Regional regimes on genetic resources, experiences and best practices

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Outline

- ✓Regional Regimes
- ✓Scientific community ABS scheme
- ✓Policy steps and best practices of the microbial scientific community
  - World Federation of Culture Collections Organization - MOSAICC
  - European Culture Collections Organization standard MTA
  - MICROB3 model ABS agreements

UN Interessional Workshop on Marine Genetic Resources, 2-3 May 2013, New York

Regional Regimes

- **Andean Pact Decision 391** provides a legally ***binding common framework*** with minimum legal requirements for accessing genetic resources *in-situ* and *ex-situ* in order to create conditions for the sharing of benefits.

- **ASEAN draft Framework Agreement on Access to Biological and Genetic Resources** aims at ensuring ***cooperation*** and that ABS regulations within the ASEAN region are ***uniform and consistent with minimum requirements***.

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- **The African Model Legislation for Regulation of Access to Biological Resources** is a framework for developing national ABS instruments providing ***conditions for access*** to biological resources (both *in-situ* and *ex-situ*) – including GR – and their derivatives. It also establishes the Community Gene Fund, an autonomous trust to support monetary and non-monetary benefit-sharing.

- **The Central American Agreement on Access to Genetic Resources and Bio-chemicals and related Traditional Knowledge** is a draft agreement meant to ***regulate access to genetic resources and related traditional knowledge***, innovations and practices of Member States in order to ensure the fair and equitable sharing of benefits arising out of their utilization.

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CIESM Charter on ABS

- ✓ Equity and Fairness in negotiation with the Provider country
- ✓ Certainty of Property Rights
- ✓ Legality compliance with ABS national and international laws
- ✓ Transparency in scientific objectives and processes; on benefits, third parties involvement, data and materials repositories
- ✓ Traceability track and monitor materials and data at any stage
- ✓ Reciprocal Relations with the scientific community in the Provider country from the design of the campaign to the data analysis
- ✓ Concerted Handling of Commons create a common pool of resources in the public domain for materials and data in cases of non-commercial utilization
- ✓ Nature Conservation - Efficiency

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Microbial scientific community - WFCC

- ➢ Global framework for the exchange of culturable microbial genetic resources, in line with the CBD framework, but also covering MGR from ABNJ.
- ➢ Most (if not all) scientists, but also the private sector rely on it.
- ➢ Based on a consolidated scientific sharing ethos, embracing open access policy.
- ➢ The geographical origin of the resources (more and more often their GPS coordinates) is usually specified at the time of the deposit of the strains.

COMMON POOL OF RESOURCES

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Policy steps towards ABS

Development of:

➢the Microorganisms Sustainable Use and Access Regulation International Code of Conduct (MOSAICC)

- Gives guidelines on PIC
- Global Unique Identifier
- Two different MTA: one, by default where distribution to third parties is excluded and a second one where it is allowed

➢ECCO standard MTA

- Utilization for non-commercial purposes
- Transfer to third parties involved in "legitimate exchange" if they use the same licensing conditions
- Negotiation with the Provider country in case of utilization for commercial purposes

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EU funded project MICROB3

It aims at making large-scale DATA on marine genomes and metagenomes ACCESSIBLE through:

- innovative OPEN ACCESS bio-informatic approach and
- legal framework oriented towards PUBLIC DOMAIN

Creation of a common pool of integrated data extracted from MGR collected through the sampling campaign of the Ocean Sampling Day.

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MICROB3 ABS model agreements

- Utilization for the **public domain** and/or for proprietary purposes;
- Viral license clause for transfer to third parties
- Come-back clause for **re-negotiation of monetary benefit-sharing** with the provider country in case of change of intent
- **Non-monetary benefit-sharing** (access to integrated data, capacity-building, involvement in the research pipeline, scientific assistance);
- Tracking of the geographical origin of the acceded genetic resources, **including in ABNJ**;
- Support for the **best practices of the scientific community** (Genomic Standards Consortium - GSC).

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Food for thought

- Regional frameworks are steps toward harmonizing policies and fostering cooperation, but some of them are lacking in terms of implementation or in terms of effectiveness.
- Best practices of the scientific community (georeferencing of the GSC, the Globally Unique Identifier of the WFCC and the CIESM ABS Charter) are important efforts towards awareness-raising and voluntary standard setting
- Establishing “common pools of resources” allows to grant access to resources, data and results, preserving the public domain condition of common or shared resources without impairing commercial applications

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Thank you

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