



SWEDISH ENVIRONMENTAL  
PROTECTION AGENCY

# THE NAGOYA PROTOCOL THE ROLE AND RESPONSIBILITIES OF SWEDISH ENVIRONMENTAL PROTECTION AGENCY

Uppsala/Zoom  
1 December 2020

Inkeri Ahonen  
Yvonne Lundell

# Content

## Inkeri

- General process of access, benefit-sharing and use of genetic resources/material and traditional knowledge
- Swedish Environmental Protection Agency's (Swedish EPA) roles

## Yvonne

- Supervision according to EU ABS-regulation



**Convention of Biological Diversity (CBD) art 15**

**Nagoya Protocol**

**National legislation about use of genetic resources and traditional knowledge**

Both EU and Sweden are parties to the NP

**In EU ABS Regulation No 511/2014 about access and sharing benefits from utilization**

- Due diligence
- Declare
  - Registered collections
  - etc



The provider country's access legislation has to be followed

**Provider country's national legislation about access to and benefit sharing of genetic material and traditional knowledge**

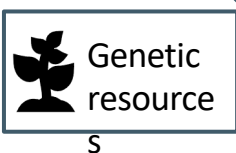
- Which permits, consents and agreements are needed for collection and subsequent use
- Not all countries have this legislation
- Some countries that are not parties to NP have access legislation

# General process of access, use and benefit sharing

## Step 1. Collection of genetic resources in the provider country

Provider country's legislation about collecting genetic resources.

MUST BE FOLLOWED REGARDLESS IF THE COUNTRY IS PARTY TO THE NAGOYA PROTOCOL OR NOT.



Documentation permits, PIC, MAT mm.



## Step 2. Using genetic material in EU /Sweden

Provider country is not a party to the Nagoya-Protocol:

EU/Swedish authorities have no mandate, **but the provider country may take actions against illegal use**

Provider country is a party to the Nagoya Protocol

EU ABS Regulation

The use is exempted from the scope of the Regulation - Swedish authorities can still supervise to confirm this

Use falls in the scope of the Regulation

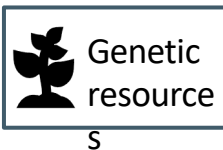
- Regulatory tasks
- Due diligence
- DECLARE

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**Swedish EPA**

EU ABS Regulation

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- Regulatory tasks
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- DECLARE

# Swedish Environmental Protection Agency's roles

- EU ABS Regulation ➡ According to Swedish ordinance (2016:858) **Swedish EPA is the national competent authority** :
  - responsible for the information, **guidance**, communication, awareness-raising and training activities
  - Represent Sweden in EU ABS Expert group
  - Reports to CBD and EU according to Nagoya Protocol and ABS Regulation every fifth year
  - Process applications to become a registered collection according to article 5 in EU ABS Regulation
- **Swedish EPA assists Swedish Environmental Department in EU- and international work with Nagoya protocol and EU ABS Regulation**



# Practical work 2021

- **EU and international work** most prioritized.
- **Guidance:** revision of webpages, presentations, participation in workshops, answering users questions on general level.
- **Supervision:** under construction

- The Swedish Environmental Protection Agency is responsible for both guidance and supervision that are two different activities that must be kept apart



# Why is Swedish EPA the supervisory authority of the Nagoya Protocol?

- This is because the Swedish government has appointed us to it, see Ordinance “*Förordning (2016:858) om användning av genetiska resurser och traditionell kunskap om sådana resurser*”
- According to Swedish ordinance about environmental supervision (Miljötillsynsförordningen 2011:13) 2 chapter 9a § **Swedish EPA is responsible for supervision according to EU ABS Regulation**
- and EU Regulations require an authority in each Member State to carry out checks on users



## Controls, in what way?

- This means that the Swedish EPA must check that users of genetic resources show *Due diligence*
- *Due diligence* If you take reasonable measures in the seeking, keeping, transferring and analyzing of information you will be compliant with the due diligence obligation under the EU ABS Regulation.

## Controls in what way;

- That the genetic resources have been acquired in the right way in accordance with current legislation in the provider country. And the fair and equitable sharing of benefits arising from the utilization of genetic resources (PIC and MAT).

## EU ABS-regulation applies to all users:

- A user is defined in the regulation as 'any natural or legal person that utilizes genetic resources or traditional knowledge associated with genetic resources'. This is independent of the users' size or of the intent of the use (commercial or non-commercial).

- Thus, *the due diligence obligation* applies to individuals, *including researchers*, and to organisations such as *universities or other research organisations*, as well as to small and medium sized enterprises and multinational companies, which utilize genetic resources or traditional knowledge associated with genetic resources.

- The EU guidance document will be available shortly. The guidance document will be published in all member languages, and will be helpful to both users and authorities.

**Thanks for listening!**