Convention on Biological Diversity: Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization

2012/0279(NLE) - 05/10/2012

PURPOSE: the conclusion of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Unitisation to the Convention on Biological Diversity.

PROPOSED ACT: Council Decision.

BACKGROUND: the **Convention on Biological Diversity (CBD)** is the main international framework for measures to conserve biological diversity, to sustainably use its components and for the fair and equitable sharing of benefits arising from the utilisation of genetic resources. The European Union and all of its 27 Member States are Parties to the Convention.

The Union and its Member States joined the consensus of the 193 Parties to the Convention on Biological Diversity that adopted the **Nagoya Protocol** on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation to the Convention on Biological Diversity (the Nagoya Protocol) on 29 October 2010.

The Union and most of its Member States have signed the Nagoya Protocol. The European Parliament in its resolution of 20 April 2012, the Council and the Commission have expressed their commitment to a swift implementation and ratification of the Nagoya Protocol in the Union.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 192(1) of the Treaty on the Functioning of the European Union (TFEU), in conjunction with Article 218(6)(a) thereof.

CONTENT: it is proposed that the Union proceeds to the conclusion of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity. The objective of the Protocol is the fair and equitable sharing of the benefits arising from the utilisation of genetic resources, in particular by means of fair access to and the appropriate transfer of relevant technologies, taking into account all the rights over these resources and technologies and with appropriate funding, thus contributing to the conservation of biological diversity and the sustainable use of genetic resources.

It should be noted that the Commission presented in parallel a proposal for a Regulation of the European Parliament and of the Council establishing a system of measures for implementing the Nagoya Protocol in the Union.

BUDGETARY IMPACT: the proposal has no impact of the Union’s budget.