

Study on the Implementation of the Nagoya Protocol in the EU

Project

Duration

Aug 2011 - Feb 2012

In 2010, the Conference of the Parties of the Convention on Biological Diversity (CBD) adopted the Nagoya Protocol on Access and Benefit-sharing. The Protocol sets forth rules on access to genetic resources. Among other purposes, research is a main driver of demand for genetic resources. Moreover, the protocol contains an obligation for Parties to ensure that the countries where the genetic resources are found and relevant indigenous communities in these countries are compensated for the use of genetic resources and related knowledge. Ecologic Institute is contributing to a study investigating the options for implementation of the Protocol at the EU level. The study is available for download.

The following reports are available:

- **[Executive Summary: Study to analyse legal and economic aspects of implementing the Nagoya Protocol on ABS in the European Union](#)**
- **[Final Report: Study to analyse legal and economic aspects of implementing the Nagoya Protocol on ABS in the European Union](#)**
- **[Annexes: Study to analyse legal and economic aspects of implementing the Nagoya Protocol on ABS in the European Union](#)**

The adoption of the Nagoya Protocol required several years of negotiations. In these negotiations, many issues were controversial, in particular between developed and developing countries. Most of the world's genetic resources are situated in developing countries where both wild and agricultural biodiversity is higher than in most developed countries. Equally, indigenous and other communities in developing countries often have an advanced knowledge on how to use genetic resources for agricultural or medicinal purposes, which they have developed over long periods of time. There is no similar knowledge in developed countries. At the same time, public research institutions and pharmaceutical or agricultural companies using the genetic resources and the related traditional knowledge are mostly based in developed countries. Thus, developed countries are primarily users, and developing countries mostly providers of genetic resources.

In the past, there were many incidents of "bio-piracy" where researchers from the developed world used the genetic resources and knowledge from developing countries, and in some cases obtained related patents, without obtaining the consent of provider countries and communities in the or giving them appropriate credit for their role in conserving and developing genetic resources and associated traditional knowledge. Equally, providers often did not obtain a share of the profits from

commercializing products or other benefits from the research. The 1992 CBD already recognised that access to genetic resource should only be allowed after the consent of providers of genetic resources and they should also obtain a share of the benefits resulting from the use of these resources. However, the rules contained in the CBD on access and benefit-sharing (ABS) were rather vague. This made the adoption of a more detail international agreement on ABS an imperative.

The EU has signed the Nagoya Protocol in 2011. The present study investigates options for the implementation of the Protocol at the EU level, with a focus on legal implications and assessing the economic impact of implementation on the EU. Ecologic Institute contributes country studies on the ABS framework in Germany, Spain, Switzerland, Brasil and India, and legal expertise on other aspects. More information on the EU implementation process is available from the [EU Commission's website](#).

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