

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

Malta

1. Title of this national report

Malta Interim national report on the implementation of the Nagoya Protocol

2. Contact person

COMPETENT NATIONAL AUTHORITY

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[ABSCH-CNA-MT-208507-5](#)

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.

No specific difficulties or challenges have been identified.

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

No specific difficulties or challenges have been identified.

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)

Malta is bound to apply the EU ABS Regulations as a member state of the European Union. On 15 November 2016, Malta has applied Subsidiary Legislation 549.111 of the Laws of Malta which aims to implement the Nagoya Protocol, the EU ABS Regulation and Article 15 of the CBD at national level.

The ABS Clearing-House unique ID containing relevant information

- [ABSCH-MSR-EU-204508-6](#)
- [ABSCH-MSR-EU-201808-6](#)
- [ABSCH-MSR-EU-208044-1](#)
- [ABSCH-MSR-MT-208508-3](#)

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

No specific difficulties or challenges have been identified.

The ABS Clearing-House unique ID containing relevant information

- [ABSCH-NFP-MT-3766](#)

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

Yes

Use the text entry to provide further information

One national competent authority has been assigned in Malta to oversee matters dealing with access and benefit sharing; this authority is assisted by three further assistant authorities which may grant access to genetic resources through prior informed consent (PIC) and provide support in the carrying out of checks and managing genetic resource collections, whenever they are available.

The ABS Clearing-House unique ID containing relevant information

◦ [ABSCH-CNA-MT-208507-7](#)

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)?

Yes

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

Information about permits has been provided to the ABSCH so that IRCCs may be produced. The actual permits and MAT documents have not been uploaded since these identify individuals, companies and genetic resources which may potentially reveal information about R&D projects that are subject to confidentiality requests by the same applicants.

The ABS Clearing-House unique ID containing relevant information

◦ [ABSCH-IRCC-MT-238483-1](#)

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?

Yes

Use the text entry to provide further information

Information about permits has been provided to the ABSCH so that IRCCs may be produced. The actual permits or their equivalent documents have not been uploaded since these identify individuals, companies and genetic resources which may potentially reveal information about R&D projects that are subject to confidentiality requests by the same applicants

The ABS Clearing-House unique ID containing relevant information

◦ [ABSCH-IRCC-MT-238483-1](#)

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

Yes

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

The main challenge in defining the checkpoints in the EU concerned striking a balance between having effective checkpoints covering as wide a range of ABS relevant activities as possible, while avoiding the creation of unnecessary administrative burden.

Use the text entry to provide further information

In Malta there are two checkpoints established at EU level:

1/ The Plant Protection Directorate, acting as the ABS Competent National Authority designated under EU Regulation 511/2014 is tasked to 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 the national competent authorities if the user is established in the same country; a template for such declaration is defined in the Commission Implementing Regulation in Annex II; the competent national authority transfers then information (provided it is not confidential) to the 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/ the same competent national authority designated under Regulation 511/2014 is tasked to gather due diligence declarations at the final stage of a product development from all users; a 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.

Under the Laws of Malta, three assistant authorities have been designated to support the competent authority. Assistant authorities may grant access to genetic resources in areas of their competence, and comprise the following:

- (a) the Environment and Resources Authority for wildlife, as laid down under the Environment Protection Act, with the exception of birds protected through the provisions of the Conservation of Wild Birds Regulations;
- (b) the Wild Birds Regulation Unit for birds, as laid down under the Conservation of Wild Birds Regulations;
- (c) the Department of Fisheries and Aquaculture, as laid down in the Fisheries Conservation and Management Act.

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- [ABSCH-MSR-MT-208508-3](#)
- [ABSCH-CP-MT-208505-4](#)

10. Additional information:

No additional information provided

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?

Yes

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- [ABSCH-MSR-MT-208508-3](#)

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

Yes

Use the text entry to provide further information

Access is granted by the competent national authority in conjunction with its assistant authorities depending on the nature of the genetic resource, further to consultation with an impartial advisory committee in accordance with Regulations 4(3), 5, and 11(1) of Subsidiary Legislation 549.111 of the Laws of Malta.

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

Yes

Use the text entry to provide further information

Users requesting access and utilization of genetic resources are guided through the application process by Regulations 7(1-4) of S.L. 549.111; further guidelines are provided by the national competent authority through an information document made available through the authority's website: [<https://agriculture.gov.mt/en/phd/>] or which has directly been distributed through a mailing list to local businesses or parties of interest.

Applications forms for the access (use) of species protected under the Environment Protection Act (barring birds) are available on the Environment and Resources Authority (ERA) website. [<https://era.org.mt/en/Pages/Nature-Permits.aspx>]

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- [ABSCH-MSR-MT-208508-3](#)
- [ABSCH-NDB-MT-209042-3](#)

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

Yes

Use the text entry to provide further information.

The conditions for requesting access for utilization of genetic resources are stipulated in Regulation 7 of S.L. 549.111; once a decision concerning access is reached by the national competent authority this is communicated in writing to the applicant. Additionally, prior informed consent is granted through an official access permit.

If access is not granted through the provisions of the S.L. 549.111, the applicant is informed on the reasons for such a refusal. Moreover, the details of persons having been granted a permit together with the conditions imposed are maintained in a register which is available for public inspection.

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- [ABSCH-MSR-MT-208508-3](#)

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)?

Yes

Use the text entry to provide further information

The provision of a permit or certificate of compliance to the user is required by Regulation 5(4) of S.L. 549.111.

The ABS Clearing-House unique ID containing relevant information

- [ABSCH-MSR-MT-208508-3](#)

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.

1

The ABS Clearing-House unique ID containing relevant information

- [ABSCH-IRCC-MT-238483-1](#)

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

Yes

Use the text entry to provide further information

MAT are required by Regulation 5(2) of S.L. 549.111 for the utilization of genetic resources for which PIC is required; the MATs, among other conditions, contain terms for dispute settlement; terms on benefit-sharing, including in relation to intellectual property rights; terms on subsequent third-party use; and terms on changes of intent, where applicable.

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- [ABSCH-MSR-MT-208508-3](#)

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

Genetic resources

Yes

Non-monetary benefits

Yes

19. Additional information:

No additional information provided

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.”

Regulation 2(4) and 22(1)(a and d) of S.L. 549.111 mandates the direct application of the EU ABS Regulations; specific reference is made to Article 4(2) which requires that genetic resources and traditional knowledge associated with genetic resources may only be transferred and utilised in accordance with mutually agreed terms if they are required by applicable legislation or regulatory requirements.

Regulation 5(3) of S.L. 549.111 ensures that benefits arising from the use of Malta's genetic resources are shared with the provider country.

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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.”

Regulation 6 of S.L. 549.111 addresses the utilization of traditional knowledge. Utilization of such knowledge can be subjected to the same regulatory requirements as utilization of genetic resources or their derivatives.

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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.”

Regulation 6 of S.L. 549.111 addresses the utilization of traditional knowledge and the sharing of benefits with its providers. Utilization of such knowledge can be subjected to the same regulatory requirements as utilization of genetic resources or their derivatives.

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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;

Adoption of Subsidiary Legislation 549.111 which entered into force on 15 November 2016. Regulations 5 of S.L. 549.111 prohibits users to access and utilize genetic resources without prior informed consent (PIC), mutually agreed terms (MAT) and internationally recognized certificate of compliance (IRCC). Regulations 9(2), and 15 provide to the competent national authority powers to carry out checks and inspection. Regulation 21 and 22 envisage administrative sanctions in situations 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

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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

No need for cooperation was identified.

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.

Under Subsidiary Legislation 549.111, utilization of traditional knowledge is subject to similar conditions as the utilization of genetic resources.

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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 the designated Competent National Authority in Malta, including information related to PIC, the source of genetic resource, and the establishment of MAT, among others.

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

Yes

Please provide further information

In addition to the above, the designated Competent National Authority in Malta is obliged, based on Article 9 of the EU ABS Regulation, to perform checks on user compliance in accordance with periodically revised risk-based plan.

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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)?

Yes

Has your country made use of the checkpoint communique?

Other

Please provide further information

The checkpoint may be triggered at a different stage than when the permit for access is granted in accordance with EU law. The checkpoint communique will be transmitted at a later stage during the course of the project.

Please provide number of checkpoint communiques available in the ABS Clearing-House, if applicable

0

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)?

Yes

Use the text entry to provide further information

The MAT establishes conditions on the transfer of genetic material or the products arising from its utilization, so that: (i) the conditions of the MAT are obeyed if transfer of the genetic material or the products of its utilization to other parties is carried out, (ii) the national competent authority is notified in case of change of utilization or identities of the users upon transfer, and (iii) providers are obliged to transfer all required information to the (subsequent) user. The MAT is established based on PIC, and information on the source of the genetic resource is also included in it.

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.

30. Additional information:

No additional information provided

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)?

Yes

Use the text entry to provide further information

The MATs which are produced by the the designated Competent National Authority include clauses that establish measures for dispute resolution. Disputes are to be primarily resolved by friendly negotiation; if disputes cannot be resolved amicably, then arbitration procedures under the Laws of Malta may be initiated.

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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

Arbitration procedures may be sought through procedures under the Laws of Malta if friendly negotiations are unproductive.

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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

Reference to the Arbitration Act, Cap. 387 of the Laws of Malta is made in the MAT.

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

Yes

Please provide further information

The MAT requires the provider and the recipient of the genetic resource to take all necessary measures to ensure compliance with all the applicable laws, rules, guidelines and regulations of the country providing the resource and the country where the resource is utilised.

34. Additional information:

No additional information provided

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)?

Yes

Please provide further information

The application process for research follows a simplified procedure, and the benefit sharing arrangements are focused on the sharing of knowledge gained. Provisions in the eventuality of change of intent are included in the agreement entered upon access to the genetic resource.

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.

Regulation 23 of S.L. 549.111 of the Laws of Malta enables the national competent authority to adopt interim measures in case of imminent threats to human, animal or plant health.

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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)?

Yes

Please provide further information

Regulation 23 of S.L. 549.111 of the Laws of Malta enables the national competent authority to adopt interim measures in case of imminent threats to human, animal or plant health.

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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.

Regulation 24 of S.L. 549.111 of the Laws of Malta enables the national competent authority to adopt additional measures to promote the role of genetic resources for food security and encourage research for conservation and sustainability.

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36. Additional information:

No additional information provided

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

37. Does your country have indigenous and local communities?

No

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

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

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

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

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

Not applicable

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

44. Additional information:

Not applicable

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.

Mutually agreed terms established by Malta's CNA will attempt to incorporate non-commercial and commercial benefit sharing clauses. Non-commercial benefits encourage the sharing of knowledge, which may contribute to the deeper understanding of the national genetic resources for application towards conservation and sustainability. Commercial benefits are directed towards a national fund which role is to support in projects contributing to conservation and sustainability.

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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:

The application of the Nagoya Protocol for Malta is still in its early stages and there is insufficient experience to enable to discuss any tangible benefits related to conservation and sustainable use of biodiversity.

47. Additional information:

No additional information provided.

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?

Yes

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

Malta shares no land or sea territory with other parties to the Nagoya Protocol. No official legal provisions exist on transboundary cooperation in terms of Article 11.1, however the national competent authority does not exclude cooperation on a case-by-case basis. In line with Article 12 of the EU ABS Regulation, Malta is obliged to cooperate with other EU Member States where required.

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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

50. Additional information:

No additional information provided

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, among others, model contractual clauses, guidelines and best practices, particularly when they would benefit academics, universities, non-commercial researchers and small and medium-sized enterprises;

Furthermore, for establishing mutually agreed terms, Malta's CNA makes use of a template contract which may be adapted depending on the scope of the utilization and benefits negotiated.

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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

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

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

Among the measures listed in Appendix I of Decision NP 1/8. Malta has fulfilled a substantial portion of the short and medium term measures in Key areas 1-5; Long term measures can not immediately be addressed as these rely on experience which is gained as the Nagoya Protocol is applied over time.

Malta accessed the Protocol on 1 December 2016, and the Government of Malta through its various authorities continues to raise awareness about the importance of national genetic resources. The CNA functions as a checkpoint and has established a legal system which aims to implement and comply with the Protocol as well as ensure cooperation between different authorities, particularly through an Access and Benefit Sharing Advisory Committee which brings together experts from various line departments to provide advice and support on decisions taken by the CNA; the legal system provides a system for granting of PICs and establish MATs; MATs are drafted by legal expertise and generally used as templates to establish terms of use and benefit sharing.

The CNA has also initiated the mapping of the potential users to enable targeted implementation of the Protocol. A national database of genetic resources of historical or traditional importance and owned by private or public entities is also being developed in the long term. Periodic reporting is required by those entities that are given PIC and with which MATs are set in place, to facilitate desktop monitoring; measures for on-the-spot inspections and verifications are also in place through national law as well as MATs. Access to justice is instilled in Malta's national laws and measures exist for its application in ABS infringement cases under Subsidiary Legislation 549.111 which applies the Nagoya Protocol at national level.

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

No

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

No

58. Additional information:

No additional information provided

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?

No

Optional additional information

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

No specific difficulties were identified during the accession process.

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

No

Please provide a summary of the main difficulties and challenges encountered

The implementation of the Protocol is not expected to demand large amounts of funding to date. No specific funds have been allocated to the implementation of the Protocol, and funds are mobilized on a case-by-case basis as required. The national competent authority will attempt to make use of the capacities and resources already available at its disposal, where possible.

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

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

64. Any other relevant information:

No information provided

Comments in the reporting format

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

No information provided

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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.

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