

# National and regional gene banks - Access and Benefit Sharing and IP related issues

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**Workshop of the ERF Working Group Ex situ Conservation**  
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# Content

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- ❑ The Nagoya Protocol: an introduction
- ❑ National implementation of the NP
- ❑ The NP and TRIPS agreement: a contradiction?
  
- ❑ Status of the NP discussion: global
- ❑ Status of the NP discussion: the EU
- ❑ Related processes and initiatives: FAO CGRFA
  
- ❑ Similarities /differences between AnGR and PGR gene banks
- ❑ NP and the operation of AnGR gene banks /PGR gene banks
  
- ❑ European gene banking strategy: Issues and Options

# Objectives of the CBD: Article 1

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- the **conservation** of biological diversity,
- the **sustainable use** of its components, and
- the **fair and equitable sharing of the benefits** arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

# Why an International Regime?

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The International Regime aims at providing a legal framework to articulate the „*quid pro quo*“ that underpins the CBD

Access to genetic resources

IN  
EXCHANGE  
FOR:

Fair and equitable share of the  
benefits derived from their utilization

# Negotiations of the International Regime

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Co-Chairs: Timothy Hodges (Canada)  
Fernando Casas (Colombia)

# I. OBJECTIVE

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**Effectively implement the provisions** [in Articles 15, 8(j), 1, 16 and 19.2] **of the Convention** [and its three objectives], specifically by:

- [[Facilitating] [regulating transparent] **access to genetic resources**, [their derivatives] [and products] [and associated traditional knowledge]; ]
- **Ensuring** [the conditions and measures for] the [effective,] **fair and equitable sharing of benefits arising out of their utilization**, [their derivatives] [and products] [and associated traditional knowledge] [and to prevent their misappropriation and misuse];
- [Securing compliance in user countries with national laws and requirements, including PIC and MAT, of the country [of origin] providing those resources or of the Party that has acquired those resources in accordance with the Convention on Biological Diversity].

# Adoption of the Nagoya Protocol



UNEP/CBD/COP/DEC/X/1



**NAGOYA PROTOCOL**  
**on Access to Genetic Resources**  
**and the Fair and Equitable Sharing of Benefits**  
**Arising from their Utilization**

**TO THE CONVENTION ON BIOLOGICAL**  
**DIVERSITY**



# ARTICLE 1

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## OBJECTIVE

The objective of this Protocol is **the fair and equitable sharing of the benefits** arising from the utilization of genetic resources,

including by appropriate **access** to genetic resources and by appropriate **transfer of relevant technologies**, taking into account all rights over those resources and to technologies,

and by **appropriate funding**, thereby contributing to the conservation of biological diversity and the sustainable use of its components.

# ARTICLE 4

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## RELATIONSHIP WITH INTERNATIONAL AGREEMENTS AND INSTRUMENTS

1. The provisions of this Protocol **shall not affect the rights and obligations** of any Party deriving from any existing international agreement...
2. **Nothing** in this Protocol **shall prevent the Parties** from developing and implementing other relevant international agreements, including other specialized ABS agreements...
3. This Protocol shall be implemented in a **mutually supportive manner** with other international instruments ...
4. ...**Where a specialized international ABS instrument applies ...this protocol does not apply** ...in respect of the specific genetic resource covered...

# ARTICLE 8

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## SPECIAL CONSIDERATIONS

- (a) Create conditions **to promote and encourage research** which contributes to the conservation and sustainable use of biological diversity...
- (b) Pay due regard to **cases of present or imminent emergencies** that threaten or damage human, animal or plant health, as determined nationally or internationally...
- (c) **Consider the importance of genetic resources for food and agriculture and their special role for food security.**

# ARTICLE 10

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## GLOBAL MULTILATERAL BENEFIT-SHARING MECHANISM

Parties shall consider the **need for** and **modalities of** a GMBSM to address the fair and equitable sharing of benefits derived from the utilization of genetic resources and traditional knowledge associated with genetic resources that occur in

- ❑ transboundary situations or
- ❑ for which it is not possible to grant or obtain PIC.

The benefits shared by users of genetic resources and traditional knowledge associated with genetic resources through this mechanism **shall be used to support the conservation of biological diversity and the sustainable use of its components globally.**

# Implications of the Nagoya Protocol



National legislation

## National level:

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- All Parties will be users as well as providers of GR
- A number of Parties have access legislation in place (Brazil, Philipines, South Africa, France, Spain, Bulgaria)
- Few Parties have user compliance measures in place as required by the NP
- Implementing legislation to be adopted **prior to ratification** to ensure:
  - compliance with obligations
  - legal certainty for users

# National level:

has to provide for legal certainty, clarity and transparency

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## Obligations to:

- Designate a National Focal Point on ABS
  - Designate one or more competent national authorities on ABS
  - Prepare and implement national legislation
  - Make available to the ABS Clearing-House any information required by the Protocol
  - Facilitate access to GR and TK
  - Take measures to provide that GR utilized within its jurisdiction have been accessed in accordance with PIC and MAT
  - Take measures to address situations of non-compliance
  - Establish one or more checkpoints
  - Encourage the development, update and use of **sectoral and cross-sectoral** model contractual clauses for MAT
- and many more...

# The Nagoya Protocol and the Intellectual Property Rights: PATENTS



**Kurkuma**



**Neem**



**Enola bean**



**Basmati rice**

“the illegal and unfair appropriation (patent claim) and exploitation of genetic and biological resources of specific regions by corporations”.

(Biopiracy: Larousse dictionary, 2009 edition)



# IPR: International organizations:

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## **WIPO: World Intellectual Property Organization**

<http://www.wipo.int/members/en/>

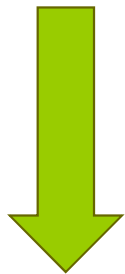
- Geneva 1967/1974 171 members  
2012 185 members
- Provides administration of 24 international treaties
- since 1997: Global Intellectual Property Division
- in 2000: the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)

# IPR: International organizations:

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## WTO: World Trade Organization 1.01.1995

### Members



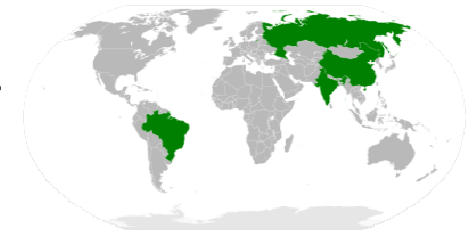
- 134, 1999
- 149, 2006
- 151, 2007
- 154, 2012

**Brazil:** 1995

**Russian Federation:** an observer

**India:** 1995

**China:** 2001



**USA:** 1995

**EU:** 1995

## **TRIPs: Trade Related Aspects of Intellectual Property Rights**

Annex to the WTO agreement

# Article 27 TRIPS

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## STANDARDS CONCERNING THE AVAILABILITY, SCOPE AND USE OF INTELLECTUAL PROPERTY RIGHTS

### SECTION 5: PATENTS

#### **Article 27** *Patentable Subject Matter*

1. Subject to the provisions of paragraphs 2 and 3, patents **shall be available for any inventions**, whether products or processes, in all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application.

Subject to paragraph 4 of Article 65, paragraph 8 of Article 70 and paragraph 3 of this Article, **patents shall be available** and patent rights enjoyable **without discrimination** as to the place of invention, the field of technology and **whether products are imported or locally produced.**

# Article 27 TRIPS

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2. Members may exclude from patentability inventions, the prevention within their territory of the commercial exploitation of which is necessary **to protect *ordre public* or morality,**

including to **protect human, animal or plant life or health or to avoid serious prejudice to the environment,** provided that such exclusion is not made merely because the exploitation is prohibited by their law.

# Article 27 TRIPS

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3. Members may also exclude from patentability:
  - (a) **diagnostic, therapeutic and surgical methods** for the treatment of humans or animals;
  - (b) **plants and animals** other than micro-organisms, **and essentially biological processes** for the production of plants or animals other than non-biological and microbiological processes.

However, Members shall provide for the protection of plant varieties either by patents or by an **effective *sui generis*** system or by any combination thereof. The provisions of this subparagraph shall be reviewed four years after the date of entry into force of the WTO Agreement.

# UPOV: The International Union for the Protection of New Varieties of Plants

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Established in 1961

Objective: to ensure rights of plant breeders from developed countries

Amendments in 1972, 1978 i 1991

New members: China, Brazil, Kenia

Status: 8.12.2011 – 70 Members

<http://www.upov.int/en/about/members/pdf/pub423.pdf>

A plant variety to be registered by the UPOV has to be:

- novel
- distinct
- uniform
- stable

# A clear contradiction:

## **Article 27** *Patentable Subject Matter*

**27.1 – no obligation on the disclosure of origin of GR**

**27.3b – possibility to patent plants and animals**



- ❑ **Third objective of the CBD** (fair and equitable sharing of benefits)
- ❑ **Article 3 of the CBD** (Principle: States have the sovereign right to exploit their own resources)
- ❑ **Article 15 of the CBD** (Access to Genetic Resources: PIC and MAT)
- ❑ **NAGOYA PROTOCOL** to the CBD on ABS

**STATUS**  
of the Nagoya Protocol negotiation  
**GLOBAL**



A roadmap for the first COP/MOP  
adopted by decision

**UNEP/CBD/COP/DEC/X/1**



# The further decisions of the COP 10:

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- Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol
  - the first meeting **6 to 10 June 2011** and
  - the second meeting **23 to 27 April 2012** (now 2-6 July);
  
- Co-Chairs:
  - Mr. Fernando Casas (Colombia)
  - Mr. Timothy Hodges (Canada)
  
- **A Special Voluntary Trust Fund** for Additional Voluntary Contributions

# http://www.iisd.ca/biodiv/icnp1/

The screenshot shows a web browser window with the address bar displaying <http://www.iisd.ca/biodiv/icnp1/>. The page features a green navigation bar with links for News, the ENB team, About us, Funders, Activities, Links, Search, IISD.org, RSS, and a Facebook share button. The main content area is titled "First Meeting of the Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ICNP-1)" and includes the dates "5-10 June 2011 | Montréal, Canada" and a section for "Summary Highlights of the Meeting". A "DAILY WEB COVERAGE" section lists dates from Sun. 05 Jun. to Fri. 10 Jun. Below this is a photograph of four individuals. A left sidebar contains a "LINKAGE" vertical banner, a "Web Coverage/Summary" section with download links for HTML and PDF reports, and a Twitter feed with tweets from IISDRS. A bottom sidebar is partially visible with the heading "Biodiversity Policy &".

Services and sustainable development negotiations and policy making

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## Web Coverage/Summary

IISD Reporting Services (IISD RS) has produced web coverage and a summary and analysis from the meeting. To download our report click below in the HTML or PDF icons.

SUMMARY REPORT 13 June

ENGLISH htm pdf FRANÇAIS htm pdf ESPAÑOL htm pdf

### First Meeting of the Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ICNP-1)

5-10 June 2011 | Montréal, Canada

### Summary Highlights of the Meeting

DAILY WEB COVERAGE

| Sun. 05 Jun. | Mon. 06 Jun. | Tue. 07 Jun. | Wed. 08 Jun. | Thu. 09 Jun. | Fri. 10 Jun.

L-R: **Ahmed Djoghlaif**, CBD Executive Secretary; Co-Chair **Janet Lowe**, New Zealand; Co-Chair **Fernando Casas**, Colombia; and **Valerie Normand**, CBD

LINKAGE NEWS INFORMATION AND ANALYSIS ON INTERNATIONAL

## IISDRS

IISDRS #CBD #SBSTTA 16 concludes discussion of global strategy for plant conservation #biodiversity bit.ly/JMay00 3 hours ago · reply · retweet · favorite

IISDRS #CBD #SBSTTA 16 report and pictures of day 3 available now #biodiversity bit.ly/JMay00 3 hours ago · reply · retweet · favorite

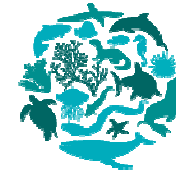
IISDRS #CBD #SBSTTA 16 convenes contact group on describing Ecol. and biol. significant marine areas beyond nat. jur. #biodiversity 21 hours ago · reply · retweet · favorite

IISDRS ENB report and pictures of #CBD #SBSTTA 16 day 2 available now #biodiversity bit.ly/JMay00 yesterday · reply · retweet · favorite

IISDRS #CBD #SBSTTA 16 discusses emerging

Join the conversation

### Biodiversity Policy &



22 May 2012  
INTERNATIONAL DAY  
FOR BIOLOGICAL DIVERSITY  
Marine Biodiversity

# Nagoya Protocol to the CBD

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As for May 2012

Convention on Biological Diversity:

**193 Parties (168 Signatures)**

Cartagena Protocol on Biosafety:

**162 Parties (103 Signatures)**

Nagoya Protocol on Access and Benefit-sharing

**5 Parties (92 Signatures)**

**Gabon, Jordan, Rwanda, Seychelles, Mexico**

# STATUS of the Nagoya Protocol negotiation EUROPE/EU

Forum for EU:

European Council Working  
Party on International  
Environment Issues (WPIEI)

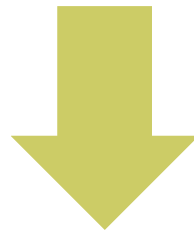
Supported by  
EU ABS Expert group

<u>Ireland</u>	2012-02-01
<u>Ukraine</u>	2012-01-31
<u>Lithuania</u>	2011-12-29
<u>Slovenia</u>	2011-10-19
<u>Belgium</u>	2011-09-21
<u>France</u>	2011-09-20
<u>Greece</u>	2011-09-20
<u>Poland</u>	2011-09-20
<u>Portugal</u>	2011-09-20
<u>Romania</u>	2011-09-20
<u>Serbia</u>	2011-09-20
<u>Spain</u>	2011-07-28
<u>Austria</u>	2011-07-06
<u>Bulgaria</u>	2011-06-23
<u>Czech Republic</u>	2011-06-23
<u>Denmark</u>	2011-06-23
<u>European Union</u>	2011-06-23
<u>Finland</u>	2011-06-23
<u>Germany</u>	2011-06-23
<u>Hungary</u>	2011-06-23
<u>Italy</u>	2011-06-23
<u>Luxembourg</u>	2011-06-23
<u>Netherlands</u>	2011-06-23
<u>Sweden</u>	2011-06-23
<u>United Kingdom</u>	2011-06-23
<u>Norway</u>	2011-05-11
<u>Switzerland</u>	2011-05-11

# European Commission, DG Environment

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- A contracted study to analyse legal and economic aspects of implementing the Nagoya Protocol on ABS in the European Union
- A web based public consultation to explore the possible effects of the Protocol and to gather concrete proposals on the practical challenges of implementation
- Meetings with stakeholders



Draft proposal for community legislation towards the end of third quarter of 2012

# Structure of the impact assessment study

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1. Baseline: Comparison of core provisions of the Nagoya Protocol and existing EU policies and legislation;
2. Identification of options for implementation of the Nagoya Protocol obligations at the EU level;
3. Analysis of potential impacts of options.

# Public consultation

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- From 24.10.2011 to 30.12.2011
- 43 responses are published
- The majority of responses provided by European or global federations and associations representing hundreds or even thousands of members
- A technical workshop in Brussels on 26 Jan 2012

# AnGR sector in public consultation

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- ❑ Animal breeding is an international activity. Extra regulation will hamper this and is therefore undesirable;
- ❑ International trade should be able to continue as usual;
- ❑ International trade of seed stock is the single most important factor to increase efficiency of animal production;
- ❑ Any regulation that blocks this trade will be a severe limitation on progress of animal production;
- ❑ We are afraid of misinterpretation of the Protocol .... would involve extra costs and practical trade barriers for animal breeding organisations.





## Related processes and initiatives

# FAO Commission on Genetic Resources for Food and Agriculture



# FAO CGRFA

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The FAO Conference, at its Thirty-first Session in Nov 2001, (Resolution 3/2001), approved the

**International Treaty on Plant Genetic Resources  
for Food and Agriculture**

came into force on 29th June 2004, after 40th ratification

- Multi Year Programme of Work of the CGRFA (MYPOW): covers ABS in the area of agricultural biological diversity

CGRFA 13 session



Ad Hoc Technical Working Group on Access and Benefit-sharing  
for Genetic Resources for Food and Agriculture



[home](#) | [Publications](#) | [Information from ERFP bodies](#) | [TF Access and Benefit Sharing](#)

[Terms of Reference](#)

[Programme \(MYPOW\)](#)

[Organisational Structure](#)

[Meetings](#)

[Publications](#)

[Country Information](#)

[Project Information](#)

[Information from ERFP bodies](#)

[WG Ex situ Conservation](#)

[WG Documentation and Information](#)

**[TF Access and Benefit Sharing](#)**

[TF Risk Status and Indicators](#)

[TF Agri-environmental Measures](#)

[AnGR Publications](#)

## ERFP Task Force on Access and Benefit Sharing

### Upcoming meetings:

- [European Workshop on Access and Benefit-sharing for Food and Agriculture, 27th to 28th June 2012 / ERG meeting 29th June 2012](#)  
Bonn, Germany
  - [Draft Agenda](#)
- [1st Session of the Ad Hoc Technical Working Group on Access and Benefit-Sharing](#) for Genetic Resources for Food and Agriculture  
Svalbard, Norway from 11th to 13th September 2012
  - [Draft Agenda](#)

### Further information:

- [Results](#) of public consultation of European stakeholder on the implementation of the Nagoya Protocol on ABS ([EU Com](#))
- The [Nagoya Protocol](#) on Access and Benefit Sharing
- First Meeting of the Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization ([ICNP-1](#))
- [IISD summary report](#) of ICNP-1
- [Information note](#) from the EU Presidency and the Commission prepared for the meeting of the Council (Environment) on 21st June 2011

Genres-News RSS-Feed

[XML](#)

### Contact

- [Frank Begemann](#)
- [Sebastian Winkel](#)
- [Babette Balzer](#)

### Links

- [EFABIS](#)
- [DAD-IS](#)
- [FAO State of the World's Animal Genetic Resources](#)
- [FAO Global Plan of Action](#)
- [ERFP Newsletter # 10](#)
- [EU Genetic Resources in Agriculture](#)
- [EAAP](#)

# Tasks for the Working Group

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- **identify** relevant **distinctive features** of the different sectors and sub-sectors of GRFA requiring **distinctive solutions**;
- **develop options to guide and assist countries**, upon their request, **in developing legislative, administrative and policy measures** that accommodate these features; and
- **analyze**, as appropriate, **possible modalities for addressing access and benefit-sharing** for GRFA, taking into account the full range of options, including those presented in the Nagoya Protocol.

# Other initiatives: IUCN

Page 46

„the FAO Commission may decide

**to develop further legally binding ABS instruments for specific components of biodiversity** for food and agriculture in the future,

such as AnGR for food and agriculture, or others”



## An Explanatory Guide to the Nagoya Protocol on Access and Benefit-sharing



DRAFT 1.1 FOR REVIEW

IUCN Environmental Policy and Law Paper No.



# Similarities and differences between AnGR and PGR genebanks



**Nagoya Protocol  
and the operation of AnGR genebanks  
and PGR genebanks**

# Agro-biodiversity: sectoral differences

	PGR	AnGR
<b>Breeding</b>	<b>initial crossbreeding</b>	<b>selection within population</b>
<b>Inbreeding</b>	<b>used extensively</b>	<b>not desirable</b>
<b>Testing costs</b>	<b>inexpensive</b>	<b>expensive</b>
<b>GM</b>	<b>possible/efficient</b>	<b>difficult/not accepted</b>
<b>Exchange</b>	<b>S→N</b>	<b>N→N and N→S</b>
<b>Centres of origin</b>	<b>well defined</b>	<b>multiple domestication</b>
<b>Ownership</b>	<b>public genebanks</b>	<b>private</b>
<b>Value of individual</b>	<b>low</b>	<b>high to very high</b>
<b>Trading</b>	<b>breeders' / farmers' rights</b>	<b>bilateral agreements</b>
<b>Patentability (TRIPS)</b>	<b>varieties</b>	<b>breeds not patentable</b>

# Awassi sheep

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Primitive fat tail sheep  
from Arabian Peninsula





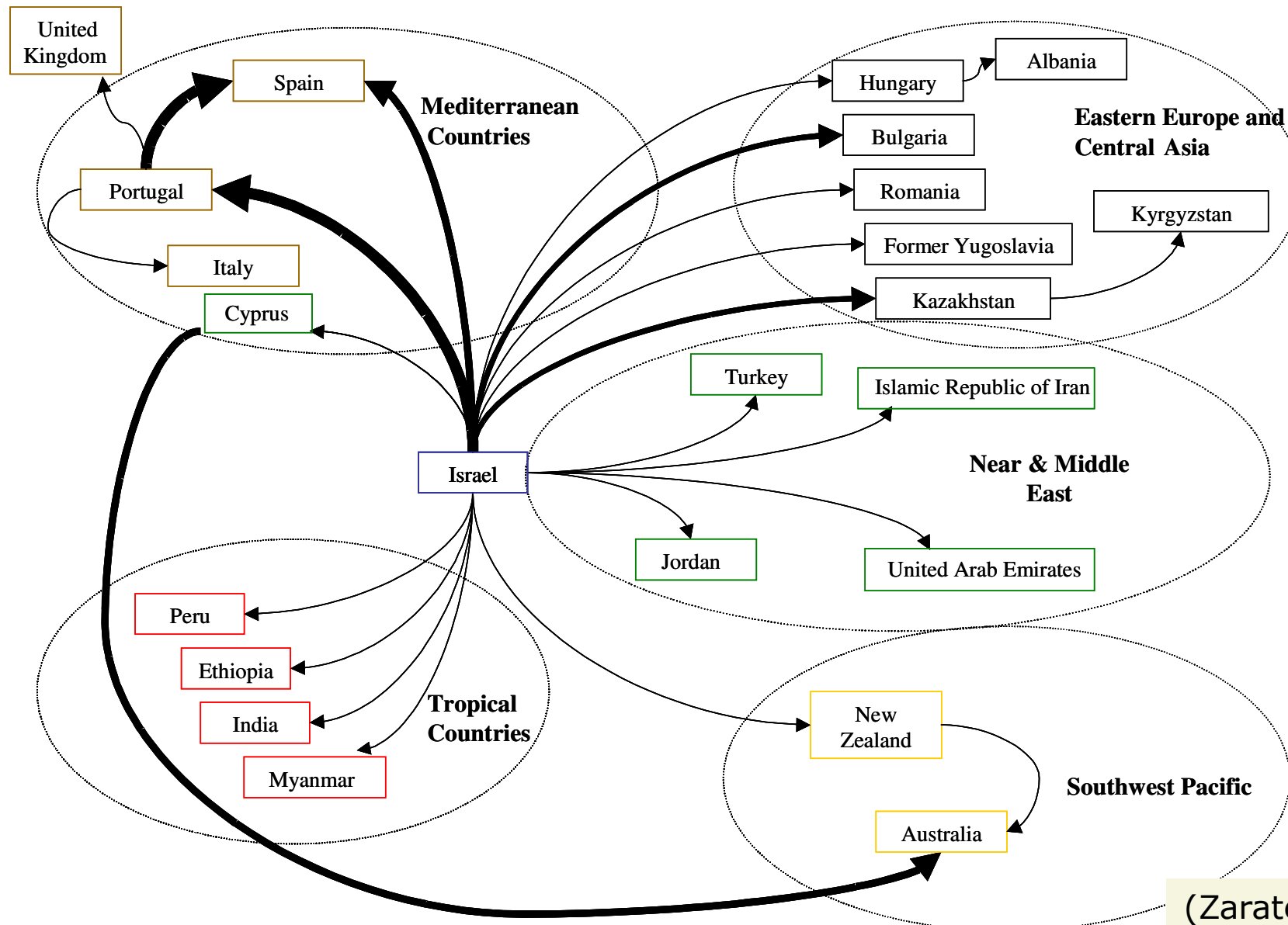
# Volcani Center, ARO

**ASSAF:  
5/8 Awassi 3/8 East Friesian**



(Gootwine, 2008)

# Gene flow of Awassi i Assaf



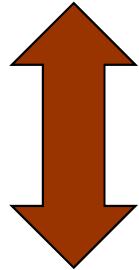
(Zarate i wsp., 2006)



# Success of Awassi and Assaf



Adaptation traits



Very successful

breeding programme & selection



**Claims on biopiracy?**

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**Great  
success  
in Australia  
and USA**



In 1987 import to Australia  
frozen embryos

of Tuli (Zimbabwe)  
and Boran (Zambia)

## AnGR Gene flow

- ❑ Rare examples on successful introgression of exotic genotypes to mainstream breeds (e.g. Meishan pig breed)
- ❑ Use of wild species almost negligible
- ❑ Gene flow:  
 **$N \rightarrow N$  and  $N \rightarrow S$**

Will further increase due to  
**the Livestock revolution**



# AnGR Gene flow N → S

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- Worldwide in 2011, the United States exported a record \$664 million worth of breeding stock and genetic material;
- About 14 percent of U.S. live animal exports, largely breeder chicks, were sent to China;
- Chinese companies bought \$41 million worth of live breeding animals and genetics, up nearly threefold from five years ago

## **China:**

acquiring millions of live animals as breeding stock, capitalizes on decades of US investments in agricultural research

**No expectations regarding sharing benefits!**

# Exchange of AnGR

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- **Farm Animal Genetic resources are privately owned**
- **Exchange of AnGR is beneficial and smoothly running**
  - Active international exchange by private-private transactions
  - Contracts from very simple to very sophisticated
  - Farmer owns AnGR after purchasing semen or animal
  - Price according to the genetic value
  - Models for best practices could further facilitate exchange
- **Standards for transfer set by:**
  - EU zootechnical legislation (pedigree, genetic value)
  - Veterinary requirements

# International regime on ABS

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## **A system for exchange already in place**

- Regime may offer supporting elements for transparency & uniformity
- Measures against those circumventing national legislation on GR
- Risk for over complications and expensive unambiguous regulations

Need for **sectoral approach** for ABS for GRFA, taking into account differences between PGR & AnGR



# ABS for PGR FA

- For species included in the Annex 1
  
- For collections included in **the Multilateral System of Access and Benefit-sharing**
  - - by Contracting Parties,
    - the International Agriculture Research Centres of the CGIAR,
    - other International Centres and
    - natural and legal persons

## International Treaty on Plant Genetic Resources for Food and Agriculture



**PREAMBLE** **v**

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# The Standard Material Transfer Agreement

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- ❑ It is a mandatory model for parties wishing to provide and receive material under the Multilateral System;
- ❑ Result of a lengthy negotiation among the Parties to the Treaty;
- ❑ The STMA are private agreements between the particular providers and recipients;
- ❑ The Governing Body, through FAO as the Third Party Beneficiary, is recognized as having an interest in the agreements;
- ❑ The **standard template has been developed** to ensure that the provisions of the Treaty regarding the transfer of PGRFA under the Multilateral System are enforceable on users.

# ABS PGR genebanks

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Under the Treaty: SMTA and Multilateral System

□ **Article 5 – Rights and Obligations of the Provider**

□ **Article 6 – Rights and Obligations of the Recipient**

- Material shall be used or conserved only for the purposes of **research, breeding and training** for food and agriculture.

(not include chemical, pharmaceutical and/or other non-food/feed industrial uses)

# ABS PGR genebanks

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- In the case that the **Recipient commercializes a PGR Product** and that incorporates Material referred to in Article 3:
  - **Product is not available without restriction**  
the Recipient shall pay a fixed percentage of the Sales of the commercialized Product
  - **Product is available without restriction**  
the Recipient is encouraged to make voluntary payments
  
- PGR outside the Treaty ????????

# PGR/AnGR gene banks

- ❑ Different type of genetic material stored
- ❑ Different management of the gene banks



Animal BioBank, Norway

# AnGR gene banks

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- ❑ Limited number of operational national genebanks (in public domain) to conserve AnGR
- ❑ Such genebanks are mainly in Europe, USA, Canada

**Access to AnGR: regulated / not restricted**

- ❑ No genebanks established under international organizations such as CGIAR
- ❑ Requests for access from other countries?
- ❑ Gradually developing private bio-banks, some with commercial interests

# European gene banking strategy



Do we need one?

Do we have one?



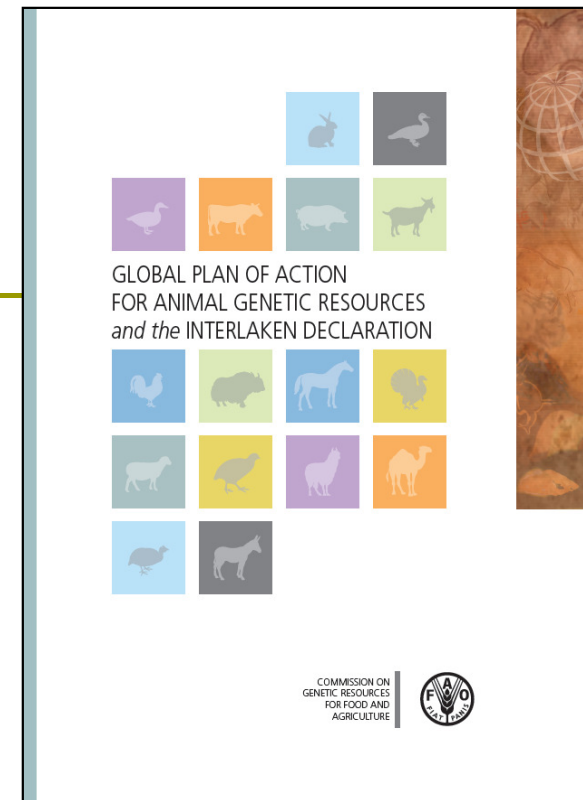
# Do we need one?

## Strategic Priority 10

Develop and implement regional and global long-term conservation strategies

## Action 3

Establish **regional and global networks of gene banks** for animal genetic resources and harmonize approaches to conservation in gene banks and to facilitating exchange



# Do we have one? First step already taken

- Gene bank management software
- FAO Guidelines for cryopreservation



- Common standards



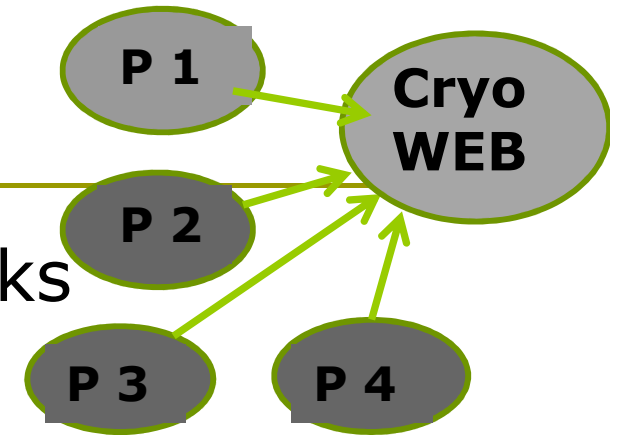
The screenshot shows the EFABIS website interface. The main content area features a section titled 'Recent EFABIS News' with a sub-heading 'The European part of FABISnet'. Below this is a map of Europe with several countries highlighted in orange. To the right of the map is a text block stating: 'FABISnet is "an integrated network of decentralized country biodiversity and genebank databases". The most of the national databases in this network were established within the EFABISnet project in cooperation with (17 partners). Clicking on the map left will bring you to the database of the respective country.' Below the map is the European Union flag and a text block: 'Action 20 - EFABISNET receives financial support from the European Commission, Directorate-General for Agriculture and Rural Development, under Council Regulation (EC) No 870/2004'. Further down, there is a section titled 'Final EFABISNet conference in Palermo.' with a photograph of a group of people. On the right side of the page, there is a sidebar with the heading 'EFABIS in cooperation with ERFP' and a list of 'Latest updates' including 'Norsk elghund grå(NO)', 'Dexter(NO)', 'Charolais(NO)', 'The European part of FABISnet', 'Final EFABISNet conference in Palermo.', and 'EFABISNet final conference'.

17 partners, possibility to expand

MUCH MORE IS REQUIRED

# Option I: Virtual gene bank

- ❑ Network of already existing gene banks (national example: Italy)
- ❑ Individual: collection and storage, management
- ❑ Common set of technical requirements
- ❑ Common software and database
- ❑ Exchange of information (transboundary breeds)
- ❑ Common set of ABS requirements (MTA)
- ❑ Facilitated access for members
- ❑ In lights of the Nagoya Protocol may require provisions in national ABS legislation



## Option II: Physical gene bank

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- Unlikely, although possible
  - More difficult to get agreement
  - Rather bilateral then regional
  - Require negotiation on SMTA
  
- Material Transfer Agreements used for research might provide an useful but not sufficient example
  
- Opens a question on potential benefit sharing

# ABC of the Nagoya Protocol

## regarding AnGR gene banks

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### **Access**

Relatively easy to regulate

### **Benefit sharing**

Unclear:

- ❑ Bilateral arrangements?
- ❑ Mirror Multilateral System for PGR with benefits directed towards the Funding Strategy of the GPA?
- ❑ Use Article 10 of the Nagoya Protocol?

### **Compliance**

- ❑ Subject to national legislation, check points and monitoring

# Global solutions for AnGR?



Important role  
of the Svalbard  
meeting...



Biodiversity is life  
Biodiversity is our life

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**Thank you for listening**