

# Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (Nagoya Protocol 2010): compliance measures for users in the Union

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Ministers held a public debate on the draft regulation on access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation in the Union. The main objective of the proposal is to implement the Nagoya Protocol in the EU and to enable its ratification by the EU.

To steer further work on the proposal, the Presidency invited ministers to answer a series of questions focusing on the **proposed obligations of users of genetic resources and their monitoring by Member States**:

1. Do you consider that the obligations of users contained in the legislative proposal adequately reflect the requirements of the Nagoya Protocol with regard to user compliance in the Union?
2. Will they contribute to the aim of effective implementation of benefit sharing arrangements? and
3. In your view and in the light of the Nagoya Protocol, is the proposed balance between the obligations of users and the monitoring of these obligations by Member States appropriate in order to ensure the use within the Union of genetic resources accessed in accordance with relevant requirements?

The Presidency highlighted the following points that emerged from the discussion:

- **new legislation should not create an unnecessary burden for users or authorities** but at the same time should be comprehensive enough to cover the provisions of the Nagoya Protocol;
- **due diligence obligations** of users should be accompanied by their **monitoring by authorities** in order to ensure compliance with the Nagoya Protocol;
- **links with other international instruments** relating to the use of genetic resources should be further examined.

The Commissioner underscored the importance of having this new piece of legislation in place by July 2014 in order to fulfil EU international commitments. The European Parliament's Committee on Environment, Public Health and Food Safety is scheduled to vote on the draft regulation in July 2013.