

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

Interim National Report on the Implementation of the Nagoya Protocol (NR)

PUBLISHED: 14 FEB 2018

General information

Country

No country selected

1. Title of this national report

Belgium's Interim National Report on the Implementation of the Nagoya Protocol

2. Contact person

Institutional structures for the implementation of the Protocol

3. Has your country made the information available to the ABS Clearing-House as provided in Article 14.2?

Yes

Please provide a summary of the main difficulties and challenges encountered and answer all the following questions.

Please provide further information

4. Has your country taken legislative, administrative and policy measures on ABS?

Yes

Please provide a summary of the main difficulties and challenges encountered in setting up these measures

Please provide further information

Adoption of Regulation (EU) 511/2014 on compliance measures for the users from the Nagoya Protocol on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising from their Utilisation in the Union;

Contribution to Commission Implementing Regulation (EU) 2015/1866 laying down detailed rules for the implementation of Regulation (EU) 511/2014 as regards register of collections, monitoring user compliance and best practices;

Contribution to Commission Notice – Guidance document on the scope of application and core obligations of Regulation (EU) 511/2014 (2016/C 313/1).

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5. Has your country designated a national focal point as provided in Article 13?

Yes

Please provide a summary of the main difficulties and challenges encountered for designating a national focal point

Use the text entry to provide further information

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- [ABSCH-NFP-BE-6528](#)

6. Has your country designated one or more competent national authorities as provided in Article 13?

No

Please provide a summary of the main difficulties and challenges encountered for designating one or more competent national authority

Use the text entry to provide further information

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7. Has your country made available to the ABS Clearing-House permits or their equivalent issued at the time of access as evidence of the decision to grant prior informed consent (PIC) and of the establishment of mutually agreed terms (MAT)?

Not applicable, since no access requirements are in place

No selection made

Please provide a summary of the main difficulties and challenges encountered for making this information available

Use the text entry to provide further information.

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8. Has your country made available to the ABS Clearing-House permits or their equivalent for the constitution of an internationally recognized certificate of compliance in accordance with Article 17.2?

Not applicable, since no access requirements are in place

No selection made

Use the text entry to provide further information

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9. Has your country designated one or more checkpoints as provided in Article 17?

No

Please provide a summary of the main difficulties and challenges encountered for designating one or more checkpoints

Use the text entry to provide further information

There are two checkpoints established at EU level:

1/ competent authorities designated under Regulation 511/2014 gather due diligence declarations from EU researchers; all recipients of research funding where such research involves utilisation of genetic resources and traditional knowledge associated with genetic resources are to be requested either by the Commission or by a Member State (depending on source of funding) to declare that they exercised due diligence in accordance with Article 4 of the EU ABS Regulation; in line with the Commission Implementing Regulation the researchers need to submit a due diligence declaration to (country name) competent authorities if the user is established in xxx (country name); a template for such declaration is defined in the Commission Implementing Regulation in Annex II; the competent national authorities transfer then information (provided it is not confidential) to ABS Clearing House; alternatively, in case crucial information for publishing of checkpoint communiqué is indicated as confidential and CPC cannot be published they contact the competent national authorities of the country providing genetic resources.

2/ competent authorities designated under Regulation 511/2014 gather due diligence declarations at the final stage of a product development from all users; template for such declaration is defined in the Commission Implementing Regulation (Annex III); specific events triggering submission of the declaration are defined in Article 6 of the Commission Implementing Regulation. Competent national authorities transfer information contained in the declaration (provided it is not confidential) to ABS Clearing House; alternatively, in case crucial information for publishing of checkpoint communiqué is indicated as confidential and CPC cannot be published, they contact the competent national authorities of the country providing genetic resources.

Although established at EU level, these checkpoints need to be officially designated at national level through legislative measures. These are still under development.

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10. Additional information:

No additional information provided

Please provide a summary of the main difficulties and challenges

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Any other relevant documents

Legislative, administrative or policy measures on access and benefit-sharing (ABS measures)

Access to genetic resources (Article 6)

11. Is access to genetic resources subject to PIC as provided in Article 6.1?

No

Please provide further information including indicating if there is any other system in place in relation to access to genetic resources

Use the text entry to provide further information

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12. Does your country have fair and non-arbitrary rules and procedures on accessing genetic resources as provided in Article 6.3 (b)?

Not applicable

Use the text entry to provide further information

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13. Does your country provide information on how to apply for PIC as provided in Article 6.3(c)?

Not applicable

Use the text entry to provide further information

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14. Does your country provide for a clear and transparent written decision by a competent national authority as provided in Article 6.3 (d)?

Not applicable

Use the text entry to provide further information.

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15. Does your country provide for the issuance at the time of access of a permit or its equivalent as provided in Article 6.3 (e)?

Not applicable

Use the text entry to provide further information

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16. Please provide the number of permits or their equivalents made available through the ABS-Clearing-House since the entry into force of the Protocol for your country.

Not applicable

Use the text entry to provide further information

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17. Does your country have rules and procedures for requiring and establishing MAT as provided in Article 6.3 (g)?

Not applicable

Use the text entry to provide further information

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18. Benefits received since entry into force of the Protocol for your country from the utilization of:

No selection made

Use the text entry to provide further information

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19. Additional information:

No additional information provided

Please provide a summary of the main difficulties and challenges

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Any other relevant documents

Fair and equitable benefit-sharing (Article 5)

20. Has your country taken legislative, administrative or policy measures to implement Article 5.1 that provides that benefits arising from the utilization of genetic resources as well as subsequent applications and commercialization are shared with the Party providing such resources that is the country of origin of such resources or a Party that has acquired the genetic resources in accordance with the Convention as provided in Article 5.3?

Yes

Use the text entry to provide further information

Article 4(1) of the EU ABS Regulation provides that “users shall exercise due diligence to ascertain that genetic resources and traditional knowledge associated with genetic resources which they utilise have been accessed in accordance with applicable access and benefit-sharing legislation or regulatory requirements and that benefits are fairly and equitably shared upon mutually agreed terms, in accordance with any applicable legislation or regulatory requirements.”

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21. Has your country taken legislative, administrative or policy measures with the aim of ensuring that the benefits from the utilization of genetic resources held by indigenous and local communities, in accordance with domestic legislation regarding the established rights of these indigenous and local communities over these genetic resources, are shared with the indigenous and local communities concerned as provided in Article 5.2?

Yes

Use the text entry to provide further information

Article 4(1) of the EU ABS Regulation provides that “users shall exercise due diligence to ascertain that genetic resources and traditional knowledge associated with genetic resources which they utilise have been accessed in accordance with applicable access and benefit-sharing legislation or regulatory requirements and that benefits are fairly and equitably shared upon mutually agreed terms, in accordance with any applicable legislation or regulatory requirements.”

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22. Has your country taken legislative, administrative or policy measures in order that benefits arising from the utilization of traditional knowledge associated with genetic resources are shared with indigenous and local communities holding such knowledge as provided in Article 5.5?

Yes

Use the text entry to provide further information

Article 4(1) of the EU ABS Regulation provides that “users shall exercise due diligence to ascertain that genetic resources and traditional knowledge associated with genetic resources which they utilise have been accessed in accordance with applicable access and benefit-sharing legislation or regulatory requirements and that benefits are fairly and equitably shared upon mutually agreed terms, in accordance with any applicable legislation or regulatory requirements.”

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23. Additional information:

No additional information provided

Please provide a summary of the main difficulties and challenges for putting measures in place

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Any other relevant documents

Compliance with domestic legislation or regulatory requirements on ABS (Article 15 and Article 16) and monitoring the utilization of genetic resources (Article 17)

24. Has your country taken appropriate, effective and proportionate legislative, administrative or policy measures to provide that genetic resources utilized within your jurisdiction have been accessed in accordance with PIC and that MAT have been established as required by the domestic ABS legislation or regulatory requirements of the other Party as provided in Article 15.1?

Yes

Please indicate whether your country has taken measures to address situations of non-compliance with those measures as provided in Article 15.2?

Yes

Please provide further information on the measures taken, including when they entered into force

Adoption of Regulation (EU) 511/2014 on compliance measures for the users from the Nagoya Protocol on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising from their Utilisation in the Union; entered into force on 12 October 2014;
Contribution to Commission Implementing Regulation (EU) 2015/1866 laying down detailed rules for the implementation of Regulation (EU) 511/2014 as regards register of collections, monitoring user compliance and best practices; entered into force on 9 November 2015;

Please provide further information on cases of non-compliance

Have there been specific cases in which your country cooperated with other Parties in cases of alleged violation of ABS measures as provided in Article 15.3?

No

Please provide further information/label>

Use the text entry to provide further information

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25. Has your country taken appropriate, effective and proportionate legislative, administrative or policy measures to provide that traditional knowledge associated with genetic resources utilized within your jurisdiction has been accessed in accordance with PIC or approval and involvement of indigenous and local communities and that MAT have been established as required by the domestic ABS legislation or regulatory requirements of the other Party where such indigenous and local communities are located as provided in Article 16.1?

Yes

Please indicate whether your country has taken measures to address situations of non-compliance with those measures as provided in Article 16.2?

Yes

Has your country cooperated in specific cases of alleged violation of ABS measures as provided in Article 16.3?

No

Please provide further information

Use the text entry to provide further information

Both the EU ABS Regulation (511/2014) and Commission Implementing Regulation (2015/1866) are applicable equally to genetic resources and to traditional knowledge associated with genetic resources; these Regulations provide for the legal framework to deal with issues of non-compliance.

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26. Does your country require users of genetic resources to provide information related to PIC, to the source of the genetic resource, to the establishment of MAT and/or utilization of genetic resources at a designated checkpoint, as appropriate, as provided in Article 17.1 (a)(i) and (ii)?

Yes

Please provide further information

EU ABS Regulation (Regulation (EU) No 511/2014) requires that users in the EU exercise due diligence to ascertain that genetic resources and traditional knowledge associated with genetic resources which they utilise have been accessed in accordance with applicable access and benefit sharing legislation or regulatory requirements, and that benefits are fairly and equitably shared upon mutually agreed terms, in accordance with any applicable legislation or regulatory requirements. In line with Article 7 of the EU ABS Regulation (and as detailed in the Commission Implementing Regulation) users need to provide certain information to competent authorities designated in Belgium, including information related to PIC, the source of genetic resource, the establishment of MAT etc.

Has your country taken measures to address situations of non-compliance?

Yes

Please provide further information

In addition to the above, competent authorities in (country name) are obliged, based on Article 9 of the EU ABS Regulation, to perform checks on user compliance in accordance with periodically revised risk-based plan.

Use the text entry to provide further information

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27. Has your country provided the information referred to in Article 17.1 (a)(i) to relevant national authorities, to the Party providing PIC and to the ABS Clearing-House as provided in Article 17.1 (a)(iii)?

No

Has your country made use of the checkpoint communique?

Not selected

Please provide further information

Please provide a summary of the main difficulties and challenges

Any other relevant documents

28. Has your country taken measures to encourage users and providers to include provisions in MAT to share information on the implementation of such terms as provided in Article 17.1(b)?

No

Use the text entry to provide further information

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29. Is your country encouraging the use of cost-effective communication tools and systems as provided in Article 17.1 (c)?

Yes

Please provide further information on how your country is encouraging the use of cost-effective communication tools and systems

According to Article 13 of the EU ABS Regulation (Regulation (EU) No 511/2014) both the Commission and Member States are obliged as appropriate to promote the development and use of cost-effective communication tools and systems in support of monitoring and tracking the utilisation of genetic resources and traditional knowledge associated by genetic resources by collections and users

Use the text entry to provide further information

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30. Additional information:

No additional information provided

Please provide a summary of the main difficulties and challenges for putting measures in place

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Any other relevant documents

Compliance with mutually agreed terms (MAT) (Article 18)

31. Is your country encouraging the inclusion of provisions in MAT to cover dispute resolution as provided in Article 18.1 (a) (b) and (c)?

Not applicable, since no access requirements are in place

No selection made

Use the text entry to provide further information

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32. Does your country ensure that opportunity to seek recourse is available under your legal systems in cases of disputes arising from MAT as provided in Article 18.2?

Yes

Use the text entry to provide further information

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33. Has your country taken measures regarding the following points as provided in Article 18.3?

Access to justice?

Yes

Please provide further information

Utilization of mechanisms regarding mutual recognition and enforcement of foreign judgements and arbitral awards?

Yes

Please provide further information

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34. Additional information:

No additional information provided

Please provide a summary of the main difficulties and challenges

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Any other relevant documents

Special considerations (Article 8)

35. In the development and implementation of ABS legislation or regulatory requirements has your country:

Created conditions to promote and encourage research which contributes to the conservation and sustainable use of biodiversity including through simplified measures on access for non-commercial research purposes, taking into account the need to address a change of intent for such research as provided in Article 8(a)?

No

Please provide further information

As genetic resources in Belgium are to date not subject to PIC or MAT, this question does not apply.

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Paid due regard to cases of present or imminent emergencies that threaten or damage human, animal or plant health as provided in Article 8(b)?

Yes

Please provide further information

Article 4(8) of the EU ABS Regulation provides for a short temporal derogation from the duties of its Article 4(3) and 4(5) for users acquiring a genetic resource that is determined to be, or is determined as likely to be, the causing pathogen of a present or imminent public health emergency of international concern.

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Taken into consideration the need for expeditious access to genetic resources and expeditious fair and equitable sharing of benefits arising out of the use of such genetic resources, including access to affordable treatments by those in need, especially, in developing countries as provided in Article 8(b)?

No

Please provide further information

As genetic resources in Belgium are to date not subject to PIC or MAT, this question does not apply.

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Considered the importance of genetic resources for food and agriculture and their special role for food security as provided in Article 8 (c)?

Yes

Please provide further information

Article 4(4) of the EU ABS Regulation stipulates that users acquiring Plant Genetic Resources for Food and Agriculture (PGRFA) in a country that is a Party to the Nagoya Protocol which has determined that PGRFA under its management and control and in the public domain, not contained in Annex I to the International Treaty on Plant Genetic Resources for Food and Agriculture, will also be subject to the terms and conditions of the standard material transfer agreement for the purpose set out under the ITPGRFA, shall be considered to have exercised due diligence in accordance with paragraph 3 of this Article.

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36. Additional information:

No additional information provided

Please provide a summary of the main difficulties and challenges for putting measures in place

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Any other relevant documents

Provisions related to indigenous and local communities (Articles 6, 7 and 12)

37. Does your country have indigenous and local communities?

No

Use the text entry to provide further information

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38. Do indigenous and local communities have the established right to grant access to genetic resources according to your domestic law? (Article 6.2)

Not applicable

Please provide further information and reference to the domestic law establishing rights of indigenous and local communities to grant access to genetic resources

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Does your country have measures in place with the aim of ensuring that the prior informed consent or approval and involvement of indigenous and local communities is obtained as provided in Article 6.2?

No selection made

Please provide further information

Has your country set out criteria and/or process for obtaining prior informed consent or approval and involvement of indigenous and local communities for access to genetic resources in Article 6.3(f)?

No selection made

Please provide further information

Use the text entry to provide further information

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39. In accordance with domestic law has your country taken measures with the aim of ensuring that traditional knowledge associated with genetic resources that is held by indigenous and local communities within your country is accessed with the PIC or approval and involvement of these indigenous and local communities and that MAT have been established as provided in Article 7?

Not applicable

Use the text entry to provide further information

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40. In implementing the Protocol and in accordance with your domestic law, is your country taking into consideration indigenous and local communities' customary laws, community protocols and procedures with respect to traditional knowledge associated with genetic resources as provided in Article 12.1?

Not applicable

Use the text entry to provide further information

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41. Has your country established mechanisms to inform potential users of traditional knowledge associated with genetic resources about their obligations as provided in Article 12.2?

Not applicable

Use the text entry to provide further information

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42. Is your country supporting the development by indigenous and local communities of the following tools as provided in Article 12.3?

Not applicable

Community protocols

No selection made

Please provide further information on how your country is supporting the development of community protocols

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Minimum requirements for mutually agreed terms

No selection made

Please provide further information on how your country is supporting the development of minimum requirements mutually agreed terms

The ABS Clearing-House unique ID containing relevant information

Model contractual clauses

No selection made

Please provide further information on how your country is supporting the development of model contractual clauses

The ABS Clearing-House unique ID containing relevant information

43. Has your country endeavoured not to restrict the customary use and exchange of genetic resources and associated traditional knowledge within and among indigenous and local communities as provided in Article 12.4?

Not applicable

Use the text entry to provide further information

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44. Additional information:

Not applicable

No additional information provided.

Please provide a summary of the main difficulties and challenges for putting measures in place in relation to traditional knowledge associated with genetic resources

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Any other relevant documents

Contribution to conservation and sustainable use (Article 9)

45. Is your country encouraging users and providers to direct benefits arising from the utilization of genetic resources towards the conservation of biological diversity and sustainable use of its components as provided in Article 9?

Yes

Use the text entry to provide further information

In line with Article 13 of the EU ABS Regulation (Regulation (EU) No 511/2014) the Commission and the Member States shall encourage users and providers to direct benefits from the utilisation of genetic resources towards the conservation of biological diversity and the sustainable use of its components in accordance with the provisions of the Convention.

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46. Please indicate how the implementation of the Nagoya Protocol has contributed to conservation and sustainable use of biodiversity in your country:

No answer provided

There are no cases available yet as relevant applicable legislation is too recent to already have resulted in such contributions.

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47. Additional information:

No additional information provided.

Please provide a summary of the main difficulties and challenges

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Any other relevant documents

Transboundary cooperation (Article 11)

48. Is your country endeavouring to cooperate, with the involvement of indigenous and local communities concerned, with a view to implementing the Protocol in instances where the same genetic resources are found in situ within the territory of more than one Party as provided in Article 11.1?

No

If your country has indigenous and local communities, please provide further detail of their involvement

Use the text entry to provide further information

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49. Is your country endeavouring to cooperate with a view to implementing the Protocol in instances where the same traditional knowledge associated with genetic resources is shared by one or more indigenous and local communities in several Parties as provided in Article 11.2?

Not applicable, since there are no indigenous and local communities in my country

No selection made

Use the text entry to provide further information

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50. Additional information:

No additional information provided

Please provide a summary of the main difficulties and challenges

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Any other relevant documents

Model contractual clauses, codes of conduct, guidelines and best practices and/or standards (Article 19 and 20)

51. Is your country encouraging the development, update and use of model contractual clauses for MAT as provided in Article 19?

Yes

Use the text entry to provide further information

In line with Article 13 of the EU ABS Regulation (Regulation (EU) No 511/2014) the Commission and the Member States shall encourage development of (...) model contractual clauses (...) guidelines and best practices, particularly when they would benefit academics, university and non-commercial researchers and small and medium-sized enterprises;

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52. Is your country encouraging the development, update and use of codes of conduct, guidelines and best practices or standards as provided in Article 20?

Yes

Use the text entry to provide further information

In line with Article 13 of the EU ABS Regulation (Regulation (EU) No 511/2014) the Commission and the Member States shall encourage development of sectoral codes of conduct, model contractual clauses, guidelines and best practices, particularly when they would benefit academics, university and non-commercial researchers and small and medium-sized enterprises;

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53. Additional information:

No additional information provided

Please provide a summary of the main difficulties and challenges

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Any other relevant documents

Awareness-raising and capacity (Article 21 and 22)

54. Has your country taken measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources and related access and benefit-sharing issues as provided in Article 21?

Yes

Has your country taken measures to implement the awareness-raising strategy for the Nagoya Protocol on ABS?

No

Please provide a summary of the measures taken

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Use the text entry to provide further information

Workshops:

- 1 by CEBIOS to Federal Research Institutes (FRIs) and Universities

Conferences:

- 1 by Walloon Public Service for Altius
- 4 by Nagoya NFP to Universities
- 3 by CBD NFP / Royal Belgian Institute of Natural Sciences (RBINS) to Universities / FRIs

Others: Collaboration / exchanges with collection managers, industry, researchers

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55. Has your country taken measures to build and develop capacity and strengthening of human resources and institutional capacities to effectively implement the Protocol as provided in Article 22?

Yes

Has your country taken measures to implement the strategic framework for capacity-building and development to support effective implementation of the Nagoya Protocol on ABS?

Yes

Please provide a summary of the measures taken

Capacity building activities related to the strategic framework carried out in Burundi, RD Congo and Benin as well as to visiting students to RBINS/MRAC and Botanical Garden Meisse

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In addition, the following activities were undertaken.

Training sessions:

- 1 internal training session in the Direction générale Agriculture, ressources naturelles et environnement
- 1 by Nagoya NFP for the Institut Scientifique de Santé publique

Support provided by CBD NFP and CEBios upon request by collections managers.

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56. Has your country received external support for building and developing capacity for the implementation of the Nagoya Protocol?

No

Use the text entry to provide further information

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57. Has your country provided external support for building and developing capacity for the implementation of the Nagoya Protocol?

Yes

Use the text entry to provide further information

Funding and assistance in Public Awareness raising activities in Burundi, RD Congo and Benin on the NP Activities in Burundi to come to a network of traditional healers as well as an agreement between this network and the Universities; Training in using ABS-CH in several countries. Development of network on Fungi utilisation and conservation in Burundi, Rwanda and DR Congo.

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58. Additional information:

No additional information provided

Please provide a summary of the main difficulties and challenges

The ABS Clearing-House unique ID containing relevant information

Any other relevant documents

Technology transfer, collaboration and cooperation (Article 23)

59. Is your country collaborating and cooperating in technical and scientific research and development programmes as a means to achieve the objective of the Protocol as provided in Article 23?

Yes

Please provide a summary of the measures taken

The approach to research conducted on GR and associated TK in Federal Scientific Institutions and Universities is by default collaborative and cooperative, and involves sharing technology with, developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition.

Use the text entry to provide further information

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Optional additional information

60. Please provide a summary of the main difficulties and challenges encountered for becoming a Party to the Nagoya Protocol.

No additional information provided

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61. Has your country established a mechanism for budgetary allocations of funds for the implementation of the Nagoya Protocol?

No

Please provide further information

Please provide a summary of the main difficulties and challenges encountered

Use the text entry to provide further information. including on experiences gained in relation to mobilization of resources to support the implementation of the Nagoya Protocol and the status of funds mobilized (level of domestic expenditures, or the amount of and trends in funding allocated, for the implementation of the Protocol and the funding gap)

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62. a) Has your country made financial resources available to other Parties or received financial resources from other Parties or financial institutions for the purposes of implementation of the Protocol as provided in Article 25?

No

Use the text entry to provide further information, including on the status of financial resources (total amount) mobilized donated or received for the purposes of implementation of the Protocol

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62. b) Please provide information on experiences related to the mobilization of resources in support of the implementation of the Protocol.

No information provided

62. c) Please provide information on the status of funds mobilized in support of the implementation of the Protocol.

No information provided

63. Does your country have specific staff to administer functions directly related to the implementation of the Nagoya Protocol?

Yes

Please indicate how many

Less than 5

Please provide a summary of the main difficulties and challenges encountered

Use the text entry to provide further information

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64. Any other relevant information:

No information provided

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Any other relevant documents

Comments in the reporting format

66. Please provide any comment that you may have regarding the format of this report:

No information provided

 ABSCH-NR-BE-238680-2

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

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