - Definitions



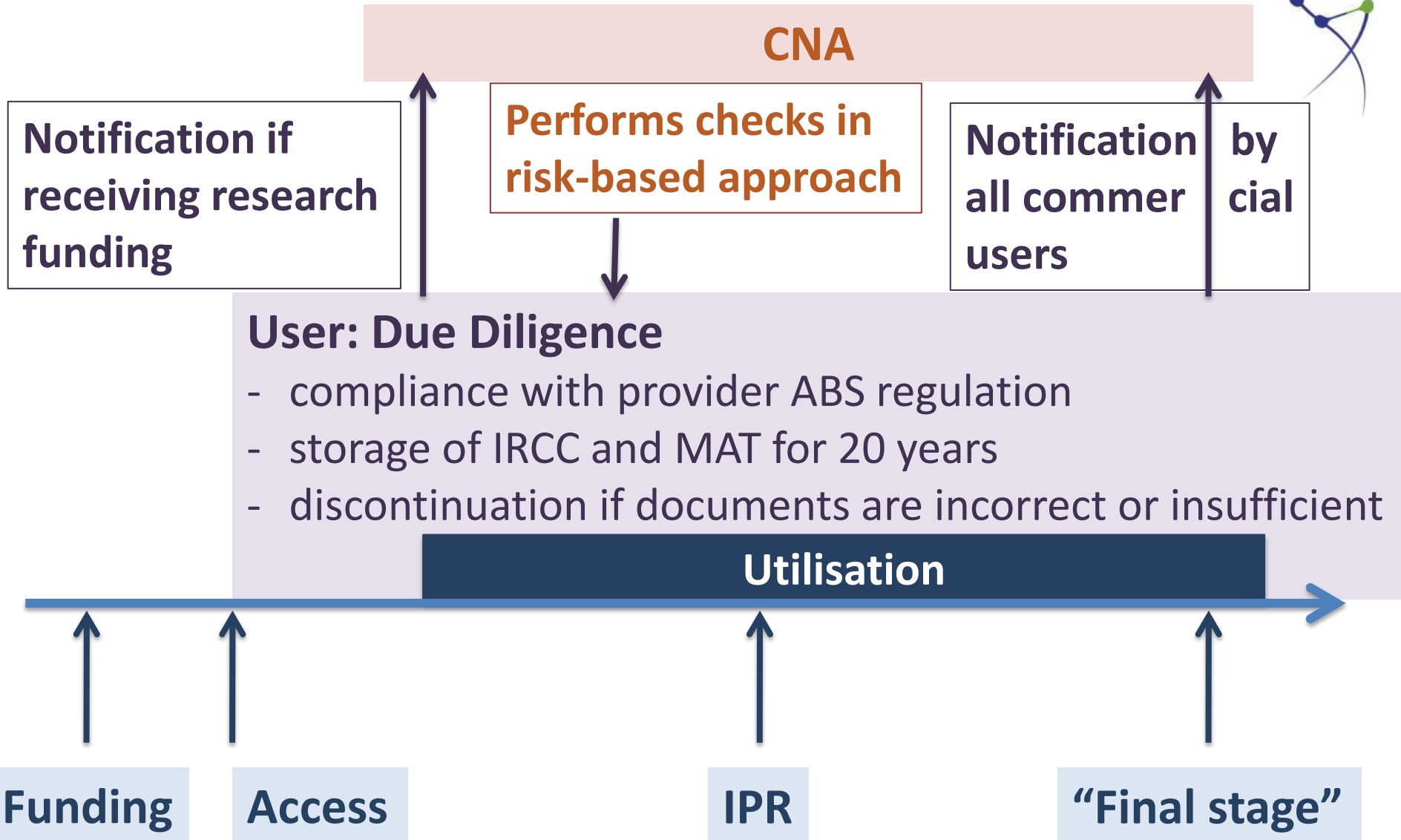
EU ABS compliance rules only apply when these six conditions are met:

6. Utilisation in the EU

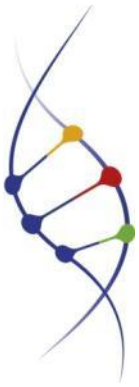
“Utilization of genetic resources” means to conduct research and development on the genetic and/or biochemical composition of genetic resources, including through the application of biotechnology as defined in Article 2 of the Convention;

Exclusion of any activity that is not R&D on the GR, e.g. several ecological and taxonomical methodologies, trade for use in production process

Compliance during utilisation



Thank you for your attention !



Contact

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