

REPORT UNDER ARTICLE 16(1) OF REGULATION (EU) No 511/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL 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

Country	
1. Member State:	The Republic of Lithuania
General information	
2. Responsible authority:	Ministry of Environment of the Republic of Lithuania
3. Contributing agencies, organisations and other authorities:	
4. Reporting period	<i>12 October 2014 – 31 August 2017</i>

Parties to the Nagoya Protocol on Access and Benefit-sharing	
5. Is your country a Party to the Nagoya Protocol?	<input type="checkbox"/> Yes OR <input checked="" 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: <Text entry></i></p> OR <input checked="" 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: At the moment the Government of Lithuania reviews its obligations assumed under international treaties in different sectors and considers carefully new ratifications of international agreements. Activities with respect to genetic resources are mainly carried out in Lithuania under International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). Since now Lithuania has not faced any situation of the utilisation of genetic resources that falls under Nagoya Protocol or EU ABS regulation, therefore, there is no practical necessity to ratify Nagoya protocol. In any case, Lithuania is bound by the provisions of EU ABS regulation.</i></p>

Institutional structures and resources for the implementation of the Regulation

<p>6. Has your country designated one or more competent authorities as provided in Article 6?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>↳ Please identify the designated competent authority/ies¹:</p> <p>Ministry of Environment of the Republic of Lithuania (main Competent Authority)</p> <p>Ministry of Agriculture the Republic of Lithuania (within its competence)</p> <p>Ministry of Health the Republic of Lithuania (within its competence)</p> <p>↳ If selected, please fill in also section 7</p> <p>OR</p> <p><input type="checkbox"/> No</p> <p>↳ Please provide explanation why not: <Text entry></p> <p>↳ If selected, please move to section 8</p>
<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>- transmitting information to the ABS Clearing House under Article 7(3)</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>↳ If yes and more than one competent authority established, please indicate which institution is responsible for receiving due diligence declarations²:</p> <p>Ministry of Environment of the Republic of Lithuania</p> <p>↳ If no, please indicate which other institution is responsible for receiving due diligence declarations: <Text entry></p> <p><input checked="" type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p>↳ If yes and more than one competent authority established, please indicate which institution is responsible for transmitting information to ABS CH:</p> <p>Ministry of Environment of the Republic of Lithuania</p> <p>↳ If no, please indicate which other institution is responsible for transmitting information: <Text entry></p> <p><input checked="" type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p>↳ If yes and more than one competent authority established, please indicate which institution is responsible for carrying out checks:</p> <p>Ministry of Environment of the Republic of</p>

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

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>- recognition and verification of registered collections</p> <p>- cooperation with third countries under Article 7(3)</p> <p>- implementation of complementary measures under Article 13 (awareness raising, training activities, guidance to users etc.)</p>	<p>Lithuania</p> <p>Regional Environmental Protection Departments are entitled to execute controls and to impose fines for infringements of EU ABS regulation.</p> <p>↳ <i>If no</i>, please indicate which other institution is responsible for checking compliance: <Text entry></p> <p><input checked="" 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:</p> <p>Ministry of Environment of the Republic of Lithuania</p> <p>Plant Gene Bank</p> <p>↳ <i>If no</i>, please indicate which other institution is responsible for recognizing and verifying registered collections: <Text entry></p> <p><input checked="" 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:</p> <p>Ministry of Environment of the Republic of Lithuania</p> <p>Plant Gene Bank</p> <p>↳ <i>If no</i>, please indicate which other institution is responsible for the cooperation: <Text entry></p> <p><input checked="" 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:</p> <p>Ministry of Environment of the Republic of Lithuania</p> <p>Plant Gene Bank</p> <p>↳ <i>If no</i>, please indicate which other institution is responsible for implementation of complementary measures: <Text entry></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</p> <p>OR</p> <p><input type="checkbox"/> Yes</p> <p>↳ <i>Please provide information about the additional</i></p>

	<i>checkpoints: <Text entry></i>
<p>9. Does your country have specific staff to administer functions directly related to the implementation of the Regulation?³</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><i>If selected, please indicate how many (person-months per year):</i></p> <p>Involved in enforcement of the Regulation (person-months per year⁴): The main requirements for the protection and use of the national plant genetic resources are set out in the Law on National Plant Genetic Resources. At present there are more than 4 000 objects of valuable genetic resources identified in Lithuania that are included in the lists of national plant genetic resources. The collection, research and conservation of plant genetic resources are organised by the Plant Gene Bank under the Ministry of Environment (hereinafter – The Plant Gene Bank) and research institutes. The Plant Gene Bank has 9 employees. The Plant Gene Bank ensures the long-term conservation and sustainable use of the national plant genetic resources, handles the central database of the national plant genetic resources and guarantees the accessibility to and security of information on the national plant genetic resources. The activities of the Plant Gene Bank are organised in accordance with Genebank standards and regulations of Food and Agriculture Organization of the United Nations. The Plant Gene Bank is involved in European Cooperative Programme for Plant Genetic Resources. In addition, it develops cooperation with Nordic Genetic Resource Center . The Plant Gene Bank is financed by the state budget.</p> <p>Regional Environmental Protection Departments are entitled to execute controls and to impose fines for infringements of EU ABS regulation in addition to other responsibilities to control how nature protection requirements are fulfilled.</p> <p>Involved in other activities (cooperation, awareness-raising, capacity-building, reporting) (person-months per year):</p> <p>Ministry of Environment forms policy in genetic resources area. There are two persons dealing with issues of genetic resources, however, other nature protection areas fall under the responsibility of these two civil servants as well.</p> <p>Plant Gene Bank (please see the text above)</p> <p>OR</p> <p><input type="checkbox"/> No</p> <p>⁵ <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: <Text entry></i></p>
<p>10. An estimate of external annual</p>	<p>An estimate for total external⁵ annual budget for EU ABS</p>

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

⁴ Note that this information can be provided in a aggregated format (average per year for the reporting period);

⁵ Such as public procurement procedures, consultancies, studies, outsourced communication campaigns, etc.

budget for implementation of the Regulation	<p>Regulation implementation, including cooperation, awareness-raising, capacity-building, reporting:</p> <p>None EUR</p> <p>The separate annual budget is not allocated for EU ABS Regulation implementation, including cooperation, awareness-raising, capacity-building, reporting:</p>
11. Additional information	<p><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> <Text entry></p>

Legislative measures	
Penalties (Article 11)	
12. Has your country set up a penalty system as required by Article 11?	<p><input checked="" type="checkbox"/> Yes</p> <p style="padding-left: 40px;">↳ <i>If selected, please fill in sections 13-15</i></p> <p>OR</p> <p><input type="checkbox"/> No</p> <p style="padding-left: 40px;">↳ <i>If selected, please explain why not and provide a timetable for adoption of penalties:</i> <Text entry></p>
13. What are the types of penalties foreseen for infringements of Article 4 and 7 of the Regulation?	<p><input type="checkbox"/> Notice of remedial action</p> <p><input checked="" type="checkbox"/> Administrative fines</p> <p><input type="checkbox"/> Criminal sanctions</p> <p><input type="checkbox"/> Others</p> <p style="padding-left: 40px;">↳ <i>If selected, please specify:</i> <Text entry></p>
14. What is the level of penalties established for breaches of the Regulation?	<p>100-1400 EUR</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	<p><i>Please provide any additional relevant information, including – where relevant – a summary of the main challenges when putting penalty systems in place:</i> <Text entry></p> <p><i>Please provide link(s) to the relevant legislation:</i></p> <p>The Amendment of Administrative Code of 29 June, 2017 No . XIII-551 entered into force 1 September, 2017. This Amendment is placed in official website of national legal acts (https://www.e-tar.it). Article 304¹ sets fines for infringements of EU ABS regulation.</p>

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
↳ If selected, please explain why not and indicate if there is any other way of ensuring compliance with Article 7(1):

17. How is the request under Article 7(1) made?

By law or other legislative measures
↳ If selected, please provide reference to relevant legal provisions: <Text entry>

OR/ AND

By direct requests to applicants for funding
↳ If selected, specify which organization is responsible for making the request: <Text entry>
↳ If selected, please indicate how many requests have been made so far: <Text entry>

OR/ AND

By means of a website
↳ If selected, please provide URL and explain the reasons for the choice of that site: <Text entry>

OR/ AND

By other means

The Ministry of Science and Education is informed about the need to include requirements of Article 7(1) into the rules regulating allocation of financing for research institutions that use genetic resources. ↳ If selected, please specify: <Text entry>

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): <Text entry>

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

No
*↳ Please explain why not and provide a timeline for when the plan is expected to be developed: **Since now Lithuania has not faced any situation of the utilisation of genetic resources that falls under Nagoya Protocol***

	<p>or EU ABS regulation. According to data of environmental insitutions, there are no any cases of utilisation of genetic resources in the Republic of Lithuania under EU ABS regulation. Activities are mainly carried out in Lithuania under International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). Taking this into account, the plan as referred to in Article 9(3)(a) will be prepared as soon as possible but not later than 2020 if there is a need to perform checks according to Artcile 9.</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: <Text entry></p> <p>Please describe any other criteria: <Text entry></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> <Text entry></p> <p><i>Please provide link to the plan:</i> <URL and website name> <i>and/or</i> <Attachment></p>
Enforcement and compliance measures	
Monitoring of user compliance (Article 7) ⁶	
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> <Text entry></p> <p><i>Please provide a summary of the main difficulties and challenges</i></p>

⁶ 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.

	<i>in relation to implementation of Article 7(2), if any: <Text entry></i>
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?	<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: <Text entry></i>
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: <Text entry></i>
31. In how many situations the checks were initiated due to substantiated concerns as referred to in Article 9(3)(b)?	-
32. In how many cases were shortcomings identified?	-
33. Additional information	<i>Please provide a summary of the main types of shortcomings identified: <Text entry></i> <i>Please provide a summary of the main difficulties and challenges in relation to checks: <Text entry></i>
Penalties (Article 11)	
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: <Text entry></i> <input type="checkbox"/> Fines ↳ <i>If selected, please specify how many: <Text entry></i> <input type="checkbox"/> Criminal sanctions ↳ <i>If selected, please specify how many: <Text entry></i> <input type="checkbox"/> Others ↳ <i>If selected, please specify how many: <Text entry></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

	⌞ Please specify: <Text entry>
36. Additional information:	<i>Please provide a summary of the main difficulties and challenges concerning enforcement measures (if any):</i> <Text entry>
Register of collections (Article 5)	
37. Are you aware of any interest by institutions in your country to become a registered collection?	<input type="checkbox"/> Yes ⌞ Please indicate how many collections expressed their interest: <Text entry> OR <input checked="" 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:</i> <Text entry>

Cooperation and complementary measures	
Cooperation (Article 12)	
41. Has your country ⁷ cooperated with competent authorities or other relevant organizations in other EU Member States?	<p>X As regards implementation of EU ABS regulation there were several cases of correspondence by email among Lithuania and other EU Member States (Estonia, France, Germany, Poland, United Kingdom)</p> <p style="margin-left: 20px;">↳ Please specify countries with which the cooperation was undertaken: <Text entry></p> <p style="margin-left: 20px;">↳ Please provide examples of such cooperation : <Text entry></p> <p>OR</p> <p>X No</p>
42. Has your country cooperated with (third countries') competent national authorities referred to in Article 13(2) of the Protocol?	<p>X Yes</p> <p style="margin-left: 20px;">↳ Please specify the countries with which the cooperation was undertaken: Equador</p> <p style="margin-left: 20px;">↳ Please specify areas of cooperation: Equador requested Lithuania to provide information on patents that would have been granted or in process to be granted before the competent authorities for products containing one of the Equadorian endemic or native species (the list of species was provided by Equador)</p> <p>Was the cooperation related to any identified shortcomings?</p> <p><input type="checkbox"/> Yes OR X No</p> <p style="margin-left: 20px;">↳ If yes, please specify the shortcomings: <Text entry></p> <p>OR</p> <p><input type="checkbox"/> No</p>
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? ⁸	<p><input type="checkbox"/> Yes</p> <p style="margin-left: 20px;">↳ Please specify type and number of activities carried out:</p> <p style="margin-left: 40px;">Training sessions: <Text entry></p> <p style="margin-left: 40px;">Workshops: <Text entry></p> <p style="margin-left: 40px;">Conferences: <Text entry></p> <p style="margin-left: 40px;">Others: <Text entry></p> <p style="margin-left: 20px;">↳ 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.): <Text entry></p> <p>OR</p> <p>X No</p>

⁷ 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;

⁸ 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 type="checkbox"/> Yes</p> <p>↳ Please specify type and number of activities carried out:</p> <p>Training sessions: <Text entry></p> <p>Workshops: <Text entry></p> <p>Conferences: <Text entry></p> <p>Others: <Text entry></p> <p>↳ Please estimate number of users that participated in the activities carried out/ that received assistance: <Text entry></p> <p>OR</p> <p><input checked="" 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 type="checkbox"/> Yes</p> <p>↳ Please summarise the nature of complaints received: <Text entry></p> <p>OR</p> <p><input checked="" type="checkbox"/> No</p>

Submission addresses:

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