



Learning how to publish **ABS PROCEDURES** on the ABS Clearing-House

ABSCH Webinar no. 1 – ABS Procedures 4 February 2020



Objectives



By the end of the webinar you will have:

- An understanding of the importance of making ABS procedures available on the ABS-CH
- The knowledge and skills to publish ABS procedures
- The motivation to publish ABS procedures and keep them up to date on the ABS-CH
- The confidence to share your knowledge with colleagues on how to publish information on the ABS-CH





Before we start

Throughout the webinar make sure to...

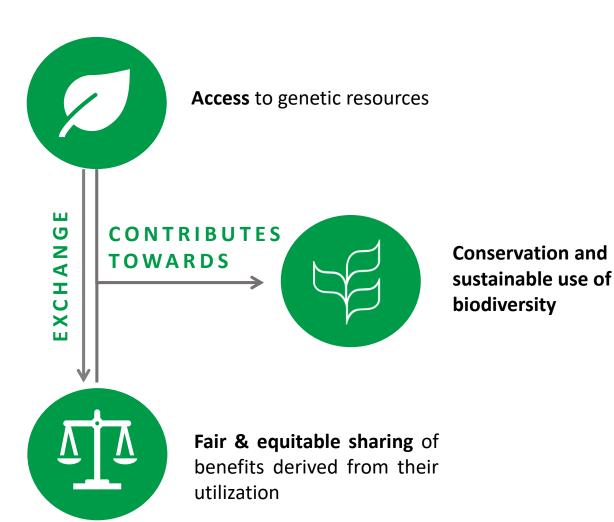
- Take note of any questions or comments that you have
- Remember that there will be a question and answer period at the end of the webinar



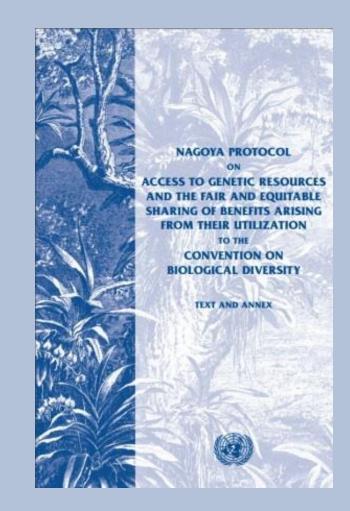


ABS Clearing-House Refresher

Goal of the Nagoya Protocol



"Invest in biodiversity for people and planet"



Main goals of the ABS Clearing-House

ACCESS PHASE

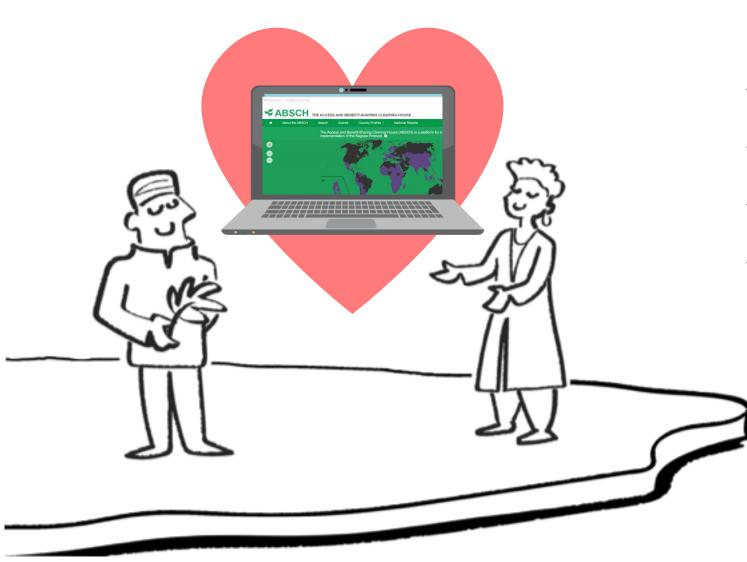
UTILIZATION PHASE

Provide potential **users** with information on how to access genetic resources and associated traditional knowledge Provide **providers** with information on the utilization of their genetic resources when they leave the provider country's jurisdiction. Facilitate implementation

Share information

Improve the conditions that allow ABS to happen

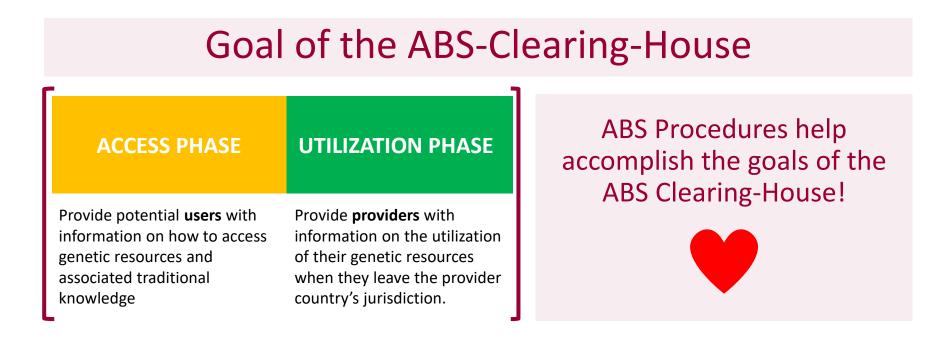
Provider + ABS Clearing-House + User



- ✓ Commitment
- ✓ Trust and transparency
- ✓ Communication
- ✓ Access and benefit-sharing

What are ABS Procedures?

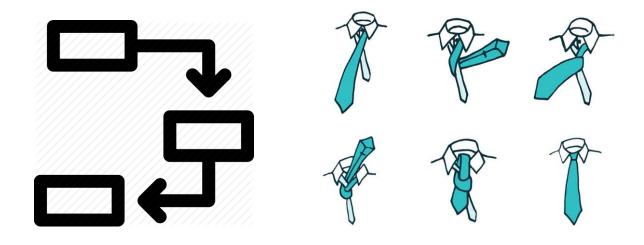
- ABS procedures provide **simple** and **straightforward guidance** for potential users to understand the steps to access genetic resources and traditional knowledge in a country
- They help users comply with domestic legislation
- They help countries monitor access and utilization of their genetic resources



ABS Procedures

Provide information for users on...

- Where applications for access should be made
- What the conditions or requirements are to apply for access
- Step-by step description or visual representation
- Whether the applicant needs to provide any documents
- Whether there are application fees
- How long the application process can take
- Relevant ABS measure(s)
- Additional Information



General inform	ation		
Country			
	PARTY TO THE NAGOYA PROTOCOL	ENTRY INTO FORCE: 04 SEP 20)18
Description of	the ABS Procedure		
Fitle			
Making a sand	dwich	E	ΞN
Area of Jurisdic	tion		
National / Fede	ral		
Where should a	pplications for access be made		
PERSON			
Mr Matt Dias			
Conditions or re	quirements a potential user needs to fulfil to	apply for access	
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[new draft]

So let's imagine you are a user...

Case study



You are a scientist in France



Who wants to conduct **non-commercial research**



on genetic resources of Penaeus monodon



You want to make sure you comply with the Nagoya Protocol so you...



Go to the ABS-CH





Click on the country profile page

Check national records



-

CBD > ABSCH > Country Profiles > India

Entered into force on:

12 Oct 2014

About the ABSCH Search Submit Country Profiles - National Reports

Convention on Biological Diversit



	💶 India
	Partie au Protocole de Nagoya
	1 ABS National Focal Point
	1 Competent National Authority
	29 Legislative, Administrative or Policy Measure
	1 ABS Procedure
	0 National Model Contractual Clause
	741 Internationally Recognized Certificates of Compliance
	0 National Websites or Databases
	0 Checkpoint
	Checkmoint Communiqué
25 map by amCharts Disclaimer	
India	
Party Status: Party to the Nagoya Protocol	

Ratification on:	09 Oct 2012	
Signatory:	Signed on 11 May 2011	
CBD Country Profile:	www.cbd.int/countries/?country=in	
+ ABS National Focal P	oint (NFP)	0
+ Competent National A	uthority (CNA)	0
+ Legislative, Administra	ative or Policy Measure (MSR)	23
+ABS Procedure (PRC)	0
+ National Model Contra	actual Clause (NMCC)	0
+ Internationally Recog	nized Certificates of Compliance (IRCC)	
+ National Websites or	Databases (NDB)	0
+ Checkpoint (CP)		0
+ Checkpoint Communi	qué (CPC)	0
+ Interim National Repo	rts on the Implementation of the Nagoya Protocol (NR)	(D)

But where do you start?



- + ABS National Focal Point (NFP)
 + Competent National Authority (CNA)
- Legislative, Administrative or Policy Measure (MSR)

Select the ABS Measures to be displayed in the overview

1 1. The Biological Diversity Act, 2002 NATIONAL / FEDERAL | LAW | LEGALLY BINDING ENTRY INTO FORCE: 05 FEB 2003 2. The Biological Diversity Rules, 2004 NATIONAL / FEDERAL | LAW | LEGALLY BINDING ACCESS, BENEFIT-SHARING ENTRY INTO FORCE: 15 APR 2004 3. The Biological Diversity Act, 2002 • NATIONAL / FEDERAL | LAW | LEGALLY BINDING | ACCESS, BENEFIT-SHARING ENTRY INTO FORCE: 05 FEB 2003 4. Designation of institutions/organizations as National Repositories under Section 39 of the Biological Diversity Act, 2002 NATIONAL / FEDERAL REGULATORY OR ADMINISTRATIVE MEASURES LEGALLY BINDING ENTRY INTO FORCE: 28 AUG 2008 5. Notification on exemption of crops listed in the Annex-I of the ITPGRFA from the purview of the Section 3 and 4 of the Biological -Diversity Act, 2002 LEGALLY BINDING NATIONAL / FEDERAL REGULATORY OR ADMINISTRATIVE MEASURES ENTRY INTO FORCE: 17 DEC 2014

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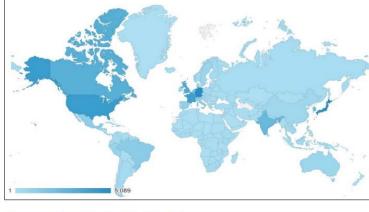
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6. Designation of institutions/organizations as National Repositories under Section 39 of the Biological Diversity Act, 2002

Some useful ABS-CH background information to keep in mind

Google analytics from the ABS-CH website

Visitors of the ABS-CH



The top 10 countries, representing 62% of all visitors, are as follows: Germany, Japan, USA, France, UK, Canada, India, South Korea, Switzerland, and Belgium.

Device	Number of Users	Percentage of Total	7%2%	Desktop
Desktop	20,181	91.15%		III Mobile
Mobile	1,447	6.54%		Tablet
Tablet	513	2.32%	91%	

Language	% of Visitors
English	43%
French	10%
Japanese	10%
German	10%
Spanish	8%
Korean	8%
Other	11%

From where?

Predominantly user countries Germany, Japan, USA, France, UK, Canada, India, South Korea, Switzerland, and Belgium.

Looking for what?

Information on ABS procedures to access genetic resources in a provider country

Most common complaints received on ABS-CH

- National information is not available
- Information on the rules and procedures for accessing genetic resources in a country is not clear



Most users are looking for information on the ABS-CH in order to comply with Nagoya Protocol obligations

USER

ABS Procedures...

- Help users understand the ABS rules in your country
- Help users comply with your domestic legislation
- Help users know the steps to follow to get access to GR in your country
- Show your country's "readiness" to doing ABS business



PROVIDER COUNTRY

So how can we help users comply with national ABS legislation?

ABS Procedures!

Countries with ABS procedures published on the ABS Clearing-House

ONLY 8 COUNTRIES!

Belarus, Benin, Cameroon, Costa Rica, India, Kenya, Malta, Zimbabwe





Why don't more countries publish their ABS Procedures?

TOP REASONS

SOLUTIONS

- ABS legislation being developed or may change
- Not clear whether ABS procedures should be published
- Lack of capacity (team needs more help)



- Publish temporary/ interim ABS procedures (they can be changed at any time)
- If your country requires PIC, it is a good idea to publish ABS procedures
- We are here for you! Sign up for one-on-one webinar

19+ COUNTRIES

already have information that could be published as ABS procedures



Coming back to our French scientist...

Fortunately, India published its ABS rules and procedures on the ABS-CH country profile page

Let's have a closer look at India's ABS procedures...

India's ABS Procedures

GENERAL INFORMATION

✓ Country

DESCRIPTION OF THE ABS PROCEDURE

- ✓ Title
- ✓ Area of jurisdiction
- ✓ Where should applications for access be made

ABS PROCEDURE (PRO)	PDF	🖶 PRINT	AR ZH	EN FR	RU ES	×
General information				PUBLISHE	ED: 26 DE	C 2018
Country						
India PAR	TY TO THE NAGOYA PROTOCOL	SIGNATORY	ENTRY	INTO FORC	E: 12 OCT :	2014
Description of the ABS Proce	dure					
Title						
Procedure for accessing the b commercial or non-commercia		associated k	nowledge	for		EN
Area of Jurisdiction						
National / Federal						
Where should applications for access	s be made					
- Competent National Authorit COMPETENT NATIONAL AU	-	8-2				
600 113, India	CSIR Road, Taramani Che	ennai, Tamilr	nadu			
Phone: +91 44 2254 2777 Fax: +91 44 2254 1200 Email: secretary@nbaindi Website: http://www.nbain	ia.org, chairman@nba.nic.i	n, secretary	@nba.nic	.in		

Online ABS Application (http://absefiling.nic.in)

India's ABS Procedures

DESCRIPTION OF THE ABS PROCEDURE

- Conditions or requirements a potential user needs to fulfill to apply for access
- ✓ Step-by step description or visual representation of the ABS procedure
- ✓ Visual representation

Conditions or requirements a potential user needs to fulfil to apply for access

No precondition or prerequisite for any individual or entity to apply for accessing biological resource and/ or associated knowledge occurring in India for research, for bio-survey and bioutilization and for commercial utilization as per Biological Diversity Act, 2002.

Step-by step description or a visual representation of the ABS procedure

1. It's a single window approval process.

2. National Biodiversity Authority (NBA) is the only Competent National Authority in India.

3. Biological resource and/ or associated traditional knowledge from India can be accessed by applying in Form-I to NBA through an online process.

4. NBA consults the local communities through the respective State Biodiversity Board (Provincial level regulatory authority) for formalizing the PIC process.

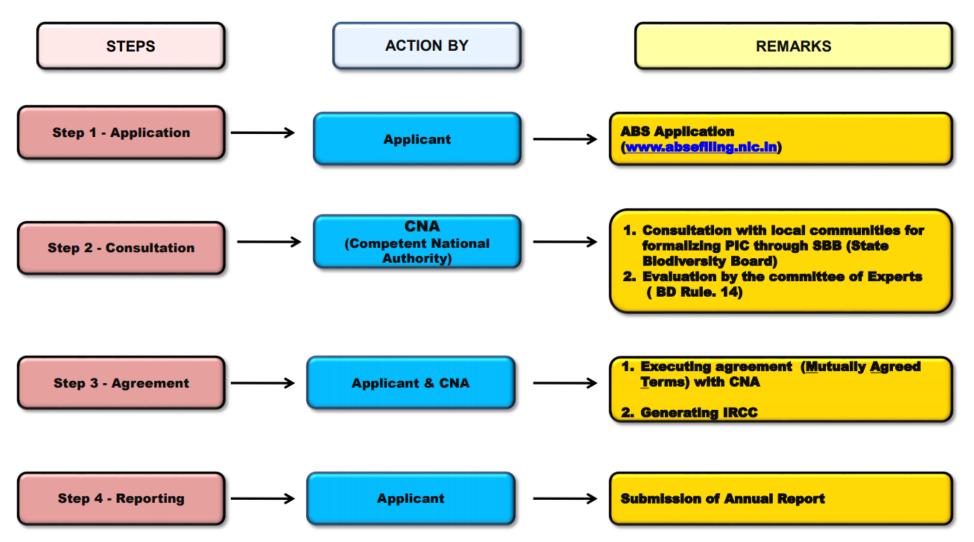
5. MAT is in the form of an agreement to be executed between the applicant and the Competent National Authority, on behalf of the provider.

6. On approval, the user is required to submit an annual report to the Competent National Authority.

Process of ABS application In India.pdf

India's ABS Procedures - Visual Guide

Process of ABS Applications



Source: India's country profile page on the ABS-CH

India's ABS Procedures

- Does the applicant need to provide any documents?
- If so, provide information on application forms or required documents
- Relevant application links / forms / documents
- ✓ Information on whom the application should be sent to

Does the applicant need to provide any documents

Yes

Information on application forms or required documents

A. If the applicant is an individual, the following documents are required while filing ABS application in online portal

- 1. Self-attested copy of relevant pages of Passport of the applicant(s).
- 2. In case of engaging an Agent/Contact person/ Attorney in India, the applicant shall submit an authorization for the same.
- 3. In case of having any collaboration with Indian institution/organization, a self-attested copy of MoU/letter of intent,etc., is required.
- 4. The acknowledgement generated during filing through online system shall be signed and forwarded to NBA (Hard copy in original).

B. If the applicant is an entity, the following documents are required while filing ABS application in online portal

- 1. Document of incorporation or registration duly attested by the competent authority of the entity.
- In case of any person applying on behalf of entity, a letter of authorization or Board Resolution issued by the competent authority.
- 3. In case of engaging an Agent/Contact person/ Attorney in India, the applicant shall submit an authorization for the same.
- 4. In case of having any collaboration with Indian institution/organization, a self-attested copy of MoU/letter of intent,etc., is required.
- The acknowledgement generated during filing through online system shall be signed and forwarded to NBA (Hard copy in original).

Relevant application form/documents or a link to website

ΕN

India's ABS Procedures

- ✓ Application fees
- ✓ Duration of application process
- ✓ Additional information
- ✓ Relevant links / documents

Are there application fees

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Additional information on application fees

INR 10,000 can be paid through Online ABS *e*-filing portal

How long does the application process take

6 months

Additional Information

- 1. Guidelines on Access to biological Resources and associated knowledge and Benefit sharing Regulations, 2014
- 2. The information given here is for illustrative purpose only. For detailed legal interpretation, the Biological Diversity Act 2002, Biological Diversity Rules 2004 and ABS Regulation 2014 maybe referred to.
- 3. For further clarifications please write to: info.nba@gov.in

Other relevant links or attached documents

Guidelines on Accesss to biological Resources and associated knowledge and Benefit sharing.pdf

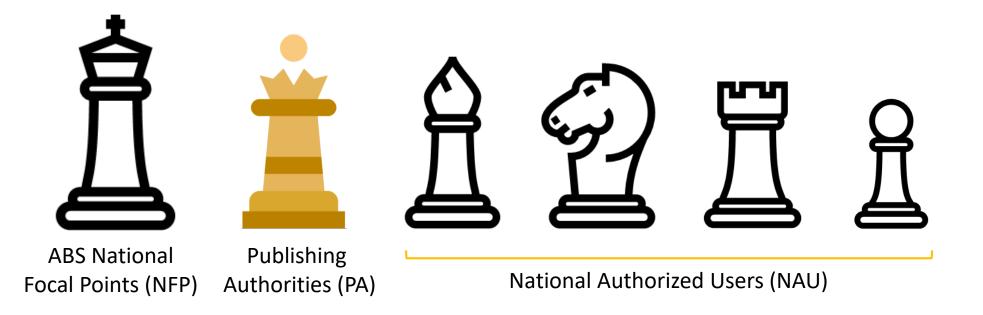
Source: India's country profile page on the ABS-CH

EN

So how do I publish ABS procedures on the ABS Clearing-House?

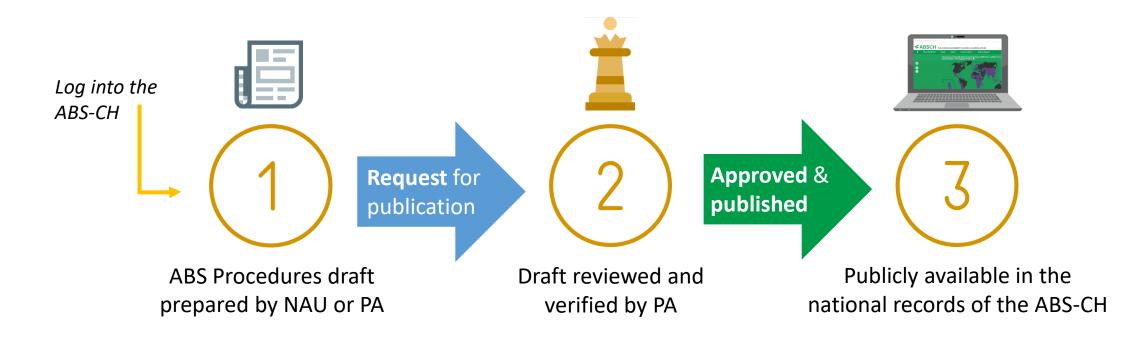
Who can publish ABS procedures?

- National governments (Parties and non-Parties)
- Ensure you have a CBD account + designated national role (PA or NAU)
- For technical support regarding your CBD account contact: absch@cbd.int

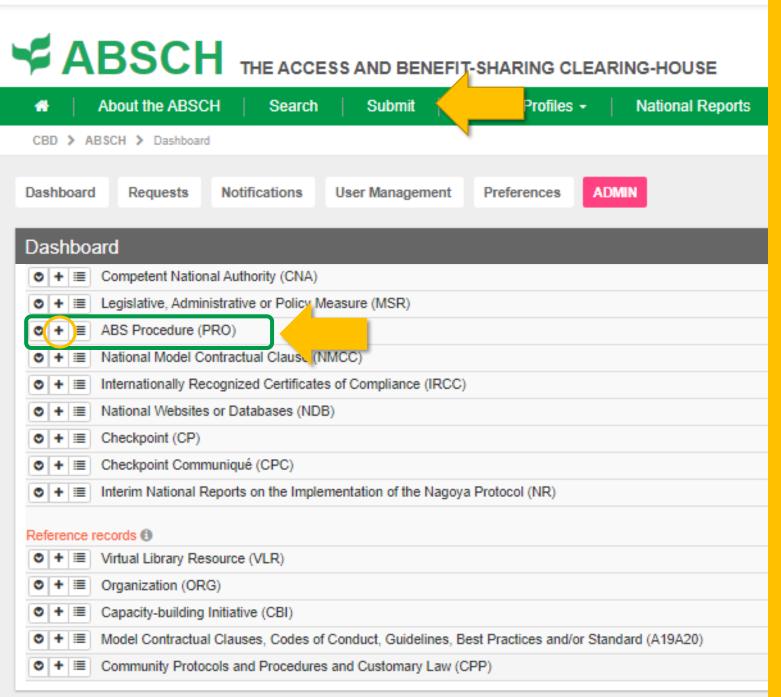


How do I publish ABS procedures?

- Access the ABS Procedures online common format on the ABS-CH: <u>https://absch.cbd.int/register/PRO</u>
- Step-by-step guide is available as well: <u>https://absch.cbd.int/about/guides/PRO</u>



Publishing ABS procedures on the ABS Clearing-House



Accessing the ABS procedures common format in the ABS Clearing-House

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🚓 🛛 Abou	ut the ABSCH	Search	Submit	Country Profiles	- I	National Reports
CBD > ABSCH	> Dashboard >	ABS Procedure	> New			
Dashboard	Requests No	tifications	User Management	Preferences	ADMIN	l
ABS Proced	ure (PRO)					×
M Introd	luction Su	bmission form	Review	Publish	•	Save Draft
Please select in w English, Fren	nich language(s) y	you wish to subr	nit this record: *			

~

STEP 1: Choose your language

Before you start: **Select the language(s) in which** you will submit the record.

General Information

Country *
Please select a country

Description of the ABS Procedure

2.	This	is	an ABS	procedure	for: *	
----	------	----	--------	-----------	--------	--

Please provide a title for this specific ABS procedure (E.g.: Non-commercial use)	
	EN
	FR
	ES

STEP 2: Complete the submission form

Question 2. This is an ABS procedure for: This field will serve as the title of the record. When a user is looking at a list of your national ABS procedures this field should be unique, concise and clearly identify what this procedure is for. For example, the title "ABS procedure #16" is not a useful or informative title to the user. A better title may be "Access to genetic resources for foreign applicants".

3. Area of jurisdiction: *

Jurisdiction where this ABS procedure is relevant

*

4. Where should applications for access be made?

Please provide relevant contacts or links.

 Add record(s) No records have been linked.

Question 4. Where should applications for access be made? Please provide a contact person, link to an online application website. This question is meant to provide the "entry point" for user seeking access. Please note that web links and contact details often change, please remember to keep this information up to date.

Add link Add file



6. Please provide a step-by step description or a visual representation of the ABS procedure *

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For example, you may wish to attach a flow chart or timeline.

🚱 Add link 🛛 🖹 Add file

7. Does the applicant need to provide any documents? *

Yes No

Please provide information on application forms or required documents (e.g.: copy of applicant's national past

Q5. What are the conditions or requirements a potential user needs to fulfil to apply for access? Some ABS procedures may require other permits, documents as prerequisites before applications can be made, for example: prior informed consent (PIC) from a community, or a research permit.

Q6. A step by step overview of the process can be useful for users to understand the entire process. For example:

1. Register for access to genetic resources with the competent national authority.

2. Negotiate and sign a contract with the provider.

- 3. Request the Community Committee to certify the contract.
- 4. Submit the complete request form including (the MAT agreement and sign-off from community committee) to the competent national authority.

5. Competent national authority will assess the information submitted and issue a permit within 30 days

8. Are there application fees? *

Yes O No

Please provide any additional information on application fees

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No records have been linked

Q8. Are there any application fees? Here you can indicate any associated fees. For example, there may be a list of different fees depending on the user and/or utilization purpose:

9. How long does the application process take:

eg. 24

10. Relevant ABS measure(s)

+ Add record(s)

Q9. How long does the application process take? Here you can indicate the timeframe for the application process (e.g. three months).

Q10. Relevant ABS measures

Keywords ¹

Elements of effective ABS procedures

Factors for success

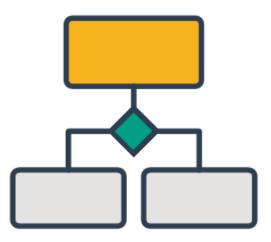
• Ensure that the following national information is available on the ABSCH for your country:



Up-to-date NFP and Competent National Authority contact information



Relevant ABS measures with completed ABS measures matrix



Clear and simple ABS procedures

Publishing ABS Procedures The Golden Rule +

The key to publishing ABS procedures is **simplicity** and **clarity**:

- Clear about what the Procedure is for
- Provide practical steps for a user to follow
- Provide diagrams and visuals
- Provide useful website links and contact points

Remember: When users look at an ABS procedure, they should get a clear picture of the steps to follow to comply with national legislation in order to gain access to the genetic resource or traditional knowledge.



Step-by-step descriptions of the ABS procedure

Malta

Step-by step description or a visual representation of the ABS procedure

- 1. The applicant submits a relevant application to the CNA and Assistant Authority.
- Depending on the source location of the genetic resource, the applicant may need to fulfill other permit requirements, such as obtaining a nature permit.
- The CNA and Assistant Authority evaluate the application and determine on what conditions PIC / MAT are established.
- Once PIC / MAT are established, the applicant may be required to fulfill reporting requirements.

Refer to the User Guide document for detailed information.

Zimbabwe

Step-by step description or a visual representation of the ABS procedure

- 1. The user applies for the use of genetic resources and/or traditional knowledge
- The Department of Environment and Natural Resources (NFP) in the Ministry of Environment, Tourism and Hospitality Industry (METHI) determines whether the request is an ABS case and if so, refers the user to the relevant local authority and communities.
- The user seeks Prior Informed Consent (PIC) from local authority and communities and at the same time negotiate Mutually Agreed Terms (MAT)/Benefit Sharing Agreement (BSA).
- The draft MAT and PIC are submitted to the Environmental Management Agency (EMA).
- EMA, guided by the ABS Committee- may make comments and send the user back to district authorities and communities for incorporation.

 Once the MAT/BSA are finalized and agreed, EMA makes a request to the National Focal Point (NFP), the METHI, to issue the internationally recognized certificate of compliance (IRCC)

Access or use is granted to the user and the NFP uploads the certificate onto the international ABS clearing house

India

Step-by step description or a visual representation of the ABS procedure

- 1. It's a single window approval process.
- 2. National Biodiversity Authority (NBA) is the only Competent National Authority in India.
- 3. Biological resource and/ or associated traditional knowledge from India can be accessed by applying in Form-I to NBA through an online process.
- NBA consults the local communities through the respective State Biodiversity Board (Provincial level regulatory authority) for formalizing the PIC process.

MAT is in the form of an agreement to be executed between the applicant and the Competent National Authority, on behalf of the provider.
 On approval, the user is required to submit an annual report to the Competent National Authority.

Process of ABS application In India.pdf

Belarus

Step-by step description or a visual representation of the ABS procedure

- The provider of genetic resources or their potential user may choose any convenient way (telephone, email, in person) to contact the National Coordination Centre on Access to Genetic Resources and Benefit-sharing (ABS-NCC) and provide information in either Russian or English pursuant to the application form.

- ABS-NCC shall apply to the National Competent Authority (NCA) (the Ministry of Natural Resources and Environmental Protection) to obtain a prior informed consent. The Ministry shall analyze the submitted information and make a decision whether to issue PIC or reject it.

- During the procedure for PIC, ABS-NCC shall check whether mutually agreed terms between the provider and user of genetic resources are specified in the collaboration contract (agreement) and comply with the Nagoya Protocol.

Mutually Agreed Terms (MAT) shall include as follows:

. Terms on sharing of benefits arising from the transfer of a genetic resource, including intellectual property rights

. Terms on subsequent use by the third Party if it is a case

· Provision on an intent change.

ABS-NCC advises an applicant and assists in bringing MAT in line with the Nagoya Protocol requirements providing model clauses, if required, or in preparing a supplementary contract to the collaboration contract (agreement).

- After signing a contract (collaboration agreement) with the agreed terms, ABS-NCC shall apply with the Ministry of Natural Resources and Environmental Protection to obtain a permit for access to genetic resources, which serves as evidence of compliance with the Nagoya Protocol requirements.

- ABS-NCC shall submit information from the ABS permit issued by the Ministry of Natural Resources and Environmental Protection to the ABS Clearing-House, and based on it, an Internationally Recognized Certificate of Compliance is generated to confirm the legality of the genetic resource transfer. EN

EN

Information on application forms (attachments)

Malta

Ref. no.:	
	For official use only

Application to obtain Prior Informed Consent (PIC) to access Genetic Resources for which Malta has sovereign rights

For the utilization in non-commercial academic or conservation research activities involving genetic resources (GR) from plants, animals or micro-organisms, or their associated traditional knowledge (aTK), excluding those genetic resources listed in regulation 2(2) of Subsidiary Legislation 549.111;

This application implements regulation 7 of Subsidiary Legislation 549.111, Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization Regulations, 2016;

The ABS Competent Authority shall use the personal information provided on this form in accordance with the Data Protection Act (Chapter 440.)

1. Contact Information

Surname:	Name:
Position:	Citizenship:
ID or Passport number:	E-mail address:
Address:	
Telephone or Mobile number:	

Belarus

Access Application Form	
Information on the provider of the genetic	
resource requested	
Name	
Legal address	
Contact number	
E-mail address	
Contact person	
Information on the potential user of the genetic	
resource requested	
Name	
Legal address	
Contact number	
E-mail address	
Contact person	
Biological type of the genetic resource (if	
known), including its Latin name	
Number of samples	
Brief description of samples	
Type of use (research / commercial use)	
Brief description and purpose of research /	
commercial use	
Contract (draft contract) or collaboration	
agreement (draft agreement) (if available)	

Access to Genetic Resources of the Republic of Belarus

Доступ к генетическим ресурсам в Республике Беларусь



Courtesy translations to reach the most users

Diagrams, flow charts

★ Links to national online systems

India



National Biodiversity Authority (An Autonomous and Statutory Body of the Ministry of Environment Forests and Climate Change, Government of India)



New Registration

ABS e-filing

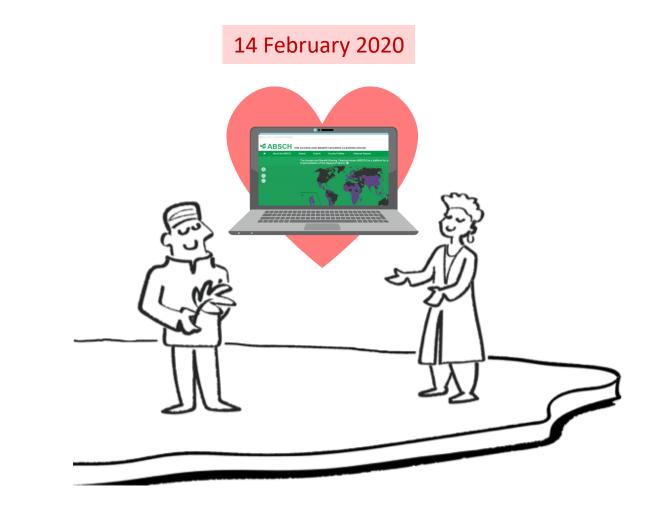
National Biodiversity Authority, established in 2003 to implement the Biological Diversity Act, 2002, is an autonomous and statutory body to perform regulatory and advisory functions for Government of India on issues of conservation of biodiversity, sustainable use of its components and realization of fair and equitable sharing of benefits arising out of use of biological resources.

As part of its mandatory functions, NBA regulates access to India's biological resources and associated knowledge by Indians and non-Indians as well, for various kinds of activities, such as access for research, commercial utilization and obtaining of IPRs for the inventions based on any research or information on a biological resource obtained from India.

Biological Diversity Rules, 2004 lays down various Forms, fees, time lines and procedures to facilitate the applicants in obtaining prior approval of the NBA for various activities under the BD Act. The application may be submitted online using this platform. The applicants are requested to sign up and follow the procedures as per the instructions.

Sign In to your account	
Username Password	
Captcha XEUSXP Login Forgot Password Forgot UserName	_

Let's publish ABS Procedures by Valentine's Day!



Provider + ABSCH + User

- Commitment
- Trust and transparency
- Communication
- Access and Benefit-Sharing

Help us help you!

Additional resources

- 1. Step-by-step guide: <u>https://absch.cbd.int/about/guides/PRO</u>
- 2. One-on-one capacity-building webinar (online)
- 3. E-mail us anytime at: absch@cbd.int

3. Live chat





More webinars to come in 2020. Stay tuned!

- This is the first of a series of webinars
- More webinars will be organized to support continue to support governments in publishing their information on the ABS Clearing-House:
- Upcoming webinars on:
 - ABS Measures matrix
 - Internationally Recognized Certificates of Compliance (IRCCs)
 - Checkpoint Communiques







Make sure to complete the webinar evaluation!

Link to evaluation is available in the GoToMeeting chat box It will also be sent by email!