



EUROPEAN COMMISSION

Dr. Ahmed Djoghlaif  
Executive Secretary  
Convention on Biological Diversity  
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Montreal, Quebec, Canada  
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Bonn / Brussels, 15 February 2007

**Subject: EU submission in reply to Notification 2006-044 - Access and Benefit-Sharing, Experiences with the Bonn Guidelines**

Dear Dr. Djoghlaif,

In reply to notification 2006-044, Germany and the European Commission, on behalf of the European Community and its Member States, would like to transmit the enclosed information provided by the Czech Republic, Denmark, Finland, Sweden and the Netherlands regarding their experiences in implementing Article 15 of the CBD and the Bonn Guidelines.

Sincerely yours,

[SIGNED]

Nicola Breier

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Ministry of the Environment,  
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GERMANY

[SIGNED]

Hugo-Maria Schally

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**Annex:** Information provided by the Czech Republic, Denmark, Finland, Sweden and the Netherlands on their experience with the Bonn Guidelines

**EU submission in reply to Notification 2006-044  
Information provided by the Czech Republic, Denmark, Finland and the Netherlands on their  
experience with the Bonn Guidelines**

**A. Czech Republic**

In the Czech Republic, the principles of Bonn Guidelines are advertised among livestock keepers to aware them on their rights and appreciate all values of the stocks kept. We used them also when preparing a model MTA for animal gene banks. The same situation is for plant and micro-organisms genetic resources keepers.

As a part of the UNEP/GEF Project: Assessment of Capacity building Needs: Access to Genetic Resources and Benefit-sharing, Conservation and Sustainable Use of biodiversity Important for Agriculture, Forestry and Research – Czech Republic the analysis was done for Agricultural and garden crops, farm animals, forest trees, Botanic Gardens, Zoological Gardens, Fungi

For more information see the final project report:

Assessment of Capacity-building Needs: Access to Genetic Resources and Benefit-sharing, Conservation and Sustainable Use of biodiversity Important for Agriculture, Forestry and Research – Czech Republic (Roudná M., Ed., Ministry of the Environment, Prague, 2006)

The Report can be downloaded on the Ministry of the Environment website:

<http://www.env.cz/osv/edice.nsf/e26dd68a7c931e61c1256fbe0033a4ee/543095a457f030bdc125719c0030d9bb?OpenDocument>

**IMPLEMENTATION OF THE BONN GUIDELINES**

Within the Project implementation of the Bonn Guidelines was analysed in the main focused areas: agricultural crops, farm animals, forest tree species, botanic gardens (BG) and zoological gardens (ZOO), partly fungi. The result of the survey can be summarized as follows.

**GENERAL MEASURES**

*Frame*

for implementation of ABS principals is done by national legislation in case of agricultural crops, partly in farm animals, forest trees and fungi. As to BG and ZOO the national frame is missing so far, but international principles are respected.

*Terms – their definition and use*

Basic terms are defined in national legislation (in areas where it exists) and in part within Glossary of the Czech Academy of Agricultural Sciences (under preparation). As to ZOO the terminology is based on this used in The World Zoo and Aquarium Conservation Strategy(WAZA 2005, Czech translation 2005).

### *Goals for ABS support*

are defined as to agricultural crops, farm animals, forest trees and partly fungi within the National Programmes launched and guaranteed by the Ministry of Agriculture. Goals are not satisfactorily so far defined as to BG and ZOO. National frame and goals in general are in relation to international treaties and documents, namely Cartagena Protocol on Biosafety, legal documents of UPOV, international phytosanitary measures, IPEN – International Plant Exchange Network (BG) and corresponding Council of European Union Directives.

## ROLES AND RESPONSIBILITIES IN ABS

### *Competent National Authorities*

CNAs and corresponding NFPs (contact persons) were nominated for agricultural crops (Research Institute for Crop Production), farm animals (Research Institute for Farm Animals Production) and forest trees (Forestry and Game Management Research Institute). On the basis of the Project outcomes nomination was done of the CNAs and corresponding NFPs for BG (in the framework of recently established Union of Botanic Gardens) and ZOO (Prague ZOO – centre for editing of the Czech and Slovak ZOO Yearbook, among others).

### *Responsibilities of users and providers*

are legally defined in case of agricultural crops, farm animals and forest trees, not sufficiently as to fungi. In ZOO are indirectly done by existing national legislation and take into account existing international treaties. In BG international principles are respected, but they are not clearly defined at national level. A model Material Transfer Agreement exists for agricultural crops and farm animals.

## PARTICIPATION OF STAKEHOLDERS

National Councils on Genetic Resources as consultative bodies were established at the Ministry of Agriculture with competency in agricultural crops, farm animals, forest trees and microorganisms utilized in agriculture. The Commission for Zoological Gardens at the Ministry of the Environment fulfils the similar function. No corresponding body has been established so far for BG but it will be solved in connection with establishment of the Union of the Czech Botanic Gardens. sharing activities have been relatively good developed (specialized publications, exhibitions, presentations for public etc.).

## STEPS IN ABS PROCESS

### *Overall strategy*

is defined for agricultural crops, farm animals and forest trees within the National Programmes, together with identification of steps (in different details). The Strategy is not so far sufficiently defined for ZOO and it is missing in case of BG.

### *Prior Informed Consent*

System of PIC is not officially established at national level. Nevertheless some agreements and decrees at national level can be considered as contribution to such system. Principles of PIC are included in model MTAs for agricultural crops and farm animals. Principals are implemented in case of ZOO and BG on the basis of international treaties and rules, especially in international cooperation and exchange. The outcomes of the BEA Project are aiming at support of these steps.

### *Benefit-sharing*

Principles are in different forms and degree implemented in all monitored groups of genetic resources. International rules are respected as international cooperation is relatively well developed. Mechanism of benefit-sharing is not officially defined, most frequently it is based on mutual agreement or joint projects. Non-monetary benefits are mostly provided. Frequently it regards long-term benefits. Benefit-sharing is in most cases implemented through direct contact with recipient, in case of ZOO also through an intermediary (e.g. in ZOO within specialized programmes). Not so far fully used capacity exist in implementation of the Czech Development Assistance for less experienced countries.

### OTHER PROVISIONS

Provided services (provided samples for national and foreign users, provided information or know-how) are *monitored* once a year, especially in agricultural crops. These data form part of Annual Reports for a given group of genetic resources. Activities developed within the National Programmes (agricultural crops, farm animals, forest trees) are *controlled*. In case of BG Index Seminum statistics is made. In ZOO selling and purchase are recorded. Transfer of animals within EEP Programmes is registered by coordinator of corresponding Programme. Rules of collections *ex situ* are done by national legislation (Act on Nature Conservation and Landscape Protection, Act on Genetic Resources for Food and Agriculture Act on Genetic Resources for Food and Agriculture and corresponding decrees, methodology of National Programme). During international expeditions the Code of Conduct (FAO) is implemented. Sanctions are used in case of non-compliance with the National Programme. In agricultural crops the Act defines also remedies controlled by the Ministry of Agriculture. In ZOO sanctions are applied in case of non-compliance with contractual agreement. Settlement of disputes are done by national Acts and in case of agricultural crops and farm animals through MTAs. In ZOO disputes are settled through EAZA.

### **B. Denmark, Finland and Sweden**

In the context of their cooperation amongst the Nordic countries, Denmark, Finland and Sweden contributed in 2006 to a guide introducing and explaining the Bonn Guidelines and their implications for both users and providers of genetic resources. This guide has been translated into the four nordic languages (Swedish, Danish, Finnish and Norwegian). The full text is available at: <<http://www.norden.org/pub/ovrigt/ovrigt/US2006448.pdf>>.

### **C Netherlands**

Developments in the Netherlands regarding access and benefit sharing measures form a direct response to the decisions taken in the first meeting of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (the International Treaty).

\* The Netherlands regards access and benefit sharing measures not only as a way to implement the decisions of the Governing Body of the International Treaty but also as a contribution to the development of an International Regime on Access and Benefit-Sharing which forms the responsibility of the Parties to the Convention.

\* The collections of the Centre for Genetic Resources The Netherlands are under the management and control of the government and in the public domain. All collections of crops listed under Annex 1 of the FAO International Treaty form part of the Multilateral System of Access and Benefit-sharing.

\* The Netherlands Centre for Genetic Resources expects to introduce the standard Material Transfer Agreement before the end of 2006 for all its transactions regarding crops listed in Annex 1 of the Treaty. Furthermore, it will use the same Material Transfer Agreement to provide germplasm to users that does not belong to crops listed in Annex 1, which was acquired by CGN before the entry into force of the Convention.

\* The Netherlands Centre for Genetic Resources will also offer the option of a click-wrap procedure for the user to accept the terms and conditions of the standard Material Transfer Agreement, having ascertained that such procedure is legally binding.

\* Finally, the Netherlands is in the process of approaching other germplasm holders in order to encourage these to bring their collections in the Multilateral System of Access and Benefit-sharing, where appropriate.

