

The Nagoya Protocol and its implications for Users of Microbial Resources



R. HURTADO-ORTIZ¹, D. CLERMONT¹, C. BIZET¹, D. SMITH², D. MARTIN³, G. VERKLEIJ⁴ and the MIRRI Consortium*.

¹ Centre de Ressources Biologiques, Institut Pasteur, France

² CAB International, United Kingdom

³ Leibniz-Institut Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH, Germany

⁴ CBS-KNAW Fungal Biodiversity Centre, Netherlands

* www.mirri.org

info@mirri.org

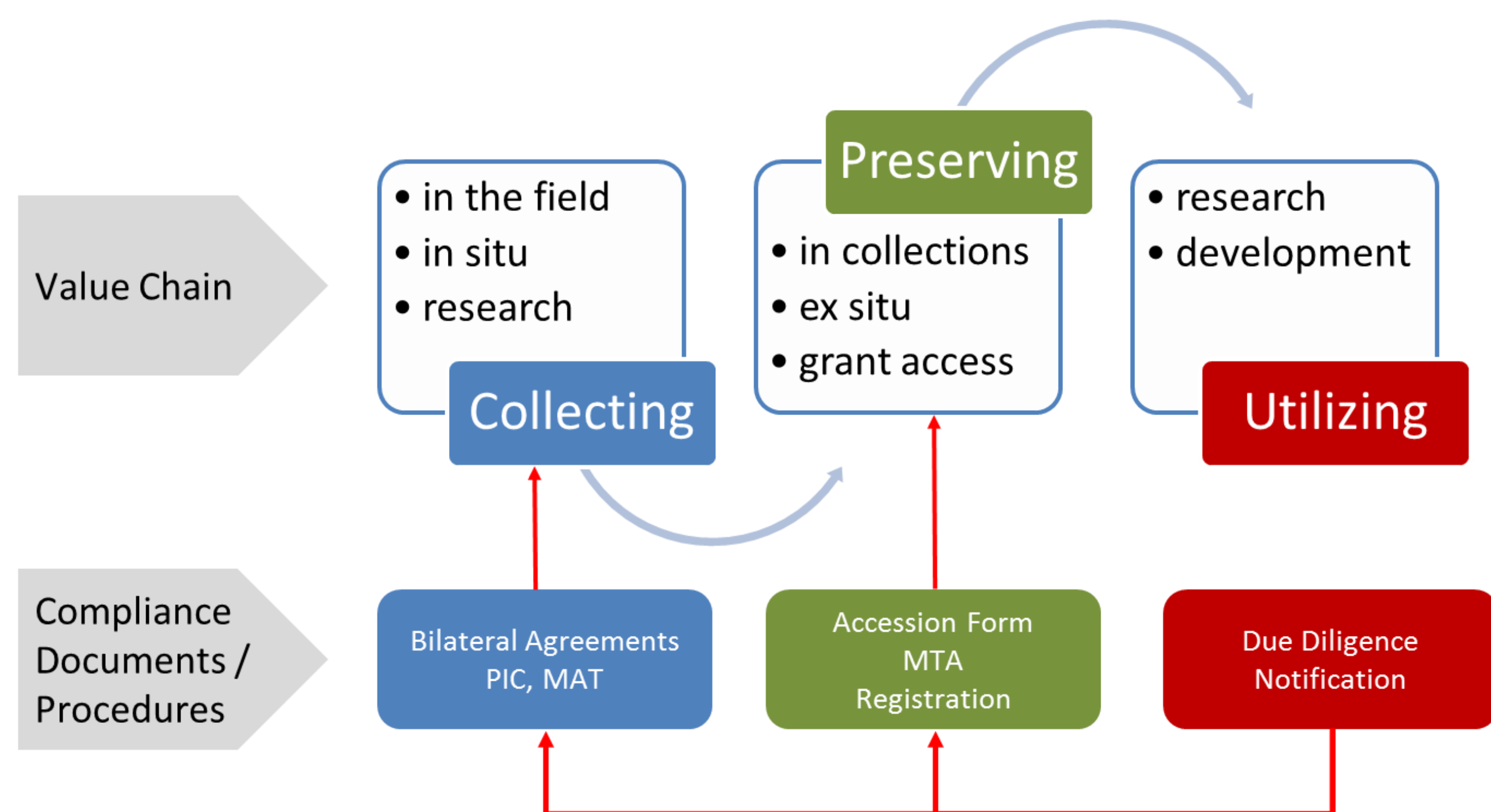
What is the Nagoya Protocol (NP)?

An international agreement on Access and Benefit Sharing (ABS) to support the implementation of the third objective of the Convention on Biological Diversity (CBD): the fair and equitable sharing of benefits arising from the utilization of genetic resources (GRs) and traditional knowledge (TK).

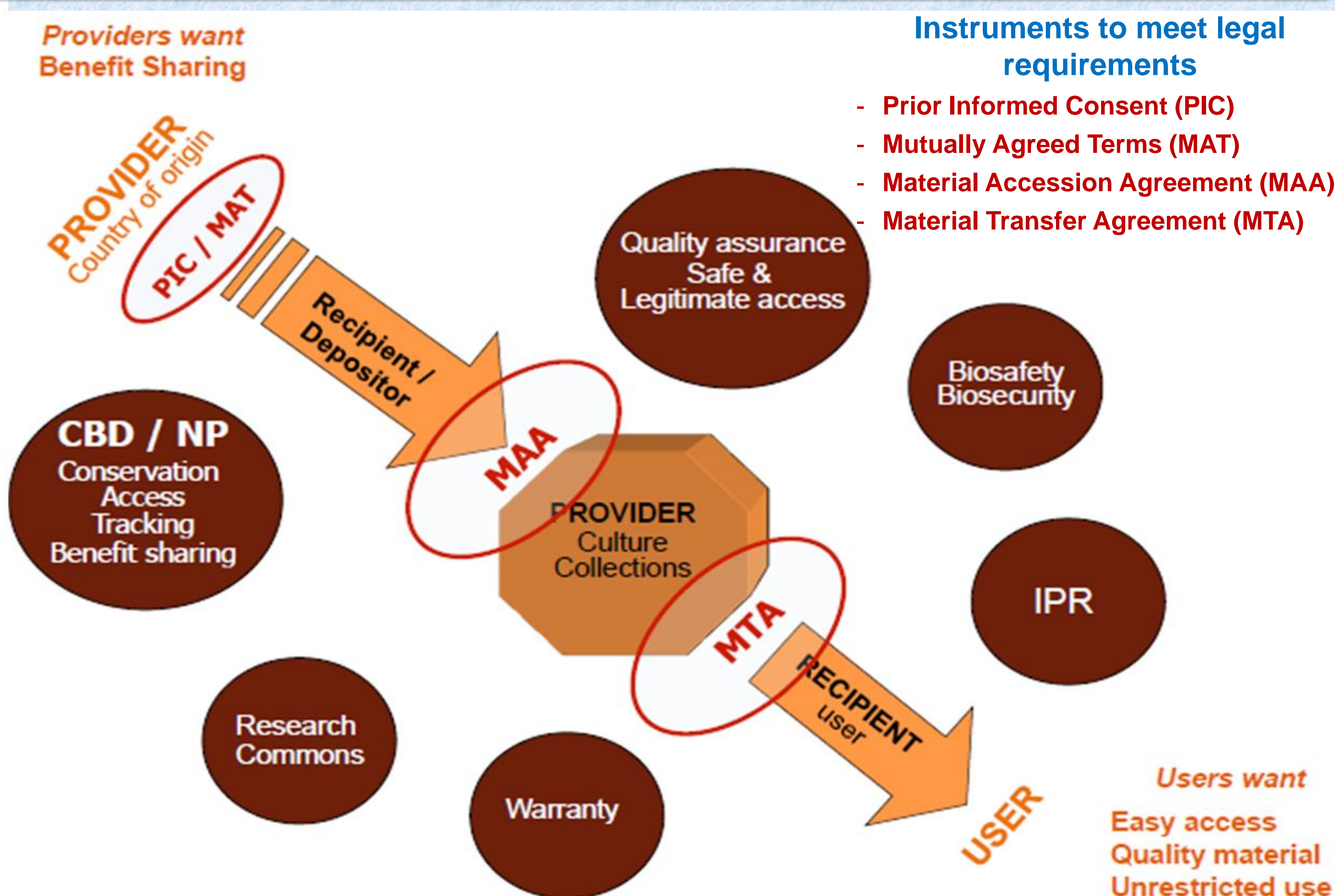
Objectives of the Nagoya Protocol

- facilitate and promote fair trade of biodiversity
- harmonize and standardize the procedures for access
- provide legal certainty through official documents
- boost access to biodiversity in climate of trust
- encourage suppliers to direct benefits to the conservation of biodiversity

Affected Parts of the Value Chain of GRs



Role of Microbial domain Biological Resources Centres (mBRCs) and Culture Collections



Contribution of MIRRI to comply with the Nagoya Protocol

Responses to amendments addressed to Members of the European Parliament (MEPs).

Strengthen the role of register of collections to provide certainty in the use of microbial resources.

Establishment of minimal requirements for MAA and MTA (ongoing).

Introduction of a policy statement and best practices to contributing to reaching the main objectives of the CBD while operating in compliance with all applicable national and international laws on ABS and regulatory requirements.

MIRRI Workshops:

- “The new EU Regulation for the use of genetic resources”, May 27th 2015, Institut Pasteur, France
- “MIRRI International Workshop on Access and Benefit Sharing in the microbial domain”, Sep 15-16th 2015, Schiphol, Netherlands

MIRRI special event:

- “The Nagoya Protocol on Biological Diversity and its Impact on Microbiology”, FEMS, Jun 7-11th 2015, Maastricht, The Netherlands

Why it is important for users of microbial resources?

All microbial materials accessed after 12th October 2014 shall have certificates demonstrating compliance with ABS regulations in place in the country of origin and of the user (e.g. PIC, MAT). Deposit in collections and their distribution should be allowed in these documents, likewise the use envisaged by the recipient.

Concerns for the scientific community

- **For mBRCs and Collections.-** deposits could decrease because scientists could have difficulties in obtaining the documents needed for this purpose.
- **For research and development.-** users of biological resources need conditions for their utilization depending on the project purpose and the source of funding. They have to comply with the legal conditions primarily defined or renegotiate their change of use in order to start working with the biological resource and publish their scientific work.
- **For bio-industry.-** at the stage of final development of a product, users (industries and other actors) have to submit proof of the lawful utilization of genetic resources via a due diligence to the competent authorities.

Points still not well clarified:

- Handling of retroactive ABS that might be introduced in the regulations of some provider countries
- Which R & D activities do not fall under the NP?
- “New uses of a resource acquired before the implementation of the Nagoya Protocol (if so required by ABS law in the country of origin)”

The MIRRI partners and indeed the whole life sciences community face the problems together and together with the policy makers can help put in place practical solutions to deliver compliance whilst not impeding science and discovery. Join MIRRI in facing the challenge!