Comments on the Implementing Acts for the EU ABS Regulation (EU 511/2014) from the Royal Botanic Garden Edinburgh

General
Where a competent authority has not yet been clearly identified by a country how does an institute within the EU comply with ABS regulation?

Article 5-Registered Collections
It is mentioned that a collection **or part thereof** can be registered. However without a clear definition of utilization and guidelines on obligations for registration it is not obvious how part of a collection can be assessed as needing to be registered and another part not.

If it is decided to de-register a collection (or part of) what ongoing obligations does a collection holder have?

Article 7–monitoring user compliance
Clarification is needed on the type of research funding covered by this regulation. Does it refer to funding only aimed at product development and commercialization? Will general institutional funding from Government be included? What about funding for a specific non-commercial research project from internal institutional or external funding sources? Without a clear definition of utilisation what the regulation covers will remain unclear.

Guidance is required on what should be done if a researcher (and their research funding) moves to another country?

<u>Due diligence declaration at the stage of final development of a product</u>
Does this then mean that even if no market approval or notification is required a declaration still has to be made?

Article 8 -Best Practice
Although codes of conduct and best practice are being developed at sectorial level (e.g. CETAF for taxonomic institutes) it is not clear the level of responsibility to which associations will be held, who will cover the costs of this and how deviations from these guidelines will be negotiated and agreed.

It appears that oversight of "associations" is to be done by the associations –should this not be undertaken by the competent authority?

It is not clear why the CV's of competent personnel are requested. What will these be used for, how often will they need to be updated, are there data protection issues?

Clarification is needed on what is meant by "other interested parties"

Is there a mechanism for recognition of best practice outside of sectorial "associations" ?

Annex A
The assumption is that this relates to funding directly related to the development of a product to be brought to market and not non-commercial research funding.

Annex B
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