

Study for the implementation of the Nagoya Protocol in Belgium

Presentation of possible options for the implementation

Brussels, 29 May 2012

This presentation reflects work in progress. It is based on the provisional results of the Study, based on work both by UCL team and the steering committee, with the aim of collecting input from stakeholders on the most relevant options for implementing the Nagoya Protocol in Belgium

Stakeholder workshop on the implementation of the Nagoya Protocol in Belgium, 29th May 2012

1. Core implementation obligations

1. Access upon Prior Informed Consent (PIC) – Art. 6
Benefit sharing (BS) – Art. 5
2. Competent National Authority (CNA) – Art. 13
3. Compliance (Art. 15, 16 and 18)
4. Monitoring the utilisation of GR (Art. 17)
5. National ABS Clearing-House component (Art. 14 and 17)
6. National Focal Point (Art. 13)

2. Measures and options to be explored

Access and benefit-sharing

First option

No PIC requirement
in Belgium, establish BS as a
horizontal principle

Second option

Horizontal principle:
establish PIC and BS



Operationalisation:
phased, subsidiary and flexible

Developing the second option (a)

Option 1: Bottleneck

- Refine/improve/re-interpret existing regional/federal legislation for protected areas and protected species
- Default (for GR which are not in a protected area or which are not protected species): Only Belgian culture collections can provide access

Option 2: Fishing net

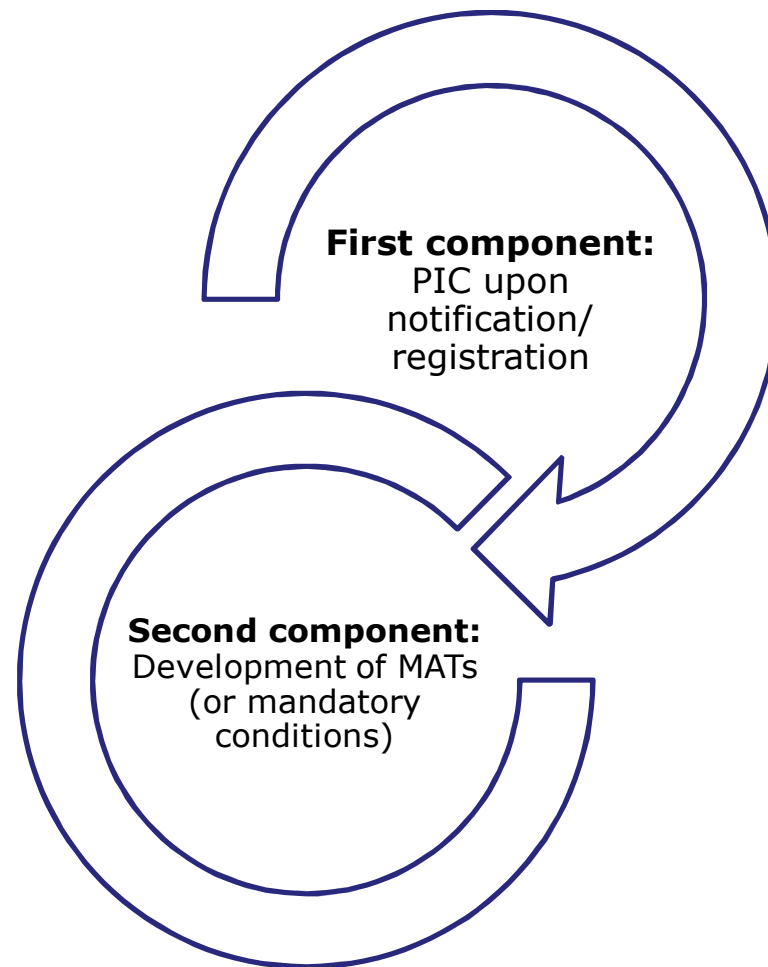
- Refine/improve/re-interpret existing regional/federal legislation for protected areas and protected species
- Default (for GR which are not in a protected area or which are not protected species): Access from anywhere, but registration/notification to the CNA

Option 3: Intermediary model

- Refine/improve/re-interpret existing regional/federal legislation for protected areas and protected species
- Refine/improve/re-interpret existing regional/federal legislation for GR not covered by PA and PS legislation
- Default (for GR which are not in a protected area or which are not protected species): Access from anywhere, but registration/notification to the CNA

Developing the second option (b)

The operationalization of prior informed consent (PIC) and benefit sharing (BS) will imply to consider two implementation components that are interrelated



Competent National Authority

Under either of these options the CNA would in the first place be the relevant competent authorities for PA+PS

- 3 regional CNAs
- 1 federal CNA

Coordination will be in any event important

* One option is to establish a single point of contact and/or centralized coordination mechanism : the requests would be handled centrally by one entity, who can then dispatch to the various CNAs according to the established procedures

Compliance

Existing criminal code, civil procedural code & Belgian PIC is not sufficient to fulfill the obligations of article 15, 16 and 18 NP.

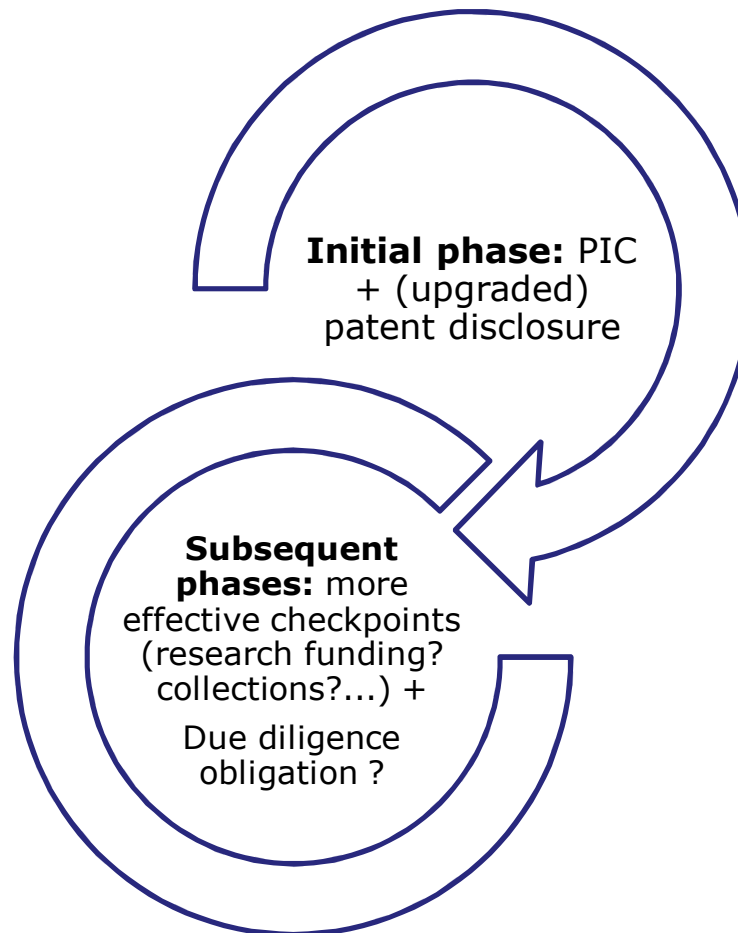
Option 1: Referring back to the provider country

- **general criminal provision** that refers back to the legislation of the provider country

Option 2: Self-standing obligation

- **general provision containing** a self-standing obligation to have PIC and MAT (if provider country requires so)

Monitoring the utilization of GR



National ABS Clearing-house component

Ongoing multilateral negotiations: It is still unclear whether will need BE Clearing-house component or mere BE entry point to the Clearing-house established under the NP.

In both cases

- * The existing CBD Clearing house is already equipped for providing relevant information on ABS under the CBD, which can be improved for providing information on specific ABS measures agreed upon under the Nagoya Protocol.

- * Government measures will be needed to organize the way in which technical information will be provided to the Nagoya Protocol Clearing-house (for example on the international certificate of compliance)

National Focal Point

Choice will depend on the centre of gravity of the Belgian implementation measures