



Preparing for Belgian NP implementation

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1. Context

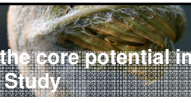
Europe

- Politically committed to ratifying and implementing the Nagoya Protocol at the earliest possible time before CBD COP 12
- European level implementation, see EU presentation

Belgium

- Signed on 20 September 2011
- Timely ratification is a high priority
- Impact assessment study ongoing stakeholder workshop on possible options for implementation as a basis for the study


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2. Overview of the core potential implementation options for the Study

- Access and Benefit sharing (BS)
- Competent National Authority (CNA)
- Compliance
- Monitoring the utilization of GR
- National ABS Clearing-House component
- National Focal Point (NFP)

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3. Access and Benefit Sharing


Horizontal principle: establish BS (option 1) + PIC (option 2)

Operationalisation: phased, subsidiary and flexible

Under option 2, 3 sub-options explored for further operationalisation, taking existing legislation/measures as starting point:

- Bottleneck model: refined PA/PS legislation + only ex-situ access to GR as default
- Fishing net model: refined PA/PS legislation + access to other GR: registration as default
- Intermediary model: potentially enlarged existing PA/PS legislation & measures + other specific GR legislation/measures+ access from everywhere but with registration as default rule

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4. Competent National Authority

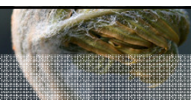
Context:

Federal state, hence would have 4 CNAs, to represent 3 regions and federal, competent for PA/PS

Option 1: 4 entry points (one per CNA)

Option 2: "single point of contact" (one centralized entry point for the 4 CNAs)

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5. Compliance

Existing relevant provisions from the criminal code, civil procedural code, code on private international law

But not sufficient to fulfill the obligations of art. 15, 16 NP

➡ Options are explored on the possibility for a general criminal provision in Belgian legislation, that refers back to compliance with certain aspects of the legislation of the provider country regarding PIC and/or MAT

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6. Monitoring/Checkpoints

- First phase (to respect political commitment for timely ratification). Two options are being explored:
 1. (upgraded) patent disclosure, and
 2. PIC
- Subsequent phase (once more experience is gained) might require other, more effective checkpoints.
- Proposal of draft EU legislation? Due diligence obligation?

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6. Belgian ABS-CH component

Context: 2 distinct sets of tasks for a BE CH-component:

1. general information sharing on the NP, supporting awareness, capacity building, technological transfer etc.
2. specific, technical needs for the ABS CH

Different **options** explored for the different tasks, including with the following authorities/institutes:

- current BE CBD CHM
- research office hosting i.c. collections (databases)
- current BE BCH

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Any other questions?

For more information, see: <http://www.biodiv.be/>

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