



EUROPSKI PARLAMENT

2009 - 2014

Dokument s plenarne sjednice

A7-0061/2014

29.1.2014

PREPORUKA

o nacrtu Odluke Vijeća o sklapanju, u ime Europske unije, Protokola iz Nagoye o pristupu genetskim resursima te pravednoj i ujednačenoj podjeli prednosti koje proizlaze iz njihovog korištenja uz Konvenciju o biološkoj raznolikosti (06852/2013 – C7-0005/2014 – 2012/0279(NLE))

Odbor za okoliš, javno zdravlje i sigurnost hrane

Izvjestiteljica: Sandrine Bélier

Oznake postupaka

- * Postupak savjetovanja
- *** Postupak suglasnosti
- ***I Redovni zakonodavni postupak (prvo čitanje)
- ***II Redovni zakonodavni postupak (drugo čitanje)
- ***III Redovni zakonodavni postupak (treće čitanje)

(Navedeni se postupak temelji na pravnoj osnovi predloženoj u nacrtu akta.)

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NACRT ZAKONODAVNE REZOLUCIJE EUROPSKOG PARLAMENTA

o nacrtu Odluke Vijeća o sklapanju, u ime Europske unije, Protokola iz Nagoye o pristupu genetskim resursima te pravednoj i ujednačenoj podjeli prednosti koje proizlaze iz njihovog korištenja uz Konvenciju o biološkoj raznolikosti (06852/2013 – C7-0005/2014 – 2012/0279(NLE))

(Suglasnost)

Europski parlament,

- uzimajući u obzir nacrt Odluke Vijeća (06852/2013),
 - uzimajući u obzir Protokol iz Nagoye o pristupu genetskim izvorima te poštenoj i pravednoj raspodjeli dobrobiti koje proizlaze iz korištenja genetskih izvora u vezi s Konvencijom o biološkoj raznolikosti, koja je priložena gore navedenom prijedlogu Odluke Vijeća,
 - uzimajući u obzir zahtjev Vijeća za davanje suglasnosti u skladu s člankom 192. stavkom 1. i člankom 218. stavkom 6. podstavkom 2. točkom (a) Ugovora o funkcioniranju Europske unije (C7-0005/2014),
 - uzimajući u obzir članak 81. i članak 90. stavak 7. Poslovnika,
 - uzimajući u obzir preporuku Odbora za okoliš, javno zdravlje i sigurnost hrane te mišljenja Odbora za razvoj i Odbora za poljoprivredu i ruralni razvoj (A7-0061/2014),
1. daje suglasnost za sklapanje sporazuma;
 2. nalaže svojem predsjedniku da stajalište Parlamenta proslijedi Vijeću, Komisiji te vladama i parlamentima država članica.

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

MIŠLJENJE ODBORA ZA RAZVOJ

upućeno Odboru za okoliš, javno zdravlje i sigurnost hrane

o prijedlogu Odluke Vijeća o potpisivanju Protokola iz Nagoye, u sklopu Konvencije o biološkoj raznolikosti, o pristupu genetskim resursima i poštenoj i ravnomjernoj raspodjeli dobiti koje proizlaze iz njihovog korištenja
(COM(2012)0577 – C7-0000/2013 – 2012/0279(NLE))

Izjaviteljica za mišljenje: Catherine Grèze

KRATKO OBRAZLOŽENJE

U članku 15. Konvencije o biološkoj raznolikosti (CBD), čija je završna verzija izrađena na Svjetskom sastanku na vrhu u Rijju 1992., utvrđuju se sljedeća načela:

- države imaju suvereno pravo na svoje biološke resurse,
- pristup genetskim resursima zahtijeva prethodan informirani pristanak i odobrava se pod uzajamno dogovorenim uvjetima,
- dobiti koje proizlaze iz korištenja genetskih resursa raspoređuju se na pošten i ravnomjeren način sa zemljom koja daje resurse.

Na Konvenciji o biološkoj raznolikosti također se govorilo o tradicionalnim znanjima autohtonih i lokalnih zajednica o korištenju bioloških resursa te o ravnomjernoj raspodjeli dobiti koje proizlaze iz korištenja takvoga znanja.

No Konvencija je imala slab utjecaj na stvarnu praksu. Deset godina nakon stupanja Konvencije na snagu započeli su pregovori o protokolu o pristupu genetskim resursima i o poštenoj i ravnomjernoj raspodjeli dobiti. Rezultat pregovora zaključenih 2010. bio je Protokol iz Nagoye koji su EU i sve države članice EU-a sada potpisale.

Protokol iz Nagoye sadrži odredbe kojima je cilj uvođenje unaprijed jasnijih uvjeta za pristup genetskim resursima, osiguravanje raspodjele dobiti među korisnicima i pružateljima genetskih resursa te naposljetku jamčenje korištenja samo zakonskim putem stečenih genetskih resursa uz Prethodan informirani pristanak (Prior Informed Consent (PIC)) i Uzajamno dogovorene uvjete (Mutually Agreed Terms (MAT)). U tom pogledu Protokol iz Nagoye predstavlja važno oruđe u borbi protiv biopiratastva.

Nakon više od dva desetljeća od završne dorade Konvencije o biološkoj raznolikosti krajnje je vrijeme za uvođenje okvira za provedbu njezinih načela o pristupu genetskim resursima i poštenoj i ravnomjernoj raspodjeli dobiti uz istodobno pridonosenje očuvanju biološke raznolikosti i održivog korištenja njezinih sastavnica, u skladu s ciljevima Konvencije o biološkoj raznolikosti. Ususret 12. sastanku Konferencije potpisnica Konvencije o biološkoj raznolikosti, koja se treba održati u listopadu 2014. u Južnoj Koreji, potreban je brz postupak ratifikacije i stupanje na snagu Protokola iz Nagoye te donošenje uredbe EU-a za provedbu ovog Protokola.

Odbor za razvoj poziva Odbor za okoliš, javno zdravlje i sigurnost hrane da kao nadležni odbor Parlamentu predloži da dâ suglasnost.

REZULTAT KONAČNOG GLASOVANJA U ODBORU

Datum usvajanja	28.5.2013
Rezultat konačnog glasanja	+: 22 -: 0 0: 0
Zastupnici nazočni na konačnom glasanju	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
Zamjenici nazočni na konačnom glasanju	Eric Andrieu, Philippe Boulland, Emer Costello, Isabella Lövin, Cristian Dan Preda

30.5.2013

MIŠLJENJE ODBORA ZA POLJOPRIVREDU I RURALNI RAZVOJ

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

REZULTAT KONAČNOG GLASOVANJA U ODBORU

Datum usvajanja	4.7.2013						
Rezultat konačnog glasovanja	<table style="width: 100%; border: none;"> <tr> <td style="width: 100px;">+:</td> <td style="text-align: right;">57</td> </tr> <tr> <td>–:</td> <td style="text-align: right;">0</td> </tr> <tr> <td>0:</td> <td style="text-align: right;">0</td> </tr> </table>	+:	57	–:	0	0:	0
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Zastupnici nazočni na konačnom glasovanju	<p>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 Grootte, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Jolanta Emilia Hibner, Karin Kadenbach, Christa Kläß, 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</p>						
Zamjenici nazočni na konačnom glasovanju	<p>Erik Bánki, Gaston Franco, James Nicholson, Vittorio Prodi, Britta Reimers, Alda Sousa, Struan Stevenson, Marita Ulvskog, Vladimir Urutchev, Anna Záborská</p>						