

## Access and Benefit-Sharing Clearing-House (ABSCH)

### LEGISLATIVE, ADMINISTRATIVE OR POLICY MEASURES ON ACCESS AND BENEFIT-SHARING (MSR)

PUBLISHED: 26 MAY 2020

#### General information

Country

[Viet Nam](#)

**PARTY TO THE NAGOYA PROTOCOL**

**ENTRY INTO FORCE: 12 OCT 2014**

Title

**Decree No.59/2017/ND-CP on the management of access to genetic resources and the sharing of benefits arising from their utilization**

Brief description

Some highlights:

- Sets out Principles that encourage domestic research and fair and equitable benefit-sharing;
- Designates the Ministry of Agriculture and Rural Development and Ministry of Natural Resources and Environment as competent national authorities;
- Imposes requirement to register and request an access license on any foreign individual/organization for any purpose, and any domestic individual/organization for commercial purposes or when transferring genetic resources abroad;
- Establishes a 5-step process to access genetic resources: 1. register with CNA, 2. negotiate and sign contract with Provider, 3. request certification from Commune-level People's Committee, 4. submit dossier requesting access license to CNA, 5. provide any additional information to finalize dossier if requested by CNA.
- Sets out clear timelines for submissions by applicants and decision-making by authorities at each step;
- Sets out separate requirements for Vietnamese students, doctoral students and science and technology organizations wishing to transfer genetic resources abroad;
- Outlines possible monetary and non-monetary benefits, while setting minimum benefit-sharing of 1% total annual revenue of products, and 2% the value of such transfer from the use of IP rights.
- Distributes monetary benefits when Provider is a State entity (30% to Provider entity, 70% to State Budget) or individual/household/organization assigned to manage genetic resources by the State (50% to Provider, 50% to State Budget).
- Monetary benefits paid to the State Budget to be used for conservation and sustainable use of biodiversity.
- Ministry of Natural Resources responsible for publishing information on access licenses to

the national database within 5 working days, and ABS Clearing-house of the SCBD within 15 working days to act as the IRCC.

Jurisdiction(s)

National / Federal

Current status of the measure

Legally binding

Date of entry into force

01 Jul 2017

Type of document / measure

Law

The measure contains model contractual clauses

Please see Sample Form 03 in the Annex attached to the Decree

## Document details

Document text

? [ND59-Quan ly ABS \(12.05.2017\).pdf](#) (Vietnamese)

Translation

? [Decree 59-2017-ND-CP\\_on ABS.pdf](#) (English) (Official translation)

## Amendments

This measure is amending the following:

? [ABSCH-MSR-VN-202094-1](#) | Legislative, Administrative or Policy Measure | Biodiversity Law (2008)

Summary of the amendments

Decree No.59/2017/ND-CP is the legal document enacted by the Government of Viet Nam on 12 May 2017 in order to regulate the access to GRs and the sharing of benefits arising from their utilization. The Decree provided guiding implementation of the provisions in Chapter V (Part 1 - Conservation and Sustainable use of Genetic Resources) of the Law on Biodiversity.

## Regulatory contact information

- [Competent National Authority](#): ABSCH-CNA-VN-237594-9

## COMPETENT NATIONAL AUTHORITY

Ministry of Natural Resources and Environment  
Nature and Biodiversity Conservation Agency, Vietnam Environment Administration,  
Ministry of Natural Resources and Environment Add: B213, Tower B, 10 Ton That  
Thuyet Street, Nam Tu Liem District Ha Noi  
Viet Nam  
Phone: +84 24 37956868 (ext. 3117)  
Fax: +84 24 39412028  
Email: [hoangnhan.nbca@gmail.com](mailto:hoangnhan.nbca@gmail.com), [tunguyen.bca@gmail.com](mailto:tunguyen.bca@gmail.com),  
[vanphongcucbaoton@gmail.com](mailto:vanphongcucbaoton@gmail.com)  
Website: <https://vietnamabs.gov.vn/>  
? ABSCH-CNA-VN-237594-9

## Elements of the measure

### SCOPE OF THE MEASURE

#### Genetic Resources

- Animals , - Plants , - Fungi , - Microorganism , - Domesticated species and/or cultivated species , - Wild species - **found in** - In-situ Ex-situ ([Article 1. Scope of regulation](#))

#### Provisions on temporal scope ( [Article 27. Transitional provisions](#) )

### ACCESS

#### Access to genetic resources

- For commercial use ( [Article 8. Requirements for entities registering and requesting a license to access genetic resources](#) )
- For non-commercial use ( [Article 8. Requirements for entities registering and requesting a license to access genetic resources](#) )

Provides for the issuance of a permit of its equivalent at the time of access for constituting an internationally recognized certificate of compliance ( [Article 24. Disclosure of the internationally recognized certificate of compliance on access to genetic resources and benefit-sharing](#) )

Established rules and procedures for mutually agreed terms ( [Article 10. Negotiate and Sign the Contract for Access to Genetic Resources and Benefit-sharing](#) )

### BENEFIT-SHARING

Monetary benefits ( [Article 21. Types of benefits from the utilization of genetic resources](#) )

Non-monetary benefits ( [Article 23. Sharing of non-monetary benefits](#) )

For commercial use ( [Article 22. Sharing of monetary benefits](#) )

### COMPLIANCE

**Issues related to monitoring the utilization of genetic resources (Article 17) ( [Article 25. Report on the implementation of access to genetic resources and benefit-sharing](#) )**

**Compliance with mutually agreed terms (Article 18) ( [Article 15. Contract for access to genetic resources and benefit-sharing](#) )**

#### **RELATIONSHIP WITH OTHER INTERNATIONAL INSTRUMENTS**

**[No provisions for this element](#)**

#### **OTHER**

**Competent national authority/ies ( [Article 6. Competent national authority to grant, renew and withdraw licenses to access genetic resources](#) )**

? [ABSCH-MSR-VN-237595-2](#)

## **Further Information**

Questions about the Nagoya Protocol on Access and Benefit-sharing or the operation of the Access and Benefit-sharing Clearing-House may be directed to the Secretariat of the Convention on Biological Diversity.

### **Secretariat of the Convention on Biological Diversity**

413 rue Saint-Jacques, suite 800

Montreal, Québec, H2Y 1N9

Canada

Fax: +1 514 288-6588

Email: [secretariat@cbd.int](mailto:secretariat@cbd.int)