

Country	
1. Member State:	Germany
General information	
2. Responsible authority:	Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety
3. Contributing agencies, organisations and other authorities:	Federal Agency for Nature Conservation, Federal Office for Agriculture and Food, Robert Koch-Institute
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 style="margin-left: 40px;">⌞ <i>If selected, please indicate if there is any national process in place towards becoming a Party?</i></p> <p style="margin-left: 80px;"><input type="checkbox"/> Yes</p> <p style="margin-left: 80px;">⌞ <i>Please provide a summary of the status of the process:</i> &lt;Text entry&gt;</p> OR <input type="checkbox"/> No <p style="margin-left: 40px;">⌞ <i>Please provide a summary of the main difficulties and challenges encountered for becoming a Party to the Nagoya Protocol:</i> &lt;Text entry&gt;</p>

Institutional structures and resources for the implementation of the Regulation	
6. Has your country designated one or more competent authorities as provided in Article 6?	<input checked="" type="checkbox"/> Yes <p style="margin-left: 40px;">⌞ <i>Please identify the designated competent authority/-ies</i><u>1</u>: Federal Agency for Nature Conservation (Bundesamt für Naturschutz – BfN)</p> <p style="margin-left: 40px;">⌞ <i>If selected, please fill in also section 7</i></p> OR <input type="checkbox"/> No <p style="margin-left: 40px;">⌞ <i>Please provide explanation why not:</i> &lt;Text entry&gt;</p> <p style="margin-left: 40px;">⌞ <i>If selected, please move to section 8</i></p>

1 If more than one competent authority established, please number them in point 6.

<p>7. Is (one of) the competent authority (authorities) in your country responsible for:</p> <p>- receiving due diligence declarations under Article 7(1) and 7(2)</p>	<p><input checked="" type="checkbox"/> Yes      OR      <input type="checkbox"/> No</p> <p>↳ <i>If yes and more than one competent authority established, please indicate which institution is responsible for receiving due diligence declarations:</i> &lt;Text entry&gt;</p> <p>↳ <i>If no, please indicate which other institution is responsible for receiving due diligence declarations:</i> &lt;Text entry&gt;</p>
<p>- transmitting information to the ABS Clearing House under Article 7(3)</p>	<p><input type="checkbox"/> Yes      OR      <input checked="" type="checkbox"/> No</p> <p>↳ <i>If yes and more than one competent authority established, please indicate which institution is responsible for transmitting information to ABS CH:</i> &lt;Text entry&gt;</p> <p>↳ <i>If no, please indicate which other institution is responsible for transmitting information: Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety</i></p>
<p>- carrying out checks on compliance in line with Article 9</p>	<p><input checked="" type="checkbox"/> Yes      OR      <input type="checkbox"/> No</p> <p>↳ <i>If yes and more than one competent authority established, please indicate which institution is responsible for carrying out checks:</i> &lt;Text entry&gt;</p> <p>↳ <i>If no, please indicate which other institution is responsible for checking compliance:</i> &lt;Text entry&gt;</p>
<p>- recognition and verification of registered collections</p>	<p><input checked="" type="checkbox"/> Yes      OR      <input type="checkbox"/> No</p> <p>↳ <i>If yes and more than one competent authority established, please indicate which institution is responsible for recognition and verification of collections:</i> &lt;Text entry&gt;</p> <p>↳ <i>If no, please indicate which other institution is responsible for recognizing and verifying registered collections:</i> &lt;Text entry&gt;</p>
<p>- cooperation with third countries under Article 7(3)</p>	<p><input checked="" type="checkbox"/> Yes      OR      <input type="checkbox"/> No</p> <p>↳ <i>If yes and more than one competent authority established, please indicate which institution is responsible for cooperation with third countries:</i> &lt;Text entry&gt;</p>

2 In all point 7, if the first option is selected, it is sufficient to refer to a number/(s) corresponding to the authority indicated under point 6

<p>- implementation of complementary measures under Article 13 (awareness raising, training activities, guidance to users etc.)</p>	<p style="text-align: right;">⌞ <i>If no, please indicate which other institution is responsible for the cooperation: &lt;Text entry&gt;</i></p> <p><input checked="" type="checkbox"/> Yes      OR      <input type="checkbox"/> No</p> <p style="text-align: right;">⌞ <i>If yes and more than one competent authority established, please indicate which institution is responsible for implementation of complementary measures: &lt;Text entry&gt;</i></p> <p style="text-align: right;">⌞ <i>If no, please indicate which other institution is responsible for implementation of complementary measures: &lt;Text entry&gt;</i></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 style="text-align: right;">⌞ <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 style="text-align: right;">⌞ <i>If selected, please indicate how many (person-months per year): Federal Agency for Nature Conservation: 49,6 person-months per year</i></p> <p>Involved in enforcement of the Regulation (person-months per year<sup>4</sup>): 25,3 person-months per year</p> <p>Involved in other activities (cooperation, awareness-raising, capacity-building, reporting) (person-months per year): 24,3 person-months per year</p> <p>Federal Office for Agriculture and Food: 24 person-months per year (since April 2016)</p> <p>Robert-Koch-Institute: personnel requirements currently not yet quantifiable</p> <p>OR</p> <p><input type="checkbox"/> No</p> <p style="text-align: right;">⌞ <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> <p style="text-align: center;">___180.000,- (in 2017)___ EUR</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 a aggregated format (average per year for the reporting period);

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

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: &lt;Text entry&gt;</i>
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<b>Legislative measures</b>	
<b>Penalties (Article 11)</b>	
12. Has your country set up a penalty system as required by Article 11?	<input checked="" type="checkbox"/> Yes <i>↳ If selected, please fill in sections 13-15</i> OR <input type="checkbox"/> No <i>↳ If selected, please explain why not and provide a timetable for adoption of penalties: &lt;Text entry&gt;</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 type="checkbox"/> Criminal sanctions <input checked="" type="checkbox"/> Others <i>↳ If selected, please specify: skimming of profits</i>
14. What is the level of penalties established for breaches of the Regulation?	<i>Please provide examples for penalties applicable to offences that are considered to be severe, medium, and of lower importance.</i> Administrative fines can go up to 50.000,- EUR. - Severe offences could lead to the maximum fine. - Offences of medium and lower importance would lead to lower fines based on the principles of proportionality. Skimming of profits can theoretically go ad infinitum, but must be appropriate in relation to the offence. So far, no penalties have been issued so that concrete examples cannot be provided.
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> <i>Please provide link(s) to the relevant legislation: <a href="http://abs.bfn.de">http://abs.bfn.de</a></i> Courtesy translation of the German Implementing Act is provided under <a href="http://www.bfn.de/23828+M52087573ab0.html">http://www.bfn.de/23828+M52087573ab0.html</a>

<b>Administrative measures put in place for implementation of the Regulation</b>	
<b>Monitoring of user compliance (Article 7)</b>	
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	<input type="checkbox"/> Yes <i>↳ If selected, please fill in section 17 below</i> OR <input checked="" type="checkbox"/> No

resources, to declare that they exercise due diligence?	<p>⌞ <i>If selected, please explain why not and indicate if there is any other way of ensuring compliance with Article 7(1): A request is planned by the end of 2017 after the start of the DECLARE system.</i></p>
17. How is the request under Article 7(1) made?	<p><input type="checkbox"/> By law or other legislative measures</p> <p>⌞ <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>⌞ <i>If selected, specify which organization is responsible for making the request: &lt;Text entry&gt;</i></p> <p>⌞ <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>⌞ <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>⌞ <i>If selected, please specify: &lt;Text entry&gt;</i></p>
18. Additional information	<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>
<b>Risk-based plan for checks on user compliance (Article 9(3)(a))</b>	
19. Has your country developed a plan as referred to in Article 9(3)(a)?	<p><input type="checkbox"/> Yes</p> <p>⌞ <i>If selected, please fill in sections 20 to 22 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:</i></p> <p>The main focus in the reporting period was on awareness-raising, capacity-building and the development of the enforcement infrastructure.</p> <p>A first risk-based control plan is under development and is envisaged to be finalised by the end of 2017.</p>
20. What are the risk factors applied in the preparation of the plan and any other criteria considered in its development?	<p><i>Please describe the risk factors:</i> Due to lack of experience in identifying, monitoring and analyzing users of genetic resources and associated traditional knowledge it is considered to be too early to develop concrete risk factors.</p> <p><i>Please describe any other criteria:</i> It is planned to apply a mixture of</p> <p>- random selection of potential users (based on a previously</p>

	<p>developed list of potential German users) due to lack of knowledge which sector is more risky than the other, and</p> <p>- filtering of potential users which are more likely to be users than others (based on criteria such as so called google scores, patent scores as well as general research).</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:</i> One of the main difficulties is the identification of potential users which fall under the EU Regulation. Furthermore, due to lack of experiences in monitoring users of genetic resources and associated traditional knowledge it is difficult to analyse the risk of non-compliance in different user sectors.</p> <p><i>Please provide link to the plan:</i> &lt;URL and website name&gt; and/or &lt;Attachment&gt;</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
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:</i> Delayed start of the DECLARE system.</p> <p><i>Please provide a summary of the main difficulties and challenges in relation to implementation of Article 7(2), if any:</i> &lt;Text entry&gt;</p>

<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.

<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 ↳ <i>Please specify:</i> <Text entry>
30. Were all the checks carried out in line with the plan developed based on Article 9(3)(a)?	<input type="checkbox"/> Yes OR <input type="checkbox"/> No ↳ <i>Please specify what were the reasons/triggers for carrying out the other checks:</i> <Text entry>
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	<p><i>Please provide a summary of the main types of shortcomings identified:</i> &lt;Text entry&gt;</p> <p><i>Please provide a summary of the main difficulties and challenges in relation to checks:</i> Germany is still in the process of building up its enforcement infrastructure, including the development of risk-based control plans, questionnaires for controls, etc. Furthermore, in the reporting period a great emphasis was put on awareness-raising and capacity-building as well as the clarification of unresolved issues. First controls are planned by the end of 2017.</p>
<b>Penalties (Article 11)</b>	
34. Penalties imposed during the reporting period	<p><i>Please specify if your country imposed any penalties</i></p> <input type="checkbox"/> Notice of remedial action ↳ <i>If selected, please specify how many:</i> <Text entry> <input type="checkbox"/> Fines ↳ <i>If selected, please specify how many:</i> <Text entry> <input type="checkbox"/> Criminal sanctions ↳ <i>If selected, please specify how many:</i> <Text entry> <input type="checkbox"/> Others ↳ <i>If selected, please specify how many:</i> <Text entry>
35. If penalties were applied during the reporting period, which types of	Infringement of duties stemming from:

infringements were penalised?	<input type="checkbox"/> Article 4 – due diligence <input type="checkbox"/> Article 7 – duty to file due diligence declaration <input type="checkbox"/> Other ↳ Please specify: <Text entry>
36. Additional information:	<i>Please provide a summary of the main difficulties and challenges concerning enforcement measures (if any): See comment under 33.</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 ↳ Please indicate how many collections expressed their interest: So far 2 collections indicated their interest with one planning to submit its application by the end of 2017.  OR <input type="checkbox"/> No
38. Number of applications received	0 (until August 2017)
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: So far most collections seem to hesitate or refrain from an application for registration as there is still uncertainty regarding the exact requirements/standards that need to be fulfilled, potential risks as well as the added value of becoming a registered collection. Furthermore, due to insufficient financial resources they fear the financial burden to meet the registration requirements.</i>

<b>Cooperation and complementary measures</b>	
<b>Cooperation</b> (Article 12)	
41. Has your country <sup>7</sup> cooperated with competent authorities or other relevant organizations in other EU Member States?	<input checked="" type="checkbox"/> Yes <p style="margin-left: 20px;"><i>↳ Please specify countries with which the cooperation was undertaken: &lt;Text entry&gt;</i></p> <p style="margin-left: 20px;"><i>↳ Please provide examples of such cooperation: Organisation of the first meeting of EU CNAs on the Island of Vilm in March 2017; chairing of an informal meeting of EU CNAs back to back with the ABS Expert Meeting in September 2017.</i></p> <p style="text-align: center;">OR</p> <input type="checkbox"/> No
42. Has your country cooperated with (third countries') competent national authorities referred to in Article 13(2) of the Protocol?	<input checked="" type="checkbox"/> Yes <p style="margin-left: 20px;"><i>↳ Please specify the countries with which the cooperation was undertaken: Brazil, Peru, Costa Rica, Mexico, Viet Nam, India, Philippines, Australia, South Africa, Kenya, Ethiopia.</i></p> <p style="margin-left: 20px;"><i>↳ Please specify areas of cooperation: Organisation of an ABS Dialogue with provider states on the Island of Vilm in August 2017</i></p> <p style="margin-left: 20px;">Was the cooperation related to any identified shortcomings?</p> <p style="margin-left: 20px;"><input type="checkbox"/> Yes OR <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;"><i>↳ If yes, please specify the shortcomings: &lt;Text entry&gt;</i></p> <p style="text-align: center;">OR</p> <input type="checkbox"/> No
<b>Complementary measures</b> (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? <sup>8</sup>	<input checked="" type="checkbox"/> Yes <p style="margin-left: 20px;"><i>↳ Please specify type and number of activities carried out:</i></p> <p style="margin-left: 20px;">Training sessions: &lt;Text entry&gt;</p> <p style="margin-left: 20px;">Workshops: Presentation and participation in workshops organized by research institutions, users, user associations, etc. (Federal Agency for Nature Conservation: 16 events; Federal Office for Agriculture and Food: 6 events)</p> <p style="margin-left: 20px;">Conferences: Presentation at conferences organized by research institutions and user associations (Federal Agency for Nature Conservation: 13 events; Federal Office for Agriculture and Food: 7 events)</p> <p style="margin-left: 20px;">Others: Awareness-raising through</p> <p style="margin-left: 20px;">- national ABS Clearing-House (including Q&amp;A),</p>

<sup>7</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;

<sup>8</sup> See also response to question 54 from the Nagoya Protocol reporting format

	<ul style="list-style-type: none"> <li>- brochure on NP/EU ABS Regulation,</li> <li>- flyer on NP/EU ABS Regulation sent to user associations,</li> <li>- ABS helpdesk for users via Email and telephone,</li> <li>- online survey on NP and EU Regulation.</li> </ul> <p>↳ 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.):</p> <ul style="list-style-type: none"> <li>- 1.000 – 1.500 individuals through workshops and conferences</li> <li>- 2.800 institutions through online survey, flyer, etc.</li> </ul> <p>OR</p> <p><input type="checkbox"/> No</p>
<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: &lt;Text entry&gt;</p> <p>Workshops: &lt;Text entry&gt;</p> <p>Conferences: &lt;Text entry&gt;</p> <p>Others: Meetings of ABS Expert Group organized by the German Research Foundation (twice per year)</p> <p>↳ Please estimate number of users that participated in the activities carried out/ that received assistance: &lt;Text entry&gt;</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>↳ <i>Please summarise the nature of complaints received:</i> Legal uncertainties in the interpretation of the EU ABS Regulation, high bureaucracy regarding implementation of the due diligence obligation as well as the due diligence declaration under Art. 7.1.</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