Basic information

2012/0279(NLE) NLE - Non-legislative enactments	Procedure completed
Convention on Biological Diversity: Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization See also 2012/0278(COD) **Subject** 3.10.09.06 Agro-genetics, GMOs 3.50.20 Scientific and technological cooperation and agreements 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity 3.70.18 International and regional environment protection measures and agreements 4.20.02.04 Genetics and bioethics 6.40.13 Relations with/in the context of international organisations: UN, OSCE, OECD, Council of Europe, EBRD	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	BÉLIER Sandrine (Verts /ALE)	23/10/2012
	Shadow rapporteur GUTIÉRREZ-CORTINES Cristina (PPE) POC Pavel (S&D) GERBRANDY Gerben-Jan (ALDE) ROSBACH Anna (ECR) LIOTARD Kartika Tamara (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	GRÈZE Catherine (Verts /ALE)	21/11/2012
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
REGI Regional Development	The committee decided not to give an opinion.	

AGRI Agriculture and Rural Development	BOVÉ José (Verts/ALE)	03/12/2012
PECH Fisheries	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	3308	2014-04-14
Environment	3194	2012-10-25

European Commission

Commission DG	Commissioner
Environment	POTOČNIK Janez

Key events

Date	Event	Reference	Summary
05/10/2012	Preparatory document	COM(2012)0577	Summary
25/10/2012	Debate in Council		
20/03/2013	Legislative proposal published	06852/2013	Summary
04/07/2013	Vote in committee		
13/01/2014	Committee referral announced in Parliament		
29/01/2014	Committee report tabled for plenary, 1st reading/single reading	A7-0061/2014	Summary
11/03/2014	Decision by Parliament	T7-0183/2014	Summary
11/03/2014	Results of vote in Parliament		
14/04/2014	Act adopted by Council after consultation of Parliament		
14/04/2014	End of procedure in Parliament		
20/05/2014	Final act published in Official Journal		

Technical information

Procedure reference	2012/0279(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Amendments and repeals	See also 2012/0278(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 192-p1 Treaty on the Functioning of the European Union TFEU 218-p6a

Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/7/10869

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	DEVE	PE507.951	30/05/2013	
Committee opinion	AGRI	PE507.962	30/05/2013	
Committee draft report		PE514.563	17/06/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0061/2014	29/01/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0183/2014	11/03/2014	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	06852/2013	20/03/2013	Summary
Document attached to the procedure	06874/2013	20/03/2013	

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2012)0577	05/10/2012	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2014/0283
OJ L 150 20.05.2014, p. 0231 Summary

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) - 14/04/2014 - Final act

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

NON-LEGISLATIVE ACT: Council Decision 2014/283/EU on the conclusion, on behalf of the European Union, 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.

CONTENT: under this Decision, 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 is **approved on behalf of the Union**.

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. The Union is committed to the swift implementation and ratification of the Nagoya Protocol.

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.

The parallel adoption of the Regulation of the European Parliament and the Council establishing a system of measures for implementing the Nagoya Protocol in the Union should also be noted.

The European Union declares that, in accordance with the Treaty on the Functioning of the European Union, and in particular Article 191 thereof, it 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.

ENTRY INTO FORCE: 14.04.2014.

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.

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 - Preparatory document

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.

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.

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) - 29/01/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety unanimously adopted the report by Sandrine BÉLIER (Greens/EFA, FR) on the draft Council decision on the conclusion, on behalf of the European Union, of 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.

Given that the Nagoya Protocol provides greater legal certainty and more transparency for both providers and users of genetic resources and creates incentives to preserve genetic resources 'in situ' and use them in a sustainable manner, Members considered it essential that the European Union and all its Member States ratify it as soon as possible.</Depute>

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) - 11/03/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 647 votes to 12, with 11 abstentions, a legislative resolution on the draft Council decision on the conclusion, on behalf of the European Union, 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.

Parliament gave its consent to the conclusion of the Agreement.