



Brussels, 10.5.2019  
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**COMMISSION DECISION**

**of 10.5.2019**

**recognising the Code of Conduct and Best Practice for Access and Benefit Sharing of the Consortium of European Taxonomic Facilities as best practice under Regulation (EU) No 511/2014 of the European Parliament and Council**

(Only the English text is authentic)

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### **recognising the Code of Conduct and Best Practice for Access and Benefit Sharing of the Consortium of European Taxonomic Facilities as best practice under Regulation (EU) No 511/2014 of the European Parliament and Council**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 511/2014 of the European Parliament and Council of 16 April 2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation in the Union<sup>1</sup>, and in particular Article 8(2) thereof,

Whereas:

- (1) The Commission received, on 15 February 2016, an application from the Consortium of European Taxonomic Facilities ('applicant') for recognition as best practice of its code of conduct and best practice for access and benefit sharing. The applicant declared that its code of conduct and best practices is designed to support its members, as taxonomic collection-holders and non-commercial biological research institutions, in complying with the requirements concerning access and benefit sharing under Regulation (EU) No 511/2014.
- (2) In accordance with Article 8(3) of Commission Implementing Regulation (EU) 2015/1866<sup>2</sup> the Commission sent the application to the Member States for consultation on 11 March 2016. Comments were received from Germany and Spain within the time limit of two months.
- (3) In accordance with Article 8(5) of Implementing Regulation (EU) 2015/1866, the applicant received an assessment from the Commission, by formal letter dated 19 July 2016, with a request to provide additional information.
- (4) The applicant submitted a revised application on 30 November 2016, together with the requested additional information.
- (5) In accordance with Article 8(7) of Implementing Regulation (EU) 2015/1866, the Commission sent the revised application to the Member States for consultation on 22 February 2017. Comments were received from Germany within the time limit of two months.

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<sup>1</sup> OJ L 150, 20.5.2014, p. 59.

<sup>2</sup> Commission Implementing Regulation (EU) 2015/1866 of 13 October 2015 laying down detailed rules for the implementation of Regulation (EU) No 511/2014 of the European Parliament and of the Council as regards the register of collections, monitoring user compliance and best practices (OJ L 275, 20.10.2015, p. 4).

- (6) In accordance with Article 8(5) of Implementing Regulation (EU) 2015/1866, the applicant received an assessment and was requested by the Commission to provide additional information by formal letter dated 4 September 2017.
- (7) The applicant provided the requested additional information and submitted a revised application on 14 December 2017, which was sent to the Member States for comments on 12 March 2018.
- (8) The applicant received an assessment and was requested to provide additional clarifications by an email dated 30 August 2018.
- (9) The applicant provided the requested additional clarifications, and amended the application accordingly on 10 December 2018.
- (10) Following a final request from the Commission of 17 January 2019 to provide additional clarifications, the applicant submitted its final application on 31 January 2019.
- (11) On the basis of all the evidence submitted, the Commission assessed whether the version of 31 January 2019 of the applicant's code of conduct and best practice for access and benefit sharing enables a user of genetic resources to comply with its obligations under Articles 4 and 7 of Regulation (EU) No 511/2014. The applicant's code of conduct and best practice sets the basic principles to which the applicant's members will abide and provides details of best practices to ensure the implementation of those principles. Moreover, it provides guidance on access and benefit sharing, the relevant actions to be taken by institutions and individuals in common workflows, as well as a selection of tools and checklists to support the guidance given. Given those properties, the applicant's code of conduct and best practice, when effectively implemented, enables the applicant's members to comply with their obligations under Articles 4 and 7 of Regulation (EU) No 522/2014. It should therefore be recognised as best practice in accordance with Article 8(2) of Regulation (EU) No 511/2014,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The Consortium of European Taxonomic Facilities (CETAF) code of conduct and best practice for access and benefit sharing is recognised as best practice in accordance with Article 8(2) of Regulation (EU) No 511/2014.

*Article 2*

This Decision is addressed to the Consortium of European Taxonomic Facilities (CETAF AISBL), rue Vautier 29, 1000 Brussels, Belgium. It will be published on the Commission's website without delay.

Done at Brussels, 10.5.2019

*For the Commission*  
*Karmenu VELLA*  
*Member of the Commission*

