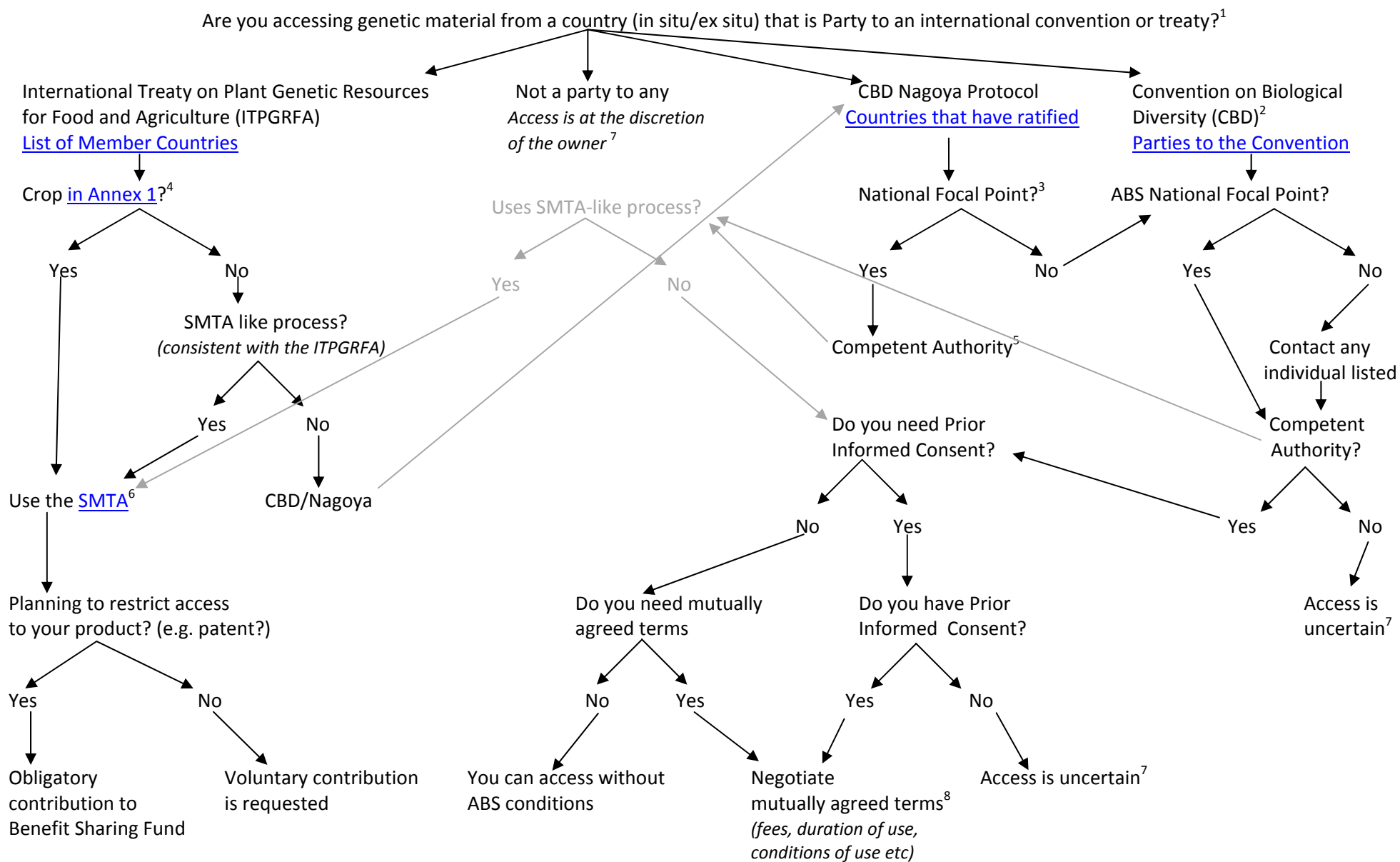


Access and Benefit Sharing of Genetic Resources An Information Tree for Plant Breeders

This information is a snapshot in time and is subject to change. It assumes that countries are proceeding in accordance with the International Treaty and/or the CBD/Nagoya protocol.



November 2014

Notes to the Chart

- 1 If the country is a party to both the International Treaty and the Convention on Biological Diversity and the Nagoya Protocol, start with the International Treaty side of the information tree. If the country is not party to the Treaty, start with the Nagoya Protocol branch of the tree
- 2 The Convention on Biological Diversity has its own Article on Access to Genetic Resources. Article 15 of the convention spells those out in general terms. The terms are further elaborated in the Nagoya Protocol
- 3 The National Focal Point provides information for applicants seeking access to genetic resources and/or to traditional knowledge associated with genetic resources on:
 - a) Rules and legislation on ABS for the country
 - b) Steps to be taken to obtain access
 - i. Information required for obtaining prior informed consent
 - ii. Information on Competent Authorities to make the final agreement
 - c) Competent national authorities, relevant indigenous and local communities and any other relevant stakeholder
- 4 Annex 1 of the International Treaty lists the crop kinds in the multilateral system and for which material must be transferred using the Standard Material Transfer Agreement (SMTA). There are currently differences of opinion as to whether or not the provisions of the International Treaty apply to all plant genetic resources for food and agriculture (Article 3: Scope) or only to those crop kinds in Annex 1 to the Treaty with non-Annex 1 crop kinds subject to the Convention on Biological Diversity.
- 5 Competent Authorities are responsible for granting access or issuing written evidence that access requirements have been met.
- 6 For crop kinds in Annex 1, transfers must be made with the Standard Material Transfer Agreement (SMTA), however some countries choose to use the same conditions of the SMTA for plant genetic resources of other species they have in their genebank
- 7 Where there is no established process, access will be determined by the holder of the legal authority if that holder can be identified; in case a legal authority is identified he may be considered as competent authority for the process to follow
- 8 You may need to have to negotiate with more people including indigenous and local communities. The national focal point and/or competent authority should provide you with the information on who should be involved in the negotiations.