

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. The shapes are primarily triangles and polygons, creating a dynamic, layered effect. The text is centered in a clean, sans-serif font.

Draft federal law: institutional context and selected options

Nagoya in Belgium: who's competent for what ?

- ▶ Basic principle: territory
- ▶ Exception: federal collections

Nagoya in Belgium: who's competent for what ?

► Regions:

- Compliance pillar: implementation of the EU Regulation 511/2014 (except art 5 for federal collections)

⇒ Checks on users

⇒ Competent authorities for declarations

⇒ Penalties

⇒ Collections = Users controlled by the region where they are located

- Access and benefit-sharing pillars for in situ and ex situ resources on territorial basis (except for federal collections)

Competences in Belgium

▶ Federal:

- ▶ Compliance pillar: Implementation of art 5 of the EU Regulation 511/2014 for federal collections

⇒ Verification of applications for Register of collections

- ▶ Access and benefit-sharing pillars for marine in situ and federal collections (from federal scientific institutions)

⇒ Draft law and decree

Draft federal law

Still informal consultation !

Other possibilities to react in the futur

Written comments and suggestions can be sent to:

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by March 2nd

Draft federal law

- ▶ Federal resources = genetic material that is part of the federal patrimony including
 - ▶ 1) genetic resources acquired by federal research institutions, and alike, before the entry into force of the Nagoya Protocol ;
 - ▶ 2) genetic resources from North sea under Belgian jurisdiction

Draft federal law

▶ Objectives ?

- ▶ Implement art. 5 : benefit-sharing

- ⇒ **objective and core obligation** of the Nagoya Protocol

- ▶ Contribute to conservation efforts both in situ and ex-situ

- ▶ Clarify status of collections before 2014

Draft federal law

- ▶ Access: draft law equates with a general consent for access
 - ▶ No administrative constraint
 - ▶ No prior informed consent
 - ▶ Must comply with any applicable rules for physical access (i.e. collections rules)

Draft federal law

▶ Utilisation of federal resources

- ▶ Obligation of notification to competent authority (DG ENV, FOD)
- ▶ Obligation triggered only by **effective** utilisation:
 - ▶ publication
 - ▶ Product authorization/approval
 - ▶ Product notification
 - ▶ Placing on the market
 - ▶ Result of the utilisation is sold or transferred

Draft federal law

- ▶ **Benefit-sharing for non commercial utilization**
 - ▶ Automatic
 - ▶ Provide publication (permanent record)
 - ▶ In case of in situ, obligation to *propose* the related sample to a federal collection
 - ▶ Collection will decide whether to accept or refuse !

Draft federal law

- ▶ **Benefit-sharing for commercial utilization**
 - ▶ Negotiable, monetary and/or non monetary
 - ▶ Mediation procedure in case of disagreement
 - ▶ Authority may consult stakeholders, i.e. collections/country of origin
 - ▶ Benefits shared dedicated to **biodiversity conservation projects !**

Draft federal law

▶ **Upon notification**

- ▶ Authority provides acknowledgement of receipt with IRCC
- ▶ IRCC published on ABS CH

Exclusions from scope

- ▶ Human genetic resources
- ▶ Genetic resources covered by other ABS international instruments
- ▶ Genetic resources *as testing/reference tools*

