



EUROPEAN PARLIAMENT

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Plenary sitting

A7-0061/2014

29.1.2014

RECOMMENDATION

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
(06852/2013 – C7-0005/2014 – 2012/0279(NLE))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Sandrine Béliet

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT 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 Utilisation to the Convention on Biological Diversity (06852/2013 – C7-0005/2014 – 2012/0279(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council Decision (06852/2013),
 - having regard to 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, attached to the above-mentioned proposal for a Council decision,
 - having regard to the request for consent submitted by the Council in accordance with Article 192(1) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0005/2014),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Development and the Committee on Agriculture and Rural Development (A7-0061/2014),
1. Consents to conclusion of the Protocol;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States.

EXPLANATORY STATEMENT

At the International Summit on Biodiversity held on 29 October 2010 in Nagoya, Japan, the Parties to the Convention on Biological Diversity (CBD) adopted three historic agreements to combat the loss of biodiversity: the Nagoya Protocol, the global strategic plan for biodiversity 2011-2020 and the creation of the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES).

The Nagoya Protocol is an international treaty that focuses on access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation, and has since been signed by 92 countries, including the European Union and 26 Member States. It establishes an international system to support one of the three objectives of the CBD, the sharing of benefits arising from the utilisation of genetic resources to enable the preservation of biodiversity and its sustainable use. This important agreement in the international governance of biodiversity is the result of lengthy negotiations since the adoption of the CBD in 1992 in Rio de Janeiro. It is an agreement reached in the context of an ever-accelerating global biodiversity crisis resulting in the increasing erosion of life forms. One in three species now faces the threat of extinction (IUCN, 2012) and complex ecosystems which play a key role through the services they provide to Mankind are increasingly subject to massive human pressure. In order to reverse this trend and preserve this biodiversity which is vital for our societies, the necessary – mainly financial – resources need to be mobilised at both international and local levels. The Nagoya Protocol seeks to play a part in achieving this.

The Nagoya Protocol is based on three pillars: access to genetic resources, benefit-sharing and compliance with obligations.

First of all, access to genetic resources is a State sovereignty issue. States will have to introduce national measures to ensure legal certainty through a clear legislative framework and by issuing a permit or its equivalent when access is granted. The intention behind all this is to promote research and conservation of genetic resources '*in situ*'.

The parties are then committed to ensuring that the benefits are shared, or the fair and equitable sharing of benefits arising from the utilisation of genetic resources and their subsequent application and commercialisation. The term 'utilisation' covers research and development activities on the genetic and/or biochemical composition of genetic resources. The sharing of benefits is subject to mutually agreed terms in the form of a contract between the supplier and the user. The benefits can be monetary, such as royalties, or non-monetary, such as the sharing of research results or technology transfer. The Nagoya Protocol also proposes the creation of a global multilateral mechanism to deal with the sharing of benefits arising from the utilisation of genetic resources in cross-border areas or in situations where it is not possible to obtain prior informed consent. The benefits shared through this mechanism should play a part in the conservation and sustainable use of biological diversity worldwide.

Finally, the Protocol sets out the specific obligations aimed at ensuring compliance with the national legislation of the Contracting Parties providing genetic resources and with the contractual obligations contained in the mutually agreed terms. Through these measures, the

Parties must therefore ensure that the genetic resources used have been legally acquired under a duly established benefit-sharing contract. To do so, they must set up an effective supervisory and control system and ensure judicial cooperation.

The Nagoya Protocol provides greater legal certainty and more transparency for both providers and users of genetic resources. It helps ensure that benefits are shared and creates more predictable conditions for access to genetic resources. By increasing legal certainty and promoting benefit-sharing, the Nagoya Protocol encourages the advancement of research on genetic resources, which could lead to new discoveries for the benefit of all. In addition, the Nagoya Protocol creates incentives to preserve genetic resources '*in situ*' and use them in a sustainable manner, thereby increasing the contribution of biodiversity to development and human well-being.

The EU plays a key role in the utilisation of genetic resources, both through its numerous collections and research centres and through its large user industries. Sustainable access to genetic resources is thus essential and should be strengthened by greater trust in our international partners and a clear legislative framework on utilisation.

The Nagoya Protocol will enter into force shortly after 50 states have ratified it. It is therefore essential that the European Union and all its Member States ratify it as soon as possible so that the EU can retain its leadership role and be present at the table for the first negotiations to be held at the next Conference of the Parties in 2014.

In light of the above considerations, the rapporteur recommends that the European Parliament consents to the ratification of the Nagoya Protocol by the European Union.

30.5.2013

OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a Council decision on 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
(COM(2012)0577 – C7-0000/2013 – 2012/0279(NLE))

Rapporteur: Catherine Grèze

SHORT JUSTIFICATION

The Convention on Biological Diversity (CBD), which was finalised during the Earth Summit in Rio in 1992, laid down the following principles in its Article 15:

- states have sovereign rights over their biological resources,
- access to genetic resources requires prior informed consent and shall be granted on mutually agreed terms,
- benefits arising from the use of genetic resources shall be shared in a fair and equitable way with the country providing the resources.

The CBD also referred to the traditional knowledge of indigenous and local communities on the use of biological resources and to equitable sharing of benefits arising from the use of such knowledge.

The CBD did, however, have little effect on actual practices. A decade after the CBD's entry into force, negotiations on a protocol on access to genetic resources and fair and equitable benefit-sharing started. These negotiations were concluded in 2010 and resulted in the Nagoya Protocol, which the EU and all the EU Member States have now signed.

The Nagoya Protocol contains provisions that aim to establish more predictable conditions for access to genetic resources; ensure benefit-sharing between users and providers of genetic resources and finally, to ensure that only legally acquired genetic resources are used in respect of Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT). On this ground, the Nagoya Protocol is an important tool to combat biopiracy.

More than two decades after the finalisation of the Convention on Biological Diversity, it is high time to put in place a framework for implementation of its principles on access to genetic resources and fair and equitable benefit-sharing, while contributing to the conservation of

biological diversity and the sustainable use of its components, in accordance with the objectives of the Convention on Biological Diversity. In light of the twelfth meeting of the Conference of the Parties to the Convention on Biological Diversity to be held in October 2014 in South Korea, this requires quick ratification and entry into force of the Nagoya Protocol and the adoption of an EU regulation implementing this protocol.

The Committee on Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to propose that Parliament give its consent.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	28.5.2013
Result of final vote	+ : 22 - : 0 0 : 0
Members present for the final vote	Thijs Berman, Corina Crețu, Véronique De Keyser, Charles Goerens, Mikael Gustafsson, Eva Joly, Filip Kaczmarek, Gay Mitchell, Bill Newton Dunn, Andreas Pitsillides, Maurice Ponga, Jean Roatta, Alf Svensson, Keith Taylor, Ivo Vajgl, Anna Záborská, Iva Zanicchi
Substitute(s) present for the final vote	Eric Andrieu, Philippe Boulland, Emer Costello, Isabella Lövin, Cristian Dan Preda

30.5.2013

OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a Council decision on 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
(COM(2012)0577 – C7-0000/2013 – 2012/0279(NLE))

Rapporteur: José Bové

SHORT JUSTIFICATION

The proposal for a Council Decision under consideration relates to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (thereafter 'Nagoya Protocol'), which was adopted in October 2010. The Nagoya Protocol is the continuation of the older Convention on Biological Diversity (CBD), already in force. More specifically, Article 15 of the Convention on Biological Diversity contains an outline of the rules for access and benefit-sharing (ABS); the Nagoya Protocol gives these substance, in essence creating a new international regime for ABS.

The European Union and most of its Member States signed the Nagoya Protocol, which requires 50 ratifications in order to enter into force, which is expected to happen in 2014. It is natural that the Member States, which played an important role in the shaping of the Nagoya Protocol, should quickly move to ratify it. The rapporteur for opinion supports the Nagoya Protocol and wishes to quickly see its ratification.

In his separate opinion on the proposed regulation which implements the Nagoya Protocol in the Union [references: COM(2012)576 final and 2012/0278 (COD)] the rapporteur proposes some amendments intended to make the future regulation more effective. For a full explanation of the rapporteur for opinion's position on the implementation of the Nagoya Protocol in the Union, please consult the corresponding 'short justification', which is not reproduced here.

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to propose that

Parliament gives its consent.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	30.5.2013
Result of final vote	+: 28 -: 1 0: 0
Members present for the final vote	Eric Andrieu, José Bové, Luis Manuel Capoulas Santos, Vasilica Viorica Dăncilă, Michel Dantin, Albert Deß, Diane Dodds, Herbert Dorfmann, Robert Dušek, Iratxe García Pérez, Béla Glattfelder, Martin Häusling, Peter Jahr, Elisabeth Jeggle, Elisabeth Köstinger, George Lyon, Mairead McGuinness, James Nicholson, Wojciech Michał Olejniczak, Marit Paulsen, Britta Reimers, Alfreds Rubiks, Giancarlo Scottà, Czesław Adam Siekierski, Sergio Paolo Francesco Silvestris, Alyn Smith, Ewald Stadler, Csaba Sándor Tabajdi, Marc Tarabella, Janusz Wojciechowski
Substitute(s) present for the final vote	Marian Harkin, Elżbieta Katarzyna Łukacijewska
Substitute(s) under Rule 187(2) present for the final vote	Teresa Jiménez-Becerril Barrio, Jens Nilsson

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	4.7.2013
Result of final vote	+: 57 -: 0 0: 0
Members present for the final vote	Martina Anderson, Elena Oana Antonescu, Kriton Arsenis, Sophie Auconie, Paolo Bartolozzi, Sandrine Bélier, Lajos Bokros, Franco Bonanini, Biljana Borzan, Nessa Childers, Yves Cochet, Chris Davies, Esther de Lange, Anne Delvaux, Bas Eickhout, Jill Evans, Elisabetta Gardini, Gerben-Jan Gerbrandy, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Jolanta Emilia Hibner, Karin Kadenbach, Christa Klauß, Eija-Riitta Korhola, Corinne Lepage, Linda McAvan, Vladko Todorov Panayotov, Gilles Pargneaux, Antonyia Parvanova, Andrés Perelló Rodríguez, Mario Pirillo, Pavel Poc, Anna Rosbach, Oreste Rossi, Kārlis Šadurskis, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Theodoros Skylakakis, Bogusław Sonik, Claudiu Ciprian Tănăsescu, Thomas Ulmer, Anja Weisgerber, Glenis Willmott, Sabine Wils
Substitute(s) present for the final vote	Erik Bánki, Gaston Franco, James Nicholson, Vittorio Prodi, Britta Reimers, Alda Sousa, Struan Stevenson, Marita Ulvskog, Vladimir Urutchev, Anna Záborská