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) - 20/03/2013 - Legislative proposal

PURPOSE: to conclude, on behalf of the European Union, 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.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Union and its Member States joined the consensus of the 193 Parties to the Convention on Biological Diversity (CBD) that adopted 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 on 29 October 2010.

In accordance with Council Decision of 6 May 2011, the Nagoya Protocol was signed by the Union, subject to its conclusion at a later date. Most Member States have signed the Nagoya Protocol.

It is now necessary to approve the Nagoya Protocol on behalf of the Union.

CONTENT: this proposal seek approval 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 on behalf of the Union.

Protocol's objectives: 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.

For further details of the main provisions of the Protocol, *please refer to the summary of the Commission's initial legislative proposal dated 05/10/2012.*

Annex on the competences of the European Union: a unilateral EU declaration in accordance with Article 34, paragraph 3 of the Convention on Biological diversity, it is stated that the European Union is competent for entering into international agreements, and for implementing the obligations resulting therefrom, which contribute to the pursuit of the following objectives:

- preserving, protecting and improving the quality of the environment;
- protecting human health;
- prudent and rational utilisation of natural resources;

- promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.

In order to comply with its obligations under Article 14(2)(a) 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 Union will keep up-to-date the list of legal instruments to be transmitted to the Access and Benefit-Sharing Clearing-House.

The European Union is responsible for the performance of those obligations resulting from this Protocol which are covered by Union law in force.