ABS Clearing-House

The key to a successful ABS relationship

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Elements for a successful relationship

1. Commitment
2. Communication
3. Trust and transparency
ABS Clearing-House
Bring Users and Providers closer together

✓ Commitment
✓ Communication
✓ Trust and transparency
Relationships (and clearing-houses) the more you give the more you get out them.
Goal of the Nagoya Protocol

ACCESS to genetic resources

Fair & equitable sharing of benefits derived from their utilization

“Invest in biodiversity for people and planet”

Conservation and sustainable use of biodiversity
The Access and Benefit-Sharing Clearing-House (ABSCH) is a platform for exchanging information on ABSCH and a key tool for facilitating the implementation of the Nagoya Protocol.

**National Records**
- 173 ABS National Focal Point
- 105 Competent National Authority
- 226 Legislative, Administrative or Policy Measure
- 2 ABS Procedure
- 0 National Model Contractual Clause
- 369 Internationally Recognized Certificates of Compliance
- 43 National Websites or Databases

**Parties to the Nagoya Protocol**
- 116

**Ratified, not yet Party**
- 1

**Non-Parties**
- 82
ABS Clearing-House is fundamental tool to achieve the goals of the Protocol

Main Goals of the ABSCH

1. Help users to get reliable information on how to access genetic resources and associated traditional knowledge.

2. Help monitor the utilization of genetic resources when resources leave the provider country’s jurisdiction.
Goal of the ABSCH

- **Access** – Enhancing legal certainty, transparency and clarity on how to access genetic resources and associated traditional knowledge.

- **Benefit-sharing** – Contributing to increase opportunities for sharing benefits from the use of genetic resources and associated traditional knowledge.

- **Compliance** – Assisting to ensure compliance with ABS measures and transparency in monitoring the utilization of genetic resources through the value chain.
**Article 14.2**

The **core mandatory information** that is to be shared by Parties:

a) ABS Measures  
b) FPs and CNAs  
c) Permits and their equivalents
### Information sharing commitments

<table>
<thead>
<tr>
<th>Article of the Protocol</th>
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<tbody>
<tr>
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</table>
Effective communication helps your partner understand and therefore respect your needs, boundaries and expectations.
Effective communications builds:

- Trust
- Clarity
- Certainty
- Connections

And helps us understand needs and expectations
Common formats are the language of the ABSCH

- ABS national focal points
- National databases and websites
- ABS Procedures
- Communiqués
- IRCC
- ABS Measures
- Checkpoints
- CNAs
The top 10 countries, representing 62% of all visitors, are as follows:

- Germany
- Japan
- USA
- France
- UK
- Canada
- India
- South Korea
- Switzerland
- Belgium

### Device Usage

<table>
<thead>
<tr>
<th>Device</th>
<th>Number of Users</th>
<th>Percentage of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Desktop</td>
<td>20,181</td>
<td>91.15%</td>
</tr>
<tr>
<td>Mobile</td>
<td>1,447</td>
<td>6.54%</td>
</tr>
<tr>
<td>Tablet</td>
<td>513</td>
<td>2.32%</td>
</tr>
</tbody>
</table>

### Language Usage

<table>
<thead>
<tr>
<th>Language</th>
<th>% of Visitors</th>
</tr>
</thead>
<tbody>
<tr>
<td>English</td>
<td>43%</td>
</tr>
<tr>
<td>French</td>
<td>10%</td>
</tr>
<tr>
<td>Japanese</td>
<td>10%</td>
</tr>
<tr>
<td>German</td>
<td>10%</td>
</tr>
<tr>
<td>Spanish</td>
<td>8%</td>
</tr>
<tr>
<td>Korean</td>
<td>8%</td>
</tr>
<tr>
<td>Other</td>
<td>11%</td>
</tr>
</tbody>
</table>
What are the steps to access genetic resources in your country?

When am I going to get a share of the benefits?

What users and providers really want to know
# ABS Procedures

**ABS Procedure (PRO)**

<table>
<thead>
<tr>
<th>General Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Country</td>
<td>Afghanistan</td>
</tr>
<tr>
<td>Title</td>
<td>PARTY TO THE NAGOYA PROTOCOL ENTER INTO FORCE: 04 SEP 2018</td>
</tr>
</tbody>
</table>

**Description of the ABS Procedure**

<table>
<thead>
<tr>
<th>Area of Jurisdiction</th>
<th>National / Federal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where should applications for access be made</td>
<td>PERSON</td>
</tr>
<tr>
<td></td>
<td>MR Matt Das</td>
</tr>
<tr>
<td></td>
<td>Email: <a href="mailto:matthew.cstark@cbs.int">matthew.cstark@cbs.int</a></td>
</tr>
</tbody>
</table>

**Conditions or requirements a potential user needs to fulfill to apply for access**

<table>
<thead>
<tr>
<th>Must have all the required ingredients</th>
<th>EN</th>
</tr>
</thead>
</table>

**Step-by-step description or a visual representation of the ABS procedure**

1. Get 2 slices of bread
2. Put some peanut butter on one piece of bread
3. Put some jem on the other piece
4. Put the slices together
5. Eat

https://www.youtube.com/watch?v=U7eLmzAU

**Does the applicant need to provide any documents?**

No

**Are there application fees?**

No

**Keywords**

Food and beverage

Plants

**Relevant ABS measure(s)**

**Additional Information**

Thanks! Now it is very clear how to access GR in your country!
A separate record is to be published for each different procedure.

**ABS PROCEDURE (PRO)**

**Making pancakes for breakfast**
Mix flour, baking powder, salt, and sugar. ...
Mix milk, eggs, and oil. ...
Mix dry ingredients with wet ingredients. ...
Pre-heat the pan or skillet. ...
Add oil to pan. ...
Pour the batter into the pan. ...
Flip the pancakes when the bottom ...

**Cooking spagetti**
Heat the oil in a large frying pan over medium heat. ...
Stir in the tomatoes and tomato paste. ...
Stir in the parsley and sugar. ...
Meanwhile, cook the pasta in a large saucepan of salted boiling water following packet directions or until ...

**Making a sandwich**
1.) Get 2 slices of bread  
2.) Put some peanut butter on one piece of bread  
3.) Put some jam on the other piece  
4.) Put the slices together  
5.) Eat
ABS Measures

- Policy/Strategy/Action Plan
- Laws
- Regulatory or Administrative
- National or domestic guidelines
- Community protocols and procedures
- Customary laws
- Explanatory Information

✓ Legally binding
✓ Not legally binding
✓ Draft
✓ Retired

What does the Protocol say?
Article 14 paragraph 2 (a) of the Nagoya Protocol provides that Parties should make available information on legislative, administrative and policy measures on access and benefit-sharing to the ABS Clearing-House.

Why is this information important?
• to help users understand the national systems for accessing GR and TK and sharing the benefits derived from their use
• the goal is to provide as much certainty and clarity possible to potential users and guide them to comply with the country’s legislation

Tips for filling out the form:
• be as clear, concise and complete as possible
• include courtesy translation of the information
• submit one record per measure
• completely fill out all elements of the measure (n/a for ratification measures)
Elements of the measures

The purpose is to provide basic information and mapping on the content of the measure: what are the components covered (and in which articles or sections (provisions)).

The information will be displayed in two ways: Each record about a measure will include a summary table based on the information submitted and including information on related measures and amendments.

All the information contained in each individual measure table will be displayed together in an ABS measures country matrix. This matrix will assist users to see the national legal framework in a snapshot.
Competent National Authority (CNA)

Why is this information important?
Helps potential users of genetic resources and associated traditional knowledge:

- to know who is responsible government entity for granting access for which GR and TK.
- to understand how the system and procedures for access works and give added legal certainty by linking to ABS measure where that competence is granted, you can.
- to find reliable contact details

Tips for filling out the form:
- submit one record per CNA
- clear who grants access for what
- information should be kept up-to-date
- provide a link to a measure if possible
Internationally Recognized Certificates of Compliance

- Parties shall make available Permit or equivalent (issued in accordance with Article 6, paragraph 3(e)). to the ABSCH as an IRCC

- IRCCs provides evidence at the international level GR has been accessed legally with PIC and MAT

- IRCCs should not contain any confidential info. ABSCH does not host confidential information

- IRCCs contain minimum set of key info about the permit (when not confidential)

- Each IRCC is assigned a unique identifier (UID)
Two of the most challenging times in parenting are when kids first arrive home as babies and then when they leave home as adults.
When am I going to get a share of the benefits?

The Protocol’s provisions related to monitoring utilization (Articles 5, 6, 15, 16, 17) can help provide reassurances to Providers once the genetic resources leave their country.
ABS Monitoring
National ABS Clearing-House

National ABS websites

ABS Permitting Systems
Creating a national ABS website or clearing-house is not an obligation of the Protocol, but sharing information with the ABSCH is.

Avoid maintaining multiple copies of the same information.

Use interoperability mechanisms to share information with the ABSCH.

- Extra work
- Potential to cause confusion
Use the ABSCH’s API

The API provides a standard way to facilitate interaction between computer systems.

• Maintain a single copy of the information
• Exchange information between systems
• Provide information more easily
Documentation for developers on the use of the API is available at: scbd.github.io.

Examples and sample code is available at: github.com/scbd/api-examples.

Please note the development of the API documentation, examples, and sample code is an on-going effort and is updated regularly.

For more information on how to use the API please contact the Secretariat at: absch@cbd.int.
Questions
If **no** information is available for a country on the ABSCH can I assume access to GR is not regulated in that country?
No. Just because information is not available we cannot assume access is not regulated by a country.

**Why not:**
- Maybe the country is not a Party to the NP
- Maybe they haven’t yet made the information available for various reasons

**What can you do:**
- Contact the ABS Focal Point/CBD Focal Point
- Search the internet
- What else?
What is the biggest complaint or frustration I hear from users of the ABSCH?
The single most common complaint from users of genetic resources and associated traditional knowledge is:

The procedures to access GR and associated traditional knowledge are

• not available
• not clear
What can you do to help the ABS Clearing-House to be more effective?
To be effective the ABSCH is suppose to:

1. Help users get information on how to access genetic resources and associated traditional knowledge.

2. Help providers monitor the utilization of genetic resources when resources leave the provider country’s jurisdiction.
Publish all relevant and available information in the ABS Clearing-House

Keep the information reliable and up-to-date

Provide feedback and suggestions to improve the ABSCH
What are your challenges related to publishing information on the ABS Clearing-House?
Challenges related to publishing information in the ABSCH

- Delays in the designation of the PA
- Frequent changes in responsible authorities
- Need for translation of the ABSCH
- Need for capacity to use the ABSCH
- Technical difficulties
What is the mandatory information Parties are required to publish on the ABS Clearing-House?
**Article 14.2**

The **core mandatory information** that is to be shared by Parties:

a) ABS Measures  
b) FPs and CNAs  
c) Permits and their equivalents
## Main information sharing obligations for Parties

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What is the role of the Publishing Authority?
To publish information on the ABS Clearing-House the focal point needs to take on the responsibility of Publishing Authority or designate someone else.

The PA is responsible for:

• Authorizing the publication of all national records registered in the ABSCH;

• Ensuring that the information made available on the ABSCH is complete, relevant and kept up-to-date; and

• Ensuring that no confidential information is published in the ABSCH.

• Managing the designation of the national authorized users (NAUs)

The PA or NAUs can be changed easily any time.
What is the role of the National Authorized User?
NAUs
Types of national users

NFP  PA  NAU  NAU  NAU  NAU  NAU
How do I change my PA or NAU?
### User Management

<table>
<thead>
<tr>
<th>User</th>
<th>Organization/Division</th>
<th>Roles</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matthew Dias</td>
<td>SCBD</td>
<td>ABS-CH Training National Authorized User</td>
<td></td>
</tr>
<tr>
<td><a href="mailto:mcdias@hotmail.com">mcdias@hotmail.com</a></td>
<td></td>
<td>Hide additional roles</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>ABS-CH Development National Authorized User</td>
<td></td>
</tr>
<tr>
<td><a href="mailto:diasm@un.org">diasm@un.org</a></td>
<td>UN</td>
<td>ABS-CH Training Publishing Authority</td>
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</tr>
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<td></td>
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<td>Hide additional roles</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>ABS-CH Development Publishing Authority</td>
<td></td>
</tr>
</tbody>
</table>

2 of 10 | Show more | Add Authorized User
What is the difference between national and reference records?
### Record overview

#### National records
- National contacts (CON)
- Competent National Authority (CNA)
- Legislative, Administrative or Policy Measure (MSR)
- ABS Procedure (PRO)
- National Model Contractual Clause (NMCC)
- Internationally Recognized Certificates of Compliance (IRCC)
- National Websites or Databases (NDB)
- Checkpoint (CP)
- Checkpoint Communiqué (CPC)
- Interim National Reports on the Implementation of the Nagoya Protocol (NR)

#### Reference records
- Virtual Library Resource (VLR)
- Organization (ORG)
- Capacity-building Initiative (CBI)
- Model Contractual Clauses, Codes of Conduct, Guidelines, Best Practices and/or Standard (A19A20)
- Community Protocols and Procedures and Customary Law (CPP)
National Records

- Drafted by NAU/PA
- Request for publication
- Verified by PA
- Approved and published
- Published national records

Reference Records

- Drafted by any user
- Request for publication
- Reviewed by SCBD
- Approved and published
- Published reference records

ABSCH
Publicly available records

Published national records

Published reference records
What is the Certificate (IRCC) good for?
Certificates what are they good for?

• Constituted from information from the ABS permit or equivalent to represent the national ABS permit at the international level:
  • in a standard format
  • without giving away confidential information (provides link to permit)
  • and provide user with proof of PIC and MAT and legal access of GR
What type of information should never be shared on the ABS Clearing-House?
Confidential information


What information from the Permit or its equivalent is required to constitute a Certificate?
- issuing authority
- ID of permit
- the provider of the GR
- person granted PIC
- date of issuance / expiration
- confirmation of PIC+MAT
- subject (GR or ATK)
- Commercial or non-commercial
- conditions for transfer
What does that ABS Clearing-House do once a Certificate is published?
CNA issuing the permit

ABS National Focal Point

CERTIFICATE

USER

ABS CLEARING HOUSE

CHECKPOINT
Certificate (ABSCH-IRCC-IN-239840-1)

Mutually Agreed Terms (MAT) Information

Confirmation that mutually agreed terms were established
Yes

Additional information about the mutually agreed terms
1. The user shall pay the royalty of 2% of the net sales of the product / supporting product derived from the use of the accessed biological resources.
2. The user shall inform the NBA about any commercialization made on the IP Rights granted.
3. The user shall submit the half-yearly report to NBA as per the terms and conditions agreed upon.

Subject-matter or genetic resource(s)

Subject-matter or genetic resources covered by the permit or its equivalent
Confidential information

Information on the utilization of the genetic resource(s)

Type of use allowed by the permit or its equivalent
Confidential information

Conditions for third party transfer
1. If the user assigns/licenses the process/product/innovation to a third party for commercialization, the user shall pay to NBA 2.0% of the royalty amount received.
2. In case the user assigns or transfer the IPR in whole or in part to any person, whether voluntarily or involuntarily, the user undertakes to attach this agreement as an appendix to the assignment instrument.

Amendment history

<table>
<thead>
<tr>
<th>Unique identifier</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSCH-IRCC-IN-239840-1</td>
<td>PUBLISHED</td>
<td>on 17 Apr 2018 06:17</td>
</tr>
</tbody>
</table>

[Additional details and information from the certificate]
Analysis of Internationally Recognized Certificates of Compliance (IRCC)

14 Parties have submitted 367 IRCCs

- INDIA: 220
- SPAIN: 37
- KENYA: 33
- SOUTH AFRICA: 27
- PANAMA: 16
- MEXICO: 8
- BELARUS: 5
- PERU: 3
- LAO PEOPLE'S DEMOCRATIC REPUBLIC: 1
- BULGARIA: 3
- GUATEMALA: 2
- DOMINICAN REPUBLIC: 2
- FRANCE: 1
- MALTA: 1
Analysis of Internationally Recognized Certificates of Compliance (IRCC)

IRCCs by subject matter

- Plants
- Microorganism
- Animals
- Wild species
- Domesticated species and/or cultivated species
- Protected areas
- Soil and/or water samples
- Fungi
- Ex-situ
- Forest
- Other
- Agricultural areas
- Marine and coastal areas
- Inland waters
- Traditional knowledge associated with genetic resources
- Associated traditional knowledge
- Mountains
- All types of genetic resources
- Islands
- Associated traditional knowledge
- Mountains
- All types of genetic resources
- Traditional knowledge associated with genetic resources
- Inland waters
- Forest
- Other
- Agricultural areas
- Marine and coastal areas
- Ex-situ
- Fungi
- Soil and/or water samples
- Protected areas
- Domesticated species and/or cultivated species
- Wild species
- Animals
- Microorganism
- Plants
Analysis of Internationally Recognized Certificates of Compliance (IRCC)

Usage type

- Commercial: 44%
- Non-commercial: 54%
- Commercial and non-commercial: 2%
- Confidential: 38%
- Non-confidential: 62%
Analysis of Internationally Recognized Certificates of Compliance (IRCC)

IRCCs granted to:

- Domestic: 41%
- Foreign: 59%
- Non-confidential: 53%
- Confidential: 47%
What are some of your challenges to publish information on permits in the Clearing-House?
Permits/certificates

Challenges and difficulties

• Need to adopt ABS measures
• Need to streamline the process for making permits available to the ABS Clearing-House
• Lack of human resources
• Need for capacity-building
What is the role of the Checkpoint?
Parties are to designate effective checkpoints along the value chain, that are to collect or receive information provided by users related to the utilization of genetic resources as described in Article 17 of the Protocol.

The information collected or received by the checkpoints is meant to inform and alert relevant authorities, and above all, authorities in the provider country as to how their genetic resources are being used.

The information collected or received at checkpoints is made available as a record on the ABSCH called a Checkpoint Communiqué (CPC).
What are the NP Checkpoints in your country?
Checkpoints can be setup at places along the value chain (from research to commercialization) that interact with users in the process of utilizing genetic resources.

**Examples:**
- Patent offices
- Funding institutions
- Publishers
- Market authorization authorities
What information is the Checkpoint supposed to gather from the user?
IF THE CERTIFICATE IS AVAILABLE
• Certificate unique ID
• Checkpoint gathering the information
• Person at the checkpoint
• Information on utilization

IF THE CERTIFICATE IS NOT AVAILABLE
• Source
• Subject matter
• Proof of PIC and MAT
• Date of access
• Person at the checkpoint
• Information on type of utilization
• Checkpoint
Which countries must designate effective Checkpoints?
The Protocol does not distinguish between providers and users countries.

Protocol applies to all Parties, including provisions related to compliance with domestic legislation or regulatory requirements according to Articles 15 and 16.
What does the ABS Clearing-House do with the Checkpoint Communique after it is published?
Designated Authorities

CNA issuing the permit

ABS National Focal Point

CHECKPOINT COMMUNIQUE

CHECKPOINT

ABS CLEARING HOUSE
Checkpoint communiques (CPC)

- Germany published 1st ever CPC on June 14, 2018!
- Only 2 CPCs refer to an IRCC
  - 10 months/3 months after permit
- 2 CPCs are internal (provider same country as user)
- All are for non-commercial purposes

Germany: 3
Japan: 2
Malta: 1
Qatar: 1
What is ultimate goal of the Checkpoint Communique?
To provide information related to utilization back to the provider

Provider issues permit when PIC granted and MAT established. Information published in the ABSCH as an IRCC and copies sent to the User and Provider.

ABSCH makes information available and sends copy to Provider (User and country of utilization also receive copy).

Information on PIC, MAT, source of GR, genetic resources, utilization of GR, and user at the checkpoint (same information contained in the IRCC).

User provides the information to checkpoint.

The information collected or received from user is provided to the ABSCH.
What can you do if you receive a Communique that is not linked to a Certificate?
NO CERTIFICATE

CHECKPOINT COMMUNIQUE
ABSCH-CPC-CA-123456
- Source country
- Subject matter
- Proof of PIC and MAT
- Date of access
- Person at the checkpoint
- Information on type of utilization
- Checkpoint

Use the information to find the ABS Permit

Contact user or country authorities

Confidential information

Do nothing

National ABS Permit #12345678
Phasellus vel rutrum mi, eget eusmod mauris. Quisque vitae interdum leo. Suspendisse et sollicitudin arcu. Sed facilisis feugiat sapien, vel imperdiet lectus posuere sit amet
What can do to make the Protocol’s system for monitoring the utilization of genetic resources effective?
All Parties must effectively put the required elements in place

- ✔ Competent national authorities
- ✔ Checkpoints
- ✔ Information on Permits (IRCC)
- ✔ Checkpoint Communiqué
Are Parties required by the Protocol to have a national ABS Clearing-House to share ABS information?
Not a requirement of the Protocol

Parties are required to share information with the ABS Clearing-House.
But, if I have a national ABS system can I make it interoperable with the ABS Clearing-House?
Not a requirement of the Protocol

Parties are required to share information with the ABS Clearing-House.
There are interfaces for the ABS Clearing-House

for humans

for computers to connect
• ABSCH is designed to interoperable with other databases and systems, in particular Parties’ databases, as well as databases of other instruments and organizations.

• The API is meant to allow the seamless integration of the data and functions of the ABSCH into other systems in ways that best fit their own needs, workflows and technologies.

• Use of the API to avoid duplication in the submission of information to the ABSCH and, at the same time, create national or regional information systems that are fully compatible with the ABSCH.
What can you do if you need help to use the ABS Clearing-House?
Introduction to the Access and Benefit-Sharing Clearing-House (ABSCH)

Introduction

The Access and Benefit-sharing Clearing-House (ABS Clearing-House, ABSCH) is a platform for exchanging information on access and benefit-sharing established by Article 14 of the Nagoya Protocol, as part of clearing-house mechanism under Article 18, paragraph 3 of the Convention. The ABSCH is a key tool for facilitating the implementation of the Nagoya Protocol by enhancing legal certainty, clarity, and transparency on procedures for access and for monitoring the utilization of genetic resources along the value chain, including through the internationally recognized certificate of compliance (IRCC). By making relevant information regarding ABS available, the ABSCH offers opportunities for connecting providers and users of genetic resources and associated traditional knowledge.

Background

The Nagoya Protocol on Access and Benefit-sharing (ABS) was negotiated in order to provide greater legal certainty and transparency for both providers and users of genetic resources and associated traditional knowledge by:

- Establishing more predictable conditions for access to those resources; and
- Helping to ensure benefit-sharing when genetic resources leave the contracting Party providing the genetic resources.

Researchers and businesses need legal clarity, certainty and transparency when accessing genetic resources and/or associated traditional knowledge. Without such legal certainty, potential users of genetic resources and/or associate traditional knowledge could not...

https://absch.cbd.int/about/
Help desk

- on-demand technical support
- answer questions
- receive feedback

Outreach and engagement campaign

- encourage population of available information

Training and workshop

- capacity-building
- face-to-face training webinars (online)
THANK YOU

For more information visit: absch.cbd.int

or email absch@cbd.int