



State of play of the Proposal for a Regulation on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising from their Utilisation in the EU

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Workshop on Access and Benefit
Sharing of Forest Genetic Material
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Preparatory work

- *Consultation with EU stakeholders*
- *Bilateral consultations with other Parties*
- *Conferences and workshops*
- *Consultant's Impact Study including sectoral reports (cf. its Annex 3) to develop the "EU baseline" (Annex 8 of IA)*
- *Commission Impact Assessment*

All relevant documents are available at:

http://ec.europa.eu/environment/biodiversity/international/abs/index_en.htm

Characteristics of the "EU Baseline"

- *Genetic resources are used for a wide range of purposes, by a wide range of actors with different interests*
- *Multiple actors at different stages of the value chain (collecting, basic research, applied research, product development)*
- *Future interest in R&D on genetic resources stable or increasing, while demand for 'in situ' access declining in most sectors*

Characteristics of the "EU Baseline" (2)

- *In situ access is mostly done by university-based researchers and scientists affiliated with ex situ collections.*
- *Commercial users rarely collect in the wild*
- *Ex situ collections play a fundamental role in the EU genetic resources value chain for both non-commercial and commercial users*
- *ABS best practices exist particularly upstream in the EU user-chain*

Main features of the legislative proposal

- *No access rules at EU level – decision to do so remains with EU Member States*
- *Scope: GR within national jurisdiction; all genetic resources except those covered by a specialised international ABS instrument (e.g. MLS of the ITPGRFA); application of binding rules only to future acquisitions of genetic resources.*
- *User compliance rules in the form of a general due diligence obligation on EU users: need to seek, keep and transfer to subsequent users information relevant for access and benefit-sharing and to draw consequences from such information (e.g. "discontinue use").*



Main features of the legislative proposal (2)

- *All users have to declare how they exercise due diligence either at the stage of receiving public research funding or at the stage of requesting market approval or at the time of commercializing a product.*
- *Breaches of the due diligence obligation would be sanctioned.*
- *Supportive, voluntary tools of "trusted collections" and recognition of best practices*

Legislative debates and next steps

- *Advanced stage of the legislative procedure*
- *Commitment to ratify ahead of the first NP CoP/MoP envisaged for October 2014*
- *Work on required secondary legislation starts after adoption*
- *Guidelines etc. to be developed in parallel*



Thank you for your attention!

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http://ec.europa.eu/environment/biodiversity/international/abs/index_en.htm*