



## Nagoya protocol in Belgium: need for a flexible and realistic approach at federal and regional levels



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## Belgian Life Sciences industry association

The mission of bio.be/essencia is to foster a supportive environment and a stable legal framework in line with the trend for innovation, an essential factor for :

- the economic sustainability and employment growth in the sector
- the capability of this sector to answer major societal challenges

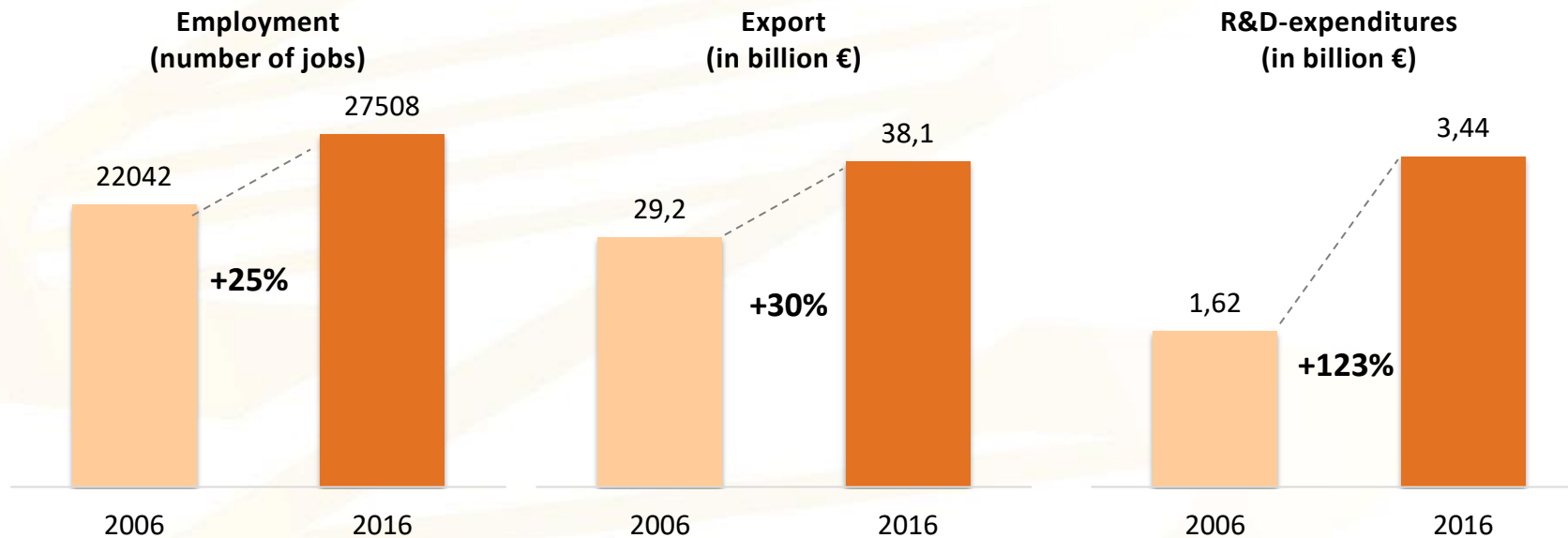
- interdisciplinary approach -

# Nagoya Protocol – Scope of impact in Belgium

- Research & Development
- Genetic resources from animals, plants, micro-organisms
- ⇒ **pharma, biopharma (vaccines), health biotech**
- ⇒ **agrobiotech**
- ⇒ cosmetics

# The biopharmaceutical industry, a growing sector in Belgium

Over the past 10 years, the biopharmaceutical industry has become a key pillar of the Belgian economy



# Belgium – green biotech

- Prof Marc Von Montagu
- VIB
- Ghent Technology Park: 900 workers
- Syngenta, Bayer Crop, SES VanderHave, Monsanto, ...
- Gembloux Agro-Bio Tech

# Need for a flexible and realistic approach at federal and regional levels (1)

## Access:

- Keep it simple,
- No conditions for access in other countries, certain Regions
- Similar in the 3 Regions

## Benefit sharing:

- FRAND

# Need for a flexible and realistic approach at federal and regional levels (2)

## Control:

- Risk-based approach
- Consistent application of due diligence obligations, including due diligence declarations

## Penalties:

- Reasonable; no penal sanctions
- Progressive (mediation, arbitration, sanctions)

# Also to be considered!

- ✓ The USA is not party to the protocol!
- ✓ Avoid *Gold Plating* in Belgium
- ✓ Avoid high burden on clinical trials
- ✓ Control on the last chain link.... Quid upstream R&D contractors?
- ✓ Need for education



# Contacts

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