### General information

2. **Responsible authority:** The Danish Environmental Protection Agency  
   Ministry of Environment and Food

3. **Contributing agencies, organisations and other authorities:** Informal cooperation with the Danish Agricultural Agency, The Danish Health Authority and the Danish Veterinary and Food Administration

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?**  
   ☑ Yes  
   OR  
   ☐ No

### 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?**  
   ☑ Yes  
   ☐ No  
   Please identify the designated competent authority/ies:  
   The Danish Environmental Protection Agency, Ministry of Environment and Food

7. **Is (one of) the competent authority (authorities) in your country responsible for:**  
   ☑ Yes  
   ☐ No  
   ☑ Yes  
   ☐ No  
   ☑ Yes  
   ☐ No  
   ☑ Yes  
   ☐ No  
   ☑ Yes  
   ☐ No

   - receiving due diligence declarations under Article 7(1) and 7(2)
   - transmitting information to the ABS Clearing House under Article 7(3)
   - carrying out checks on compliance in line with Article 9
   - recognition and verification of registered collections
   - cooperation with third countries under Article 7(3)
   - implementation of complementary measures under Article 13 (awareness raising, training activities, guidance to

---

1 If more than one competent authority established, please number them in point 6.
<table>
<thead>
<tr>
<th>8. Has your country designated any checkpoints beyond those envisaged in Article 7(1) – 7(2) of the Regulation?</th>
<th>Yes OR No</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Does your country have specific staff to administer functions directly related to the implementation of the Regulation?</td>
<td>Yes If selected, please indicate how many (person-months per year): 1.4 per year Involved in enforcement of the Regulation (person-months per year): 0 Involved in other activities (cooperation, awareness-raising, capacity-building, reporting) (person-months per year): 1.4 OR No</td>
</tr>
<tr>
<td>10. An estimate of external annual budget for implementation of the Regulation</td>
<td>An estimate for total external annual budget for EU ABS Regulation implementation, including cooperation, awareness-raising, capacity-building, reporting: 15,000 EUR</td>
</tr>
<tr>
<td>11. Additional information</td>
<td>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: Considerations concerning how to best set up cooperation between Competent National Authority and other involved national institutions</td>
</tr>
</tbody>
</table>

### Legislative measures

**Penalties** (Article 11)

<table>
<thead>
<tr>
<th>12. Has your country set up a penalty system as required by Article 11?</th>
<th>Yes If selected, please fill in sections 13-15 OR No</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. What are the types of penalties foreseen for infringements of Article 4 and 7 of the Regulation?</td>
<td>Notice of remedial action Administrative fines Criminal sanctions Others If selected, please specify: Criminal sanctions covers</td>
</tr>
</tbody>
</table>

---

2 This information could be useful for the evaluation of the effectiveness of the Regulation under Article 16.

3 Note that this information can be provided in a aggregated format (average per year for the reporting period);

4 Such as public procurement procedures, consultancies, studies, outsourced communication campaigns, etc.
<table>
<thead>
<tr>
<th>14. What is the level of penalties established for breaches of the Regulation?</th>
<th>Violation of the prohibitions is sanctioned with fines or in up to 2 years of imprisonment in cases where the violation is committed willfully or in gross negligence. The size of the fines should reflect the economic gains obtained</th>
</tr>
</thead>
<tbody>
<tr>
<td>15. Additional information</td>
<td></td>
</tr>
</tbody>
</table>

### Administrative measures put in place for implementation of the Regulation

**Monitoring of user compliance (Article 7)**

| 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? | ☑ Yes  
If selected, please fill in section 17 below 
OR  
☐ No |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 17. How is the request under Article 7(1) made? | ☐ By law or other legislative measures  
OR/ AND  
☐ By direct requests to applicants for funding  
OR/ AND  
☑ By means of a website  
If selected, please provide URL and explain the reasons for the choice of that site: [http://mst.dk/abs-protokollen/](http://mst.dk/abs-protokollen/)  
It is a recognized way of informing public in Denmark by a website of the institution that is the competent national authority  
OR/ AND  
☐ By other means |
| 18. Additional information | 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):  
A user survey will identify which institutions are in the scope of article 7.1  
In addition to the request by an official website direct requests to applicants of funding will be sent out based on the survey of identification of users. Users within the category research and development entities that may receive research funding will receive a direct request. |

**Risk-based plan for checks on user compliance (Article 9(3)(a))**

| 19. Has your country developed a plan as referred to in Article 9(3)(a)? | ☐ Yes  
If selected, please fill in sections 20 to 22 below  
OR |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------|
Please explain why not and provide a timeline for when the plan is expected to be developed:

Before a plan can be properly developed it has been assessed that an identification of users has been deemed appropriate. So, a survey of identifying who is covered by the ABS regulation has been set up. However it was not finalised by the 31. August.

The survey is based on a previous user survey finalised after the adoption of the Danish ABS legislation (Dec 2012) but before the adoption of the EU ABS regulation (April 2014). More over the user survey is based on how the EU Commission guidance document (2016/C 313/01) defines users as well as how the on-going sectorial guidance documents is developing guidance on how to assess who is the users in the different sectors.

Denmark expects to adopt a plan of inspections based on a risk-based approach by the end of 2017 and to conduct inspections primo 2018 in accordance with the plan.

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
</table>
| 20. What are the risk factors applied in the preparation of the plan and any other criteria considered in its development? | Please describe the risk factors:
|                                                                         | Denmark expects to adopt a plan of inspections by the end of 2017 including risk factors |
|                                                                         | Please describe any other criteria:
|                                                                         | Denmark expects to adopt a plan of inspections by the end of 2017 including deciding which criteria to be used. |
| 21. Which period does the current plan cover? When and how often will the plan be revised? | Denmark expects to adopt a plan of inspections by the end of 2017 including the duration of the plan |
| 22. Additional information concerning development of the plans           |                                                                         |

### Enforcement and compliance measures

<table>
<thead>
<tr>
<th>Monitoring of user compliance (Article 7)²</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>23. How many due diligence declarations have been received based on Article 7(1)?</td>
<td>0</td>
</tr>
<tr>
<td>24. How many due diligence</td>
<td>0</td>
</tr>
</tbody>
</table>

² 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.
declarations have been received based on Article 7(2)?

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

*Please provide a summary of the main difficulties related to monitoring of user compliance as per Article 7(1), if any:*

Though the obligations of the users are requested by means of an official website set up by the National Competent Authority there may be users who are not aware of their obligations. In order to make users aware that they have to comply with the EU regulation Denmark will improve the communication with users i.a. by sending out questionnaires to the users identified and by improving web site information

*Please provide a summary of the main difficulties and challenges in relation to implementation of Article 7(2), if any:*

Identification of users. Though the obligations of the users are disseminated by an official web site there may be users who are not aware of their obligations. In order to make users aware that they have to comply with the EU regulation Denmark will improve the communication with users i.a. by sending out questionnaires to the users identified and by improving web site information

**Checks on users** (Article 9)

28. How many checks have been carried out during the reporting period?

0

29. What types of checks were carried out?

- [ ] Examination of documents provided upon request
- [ ] On-site visits
- [ ] Inspections
- [ ] Other
30. Were all the checks carried out in line with the plan developed based on Article 9(3)(a)?

- Yes
- OR
- No

31. In how many situations the checks were initiated due to substantiated concerns as referred to in Article 9(3)(b)?

None

32. In how many cases were shortcomings identified?

None

33. Additional information

Please provide a summary of the main difficulties and challenges in relation to checks:

In order to ensure that the checks are proportionate and dissuasive checks will be based on the plan for inspections based on a risk based approach (article 9.3) and start in 2018.

**Penalties** (Article 11)

34. Penalties imposed during the reporting period

Please specify if your country imposed any penalties

- Notice of remedial action
  - If selected, please specify how many:
    - Fines
    - If selected, please specify how many:
      - Criminal sanctions
      - If selected, please specify how many:
        - Others

- Others

No penalties imposed by 31.August 2017

35. If penalties were applied during the reporting period, which types of infringements were penalised?

Infringement of duties stemming from:

- Article 4 – due diligence
- Article 7 – duty to file due diligence declaration
- Other

36. Additional information:

**Register of collections** (Article 5)

37. Are you aware of any interest by institutions in your country to become a registered collection?

- Yes
- OR
- No

38. Number of applications received

0

39. Number of verifications carried out

0
<p>| 40. Additional information | Please provide any additional information, including on what might explain the level of interest in becoming a registered collection: Collection holders have expressed their concerns about the added value of being a registered collection |</p>
<table>
<thead>
<tr>
<th>Cooperation and complementary measures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cooperation</strong> (Article 12)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>41. Has your country(^6) cooperated with competent authorities or other relevant organizations in other EU Member States?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Yes</td>
</tr>
</tbody>
</table>

\(^L\) Please specify countries with which the cooperation was undertaken:

- All EU Member States Competent National Authorities,
- The ABS Capacity Development Initiative,
- International Chamber of Commerce, Paris, France
- Natural History Museum London, UK
- KEW Garden London, UK
- Natural History Stockholm, Sweden
- European Seeds Association ESA;

\(^L\) Please provide examples of such cooperation:

1. First meeting of the European Competent National Authorities 20-23 March 2017 Vilm, Germany,

2. Informal meetings for Competent National Authorities, Platform in Brussels as well as informations sharing and exchange of view for CNAs on platform capacity4dev.eu

3. Ongoing communication and exchange of experiences by phone and mail with many member states CNAs in particular UK, DE, SV, NL, IT, BE and FIN on implementation of ABS regulation incl questions from different constituencies.

4. Donor representative in the Steering Committee of the ABS Capacity Development Initiative supported by Denmark 2010-2016.

5. Preparing and hosting 4 International ABS Business Dialogues (including participation of Danish Ministers of the Environment and Food) in cooperation with the ABS Capacity Development Initiative.

6. Denmark nominated in 2014 a representative from Natural History Museum London in his capacity of being an expert in clearinghouse matters to the CBD Informal Advisory Committee for ABS Clearing House.

7. Denmark nominated in 2015 a German representative from GIZ in his capacity of being an expert in Capacity Development to the CBD Informal Advisory Group for ABS Capacity Development.

8. Site visit in February 2016 at Kew Garden in order to learn from their ABS experiences since the enter into force of the Convention on Biological Diversity

9. Attending ABS workshop Nov 2014 by International Chamber of Commerce. It includes i.a. a speech by the

---

\(^6\) 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;
Danish CNA about the Danish ABS legislation

Attending ABS Workshop February 2016 London on the implementation of measures governing access to genetic resources for food and agriculture.

Facilitation of ABS agreements in practise. An ABS business trip for the Danish Cosmetic sector was organized by the Confederation of Danish Industries April 2017 with the aim of facilitating concrete ABS agreements between Danish business in the Cosmetic Sector with providers in Namibia and South Africa. The Danish National Competent Authorities took part in the mission in order to facilitate cooperation among the users and providers

OR

☐ No
42. Has your country cooperated with (third countries’) competent national authorities referred to in Article 13(2) of the Protocol?

| Yes | Please specify the countries with which the cooperation was undertaken: Namibia and South Africa |
|     | Please specify areas of cooperation: |
|     | The competent authority on Access and benefit sharing in Denmark has taking part in two missions to Namibia and South Africa. The first mission was a Pre-Nagoya Protocol mission with participation of the Danish Minister of Environment incl. a workshop in Namibia. It was organized jointly in cooperation with the ABS Initiative in 2010 with the aim of creating enabling environments for successful partnerships in sourcing of genetic resources and product development. The Danish Minister for Environment participated actively as well as high level Business representatives from Denmark and other countries. The first workshop was one step forward to better understanding each others languages and concepts. ABS implementation meant more than the development and adoption of international and national regulation which provide for legal certainty. It was also a precondition to build on equitable business partnership valorizing genetic resources between users and providers, between “North” and “South” In order to achieve this enabling environment the facilitation of those partnerships is key. The second field trip was a mission was organized by the Confederation of Danish Industries April 2017 with the aim of facilitating concrete ABS agreements between Danish business in the Cosmetic Sector with providers in Namibia and South Africa. The Danish National Competent Authorities took part in the mission in order to facilitate cooperation with the CNA in South Africa and Namibia and to facilitate “sur place” the Danish users how to comply with the regulative requirements. Was the cooperation related to any identified shortcomings? Yes OR No |
|     | If yes, please specify the shortcomings: |
|     | OR |
|     | No |

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? Yes

| Yes | Please specify type and number of activities carried out: |
|     | Training sessions: |
|     | Workshops: |
|     | Conferences: 4 |

See also response to question 54 from the Nagoya Protocol reporting format
<table>
<thead>
<tr>
<th>Others:</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Stakeholder meetings (1–4 meetings annually)</td>
</tr>
<tr>
<td>Communication by mail and bilateral meetings with stakeholders in the following sectors: BioTech, Food and Feed, Cosmetics, Pharmaceutical, Plant Breeding and Universities</td>
</tr>
</tbody>
</table>

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.): National Stakeholder meetings – approx. 25–30

International Business Dialogues approx. 70–100

Awareness raising: 1–15 business associations, businesses, academic, commercial researchers and non-commercial researchers, universities and NGOs on Nature Conservation

<table>
<thead>
<tr>
<th>44. Has your country organized any activities addressed specifically to academic, university and non-commercial researchers, and small and medium enterprises?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☒ Yes</td>
</tr>
</tbody>
</table>

Please specify type and number of activities carried out:

- **Training sessions:**
- **Workshops:**
- **Conferences:**
- **Others:** The national stakeholder meeting has i.a. addressed this target group

Please estimate number of users that participated in the activities carried out/that received assistance:

<table>
<thead>
<tr>
<th>45. Have any complaints been received from users in relation to implementation of the EU ABS Regulation?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes OR ☒ No</td>
</tr>
</tbody>
</table>

**Submission addresses:**

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