

Country	
1. Member State:	Belgium
General information	
2. Responsible authority:	SPF Santé publique, Sécurité de la Chaîne alimentaire et Environnement (SPF SPSCAE) Service Public de Wallonie (SPW) Direction générale Agriculture, ressources naturelles et environnement Agentschap voor Natuur en Bos (ANB) Institut Bruxellois pour la Gestion de l'Environnement (IBGE) – Division des Espaces Verts
3. Contributing agencies, organisations and other authorities:	Service Public de Wallonie (SPW) Direction générale Agriculture, ressources naturelles et environnement Agentschap voor Natuur en Bos (ANB) Royal Belgian Institute of Natural Sciences (RBINS) Institut Bruxellois pour la Gestion de l'Environnement (IBGE) – Division des Espaces Verts
4. Reporting period	12 October 2014 – 31 August 2017

Parties to the Nagoya Protocol on Access and Benefit-sharing	
5. Is your country a Party to the Nagoya Protocol?	<input checked="" type="checkbox"/> Yes OR <input type="checkbox"/> No <p>↳ If selected, please indicate if there is any national process in place towards becoming a Party?</p> <input type="checkbox"/> Yes <p>↳ Please provide a summary of the status of the process: &lt;Text entry&gt;</p> OR <input type="checkbox"/> No <p>↳ Please provide a summary of the main difficulties and challenges encountered for becoming a Party to the Nagoya Protocol: &lt;Text entry&gt;</p>



<p>- carrying out checks on compliance in line with Article 9</p>	<p>institution is responsible for carrying out checks: &lt;Text entry&gt;</p> <p>↳ <i>If no</i>, please indicate which other institution is responsible for checking compliance: &lt;Text entry&gt;</p> <p><input type="checkbox"/> Yes      OR      <input type="checkbox"/> No</p> <p>↳ <i>If yes and more than one competent authority established</i>, please indicate which institution is responsible for recognition and verification of collections: &lt;Text entry&gt;</p> <p>↳ <i>If no</i>, please indicate which other institution is responsible for recognizing and verifying registered collections: &lt;Text entry&gt;</p>
<p>- recognition and verification of registered collections</p>	<p><input type="checkbox"/> Yes      OR      <input type="checkbox"/> No</p> <p>↳ <i>If yes and more than one competent authority established</i>, please indicate which institution is responsible for cooperation with third countries: &lt;Text entry&gt;</p> <p>↳ <i>If no</i>, please indicate which other institution is responsible for the cooperation: &lt;Text entry&gt;</p>
<p>- cooperation with third countries under Article 7(3)</p>	<p><input type="checkbox"/> Yes      OR      <input type="checkbox"/> No</p> <p>↳ <i>If yes and more than one competent authority established</i>, please indicate which institution is responsible for implementation of complementary measures: &lt;Text entry&gt;</p> <p>↳ <i>If no</i>, please indicate which other institution is responsible for implementation of complementary measures: &lt;Text entry&gt;</p>

<p>- implementation of complementary measures under Article 13 (awareness raising, training activities, guidance to users etc.)</p>	
<p>8. Has your country designated any checkpoints beyond those envisaged in Article 7(1) –7(2) of the Regulation?</p>	<p><input checked="" type="checkbox"/> No OR <input type="checkbox"/> Yes</p> <p><i>⌞ Please provide information about the additional checkpoints: &lt;Text entry&gt;</i></p>
<p>9. Does your country have specific staff to administer functions directly related to the implementation of the Regulation?<sup>3</sup></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><i>If selected, please indicate how many (person-months per year):</i></p> <p><i>Approximately 3 FT are now dedicated to the implementation of the Regulation but these tasks are executed by existing staff</i></p> <p>Involved in enforcement of the Regulation (person-months per year<sup>4</sup>): &lt;Text entry&gt;</p> <p>Involved in other activities (cooperation, awareness-raising, capacity-building, reporting) (person-months per year): &lt;Text entry&gt;</p> <p>OR</p> <p><input type="checkbox"/> No</p> <p><i>⌞ Please provide a summary of the main difficulties and challenges encountered in assigning specific staff to administer functions related to the implementation of the Regulation: &lt;Text entry&gt;</i></p>
<p>10. An estimate of external annual budget for implementation of the Regulation</p>	<p>An estimate for total external<sup>5</sup> annual budget for EU ABS Regulation implementation, including cooperation, awareness-raising, capacity-building, reporting:</p>

<sup>3</sup> This information could be useful for the evaluation of the effectiveness of the Regulation under Article 16.

<sup>4</sup> Note that this information can be provided in an aggregated format (average per year for the reporting period);

<sup>5</sup> Such as public procurement procedures, consultancies, studies, outsourced communication campaigns, etc.

	35000 EUR
11. Additional information	<i>Please provide any additional relevant information, including – where relevant – a summary of the main difficulties and challenges encountered when establishing the institutional structure for the implementation of the Regulation:</i>

Legislative measures	
<b>Penalties (Article 11)</b>	
12. Has your country set up a penalty system as required by Article 11?	<input type="checkbox"/> Yes ↳ <i>If selected, please fill in sections 12-14</i>  OR <input checked="" type="checkbox"/> No ↳ <i>If selected, please explain why not and provide a timetable for adoption of penalties: <a href="#">A general penalty system for non-compliance with environmental legislation already exists and will be amended in order to apply for non-compliance with the Regulation.</a></i>
13. What are the types of penalties foreseen for infringements of Article 4 and 7 of the Regulation?	<input checked="" type="checkbox"/> Notice of remedial action <input checked="" type="checkbox"/> Administrative fines <input checked="" type="checkbox"/> Criminal sanctions <input type="checkbox"/> Others ↳ <i>If selected, please specify:</i>
14. What is the level of penalties established for breaches of the Regulation?	<p><a href="#">The level of penalties depends on the jurisdiction:</a></p> <p><a href="#">Wallonia: 8 days to 3 years of imprisonment and/or fines from 100 to 1.000.000 euros;</a></p> <p><a href="#">Flanders: from one month to 2 years of imprisonment and/or fines from 700 to 1.750.000 euros;</a></p> <p><a href="#">Brussels: 8 days to 2 years of imprisonment and/or fines from 50 to 100.000 euros.</a></p> <p><i>Please provide examples for penalties applicable to offences that are considered to be severe, medium, and of lower importance.</i></p>
15. Additional information	<i>Please provide any additional relevant information, including – where relevant – a summary of the main challenges when putting penalty systems in place: &lt;Text entry&gt;</i>

	Please provide link(s) to the relevant legislation: <URL and website name>
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<b>Administrative measures put in place for implementation of the Regulation</b>
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<b>Monitoring of user compliance (Article 7)</b>
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<p>16. Has your country put in place measures to ensure that a request is made to all recipients of research funding involving utilisation of genetic resources and traditional knowledge associated with genetic resources, to declare that they exercise due diligence?</p>	<p><input type="checkbox"/> Yes</p> <p style="padding-left: 40px;"><i>↳ If selected, please fill in section 16 below</i></p> <p>OR</p> <p><input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><i>↳ If selected, please explain why not and indicate if there is any other way of ensuring compliance with Article 7(1): The request to the recipients of research funding will be made through the pieces of legislation under development, in the form of a general obligation.</i></p>
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<p>17. How is the request under Article 7(1) made?</p>	<p><input type="checkbox"/> By law or other legislative measures</p> <p style="padding-left: 40px;"><i>↳ If selected, please provide reference to relevant legal provisions: &lt;Text entry&gt;</i></p> <p>OR/ AND</p> <p><input type="checkbox"/> By direct requests to applicants for funding</p> <p style="padding-left: 40px;"><i>↳ If selected, specify which organization is responsible for making the request: &lt;Text entry&gt;</i></p> <p style="padding-left: 40px;"><i>↳ If selected, please indicate how many requests have been made so far: &lt;Text entry&gt;</i></p> <p>OR/ AND</p> <p><input type="checkbox"/> By means of a website</p> <p style="padding-left: 40px;"><i>↳ If selected, please provide URL and explain the reasons for the choice of that site: &lt;Text entry&gt;</i></p> <p>OR/ AND</p> <p><input type="checkbox"/> By other means</p> <p style="padding-left: 40px;"><i>↳ If selected, please specify: &lt;Text entry&gt;</i></p>
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<p>18. Additional information</p>	<p><i>Please provide any additional relevant information, including – where relevant – a summary of the main difficulties related to implementing a request referred to in Article 7(1): &lt;Text entry&gt;</i></p>
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<b>Risk-based plan for checks on user compliance (Article 9(3)(a))</b>
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<p>19. Has your country developed a plan as referred to in Article 9(3)(a)?</p>	<p><input type="checkbox"/> Yes</p>
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	<p><i>If selected, please fill in sections 19 to 21 below</i></p> <p>OR</p> <p><input checked="" type="checkbox"/> No</p> <p><i>Please explain why not and provide a timeline for when the plan is expected to be developed. A plan will be developed as soon as possible after the adoption of the necessary legislation.</i></p>
20. What are the risk factors applied in the preparation of the plan and any other criteria considered in its development?	<p>Please describe the risk factors: &lt;Text entry&gt;</p> <p>Please describe any other criteria: &lt;Text entry&gt;</p>
21. Which period does the current plan cover? When and how often will the plan be revised?	<Text entry>
22. Additional information concerning development of the plans	<p><i>Please provide any additional relevant information, including – where relevant – a summary of the main difficulties and challenges when preparing the plan: &lt;Text entry&gt;</i></p> <p><i>Please provide link to the plan: &lt;URL and website name&gt; and/or &lt;Attachment&gt;</i></p>

<b>Enforcement and compliance measures</b>	
<b>Monitoring of user compliance</b> (Article 7) <sup>6</sup>	
23. How many due diligence declarations have been received based on Article 7(1)?	0

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<sup>6</sup> With regard to Questions 23 to 25, information needs to be provided for the current reporting period, while in the future it will need to be provided only if the DECLARE system was not used.

24. How many due diligence declarations have been received based on Article 7(2)?	0
25. Number of checkpoint communiques transferred to the ABS Clearing House	0
26. Number of checkpoints communique transferred to the competent authority referred to in Article 13(2) of the Protocol for confidentiality reasons	0
27. Additional information	<p><i>Please provide a summary of the main difficulties related to monitoring of user compliance as per Article 7(1), if any: &lt;Text entry&gt;</i></p> <p><i>Please provide a summary of the main difficulties and challenges in relation to implementation of Article 7(2), if any: &lt;Text entry&gt;</i></p>
<b>Checks on users (Article 9)</b>	
28. How many checks have been carried out during the reporting period?	0
29. What types of checks were carried out?	<input type="checkbox"/> Examination of documents provided upon request <input type="checkbox"/> On-site visits <input type="checkbox"/> Inspections <input type="checkbox"/> Other <p style="text-align: center;"><i>↳ Please specify: &lt;Text entry&gt;</i></p>

30. Were all the checks carried out in line with the plan developed based on Article 9(3)(b)?	<input type="checkbox"/> Yes OR <input type="checkbox"/> No <i>↳ Please specify what were the reasons/triggers for carrying out the other checks: &lt;Text entry&gt;</i>
31. In how many situations the checks were initiated due to substantiated concerns as referred to in Article 9(3)(b)?	<Text entry>
32. In how many cases were shortcomings identified?	<Text entry>
33. Additional information	<i>Please provide a summary of the main types of shortcomings identified: &lt;Text entry&gt;</i>  <i>Please provide a summary of the main difficulties and challenges in relation to checks: &lt;Text entry&gt;</i>
<b>Penalties (Article 11)</b>	
34. Penalties imposed during the reporting period	<i>Please specify if your country imposed any penalties</i> <input type="checkbox"/> Notice of remedial action <i>↳ If selected, please specify how many: &lt;Text entry&gt;</i> <input type="checkbox"/> Fines <i>↳ If selected, please specify how many: &lt;Text entry&gt;</i> <input type="checkbox"/> Criminal sanctions <i>↳ If selected, please specify how many: &lt;Text entry&gt;</i> <input type="checkbox"/> Others <i>↳ If selected, please specify how many: &lt;Text entry&gt;</i>
35. If penalties were applied during the reporting period, which types of infringements were penalised?	Infringement of duties stemming from: <input type="checkbox"/> Article 4 – due diligence <input type="checkbox"/> Article 7 – duty to file due diligence declaration <input type="checkbox"/> Other <i>↳ Please specify: &lt;Text entry&gt;</i>
36. Additional information:	<i>Please provide a summary of the main difficulties and challenges concerning enforcement measures (if any): &lt;Text entry&gt;</i>

<b>Register of collections</b> (Article 5)	
37. Are you aware of any interest by institutions in your country to become a registered collection?	<input checked="" type="checkbox"/> Yes <p style="text-align: center;"><i>↳ Please indicate how many collections expressed their interest: 1 consortium of collections</i></p> OR <input type="checkbox"/> No
38. Number of applications received	0
39. Number of verifications carried out	0
40. Additional information	<i>Please provide any additional information, including on what might explain the level of interest in becoming a registered collection: &lt;Text entry&gt;</i>

<b>Cooperation and complementary measures</b>	
<b>Cooperation</b> (Article 12)	
41. Has your country <sup>z</sup> cooperated with competent authorities or other relevant organizations in other EU Member States?	<input type="checkbox"/> Yes <p style="text-align: center;"><i>↳ Please specify countries with which the cooperation was undertaken: &lt;Text entry&gt;</i></p> <p style="text-align: center;"><i>↳ Please provide examples of such cooperation: &lt;Text entry&gt;</i></p> OR <input checked="" type="checkbox"/> No
42. Has your country cooperated with (third countries') competent national authorities referred to in Article 13(2) of the Protocol?	<input type="checkbox"/> Yes <p style="text-align: center;"><i>↳ Please specify the countries with which the cooperation was undertaken: Ethiopia</i></p> <p style="text-align: center;"><i>↳ Please specify areas of cooperation: &lt;Text entry&gt;</i></p> <p>Was the cooperation related to any identified shortcomings?</p> <input type="checkbox"/> Yes OR <input type="checkbox"/> No <p style="text-align: center;"><i>↳ If yes, please specify the shortcomings: &lt;Text entry&gt;</i></p> OR <input checked="" type="checkbox"/> No

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<sup>z</sup> When reference to "country" is made in this part, it shall be understood as covering activities carried out by the authorities, or carried out on their behalf;

**Complementary measures (Article 13)**

43. Has your country carried out any training and awareness-raising activities to assist the stakeholders and interested parties in building understanding of their obligations arising from the EU ABS Regulation and relevant provisions of the Protocol and the Convention? g

Yes

↳ Please specify type and number of activities carried out:

Training sessions:

- 1 internal training session in the Direction générale Agriculture, ressources naturelles et environnement
- 1 by Nagoya NFP for the Institut Scientifique de Santé publique

Workshops:

- 1 by CEBIOS to Federal Research Institutes (FRIs) and Universities in Belgium as well as in developing countries

Conferences:

- 1 by SPW for Altius
- 4 by Nagoya NFP to Universities
- 3 by CBD NFP / RBINS to Universities / FRIs

Others: Collaboration / exchanges with collection managers, industry, researchers

↳ Please estimate the number of users that participated in the activities carried out or that received other assistance (e.g. in the form of responses to requests for clarification etc.): 340

OR

No

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g See also response to question 54 from the Nagoya Protocol reporting format

<p>44. Has your country organized any activities addressed specifically to academic, university and non-commercial researchers, and small and medium enterprises?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>↳ Please specify type and number of activities carried out:</p> <p>Training sessions:</p> <ul style="list-style-type: none"> <li>-1 by Nagoya NFP for the Institut Scientifique de Santé publique</li> <li>-2 training sessions to developing countries</li> </ul> <p>Workshops:</p> <ul style="list-style-type: none"> <li>- 1 by CEBIOS to FRIs and Universities</li> </ul> <p>Conferences:</p> <ul style="list-style-type: none"> <li>- 4 by Nagoya NFP to Universities</li> <li>- 3 by CBD NFP / RBINS to Universities / FRIs</li> </ul> <p>↳ Please estimate number of users that participated in the activities carried out/ that received assistance: 310</p> <p>OR</p> <p><input type="checkbox"/> No</p>
<p>45. Have any complaints been received from users in relation to implementation of the EU ABS Regulation?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>↳ Please summarise the nature of complaints received:</p> <p>Users have complained about the regulation being complex and burdensome. They also criticize lack of clarity, and ambiguous interpretations.</p> <p>Users have also complained about the delay in taking the necessary implementing measures at national level</p> <p>OR</p> <p><input type="checkbox"/> No</p>

**Submission addresses:**

This form should be completed and sent ***by email*** to ENV-F3-NAGOYA-ABS@ec.europa.eu