| **Country** | |
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| 1. Member State: | The Netherlands |
| **General information** | |
| 2. Responsible authority: | Ministry of Agriculture, Nature and Food Quality<br>Department for Agriculture & Nature<br>Contact person: Ms. Kim van Seeters |
| 3. Contributing agencies, organisations and other authorities: | The Netherlands food and consumer product safety authority (NVWA)<br>the Centre for Genetic Resources, the Netherlands (CGN), which functions as the National Focal Point (NFP) on Access and Benefit-Sharing of the Netherlands |
| 4. Reporting period | *12 October 2014 – 31 August 2017* |

| **Parties to the Nagoya Protocol on Access and Benefit-sharing** | |
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| 5. Is your country a Party to the Nagoya Protocol? | ☒ Yes<br>OR<br>☐ No<br>└ *If selected,* please indicate if there is any national process in place towards becoming a Party?<br>☐ Yes<br>└ *Please provide a summary of the status of the process:* <Text entry><br>OR<br>☐ No<br>└ *Please provide a summary of the main difficulties and challenges encountered for becoming a Party to the Nagoya Protocol*: <Text entry> |

| **Institutional structures and resources for the implementation of the Regulation** | |
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| 6. Has your country designated one or more competent authorities as provided in Article 6? | ☒ Yes<br>└ *Please identify the designated competent authority/-ies1: The* Minister of Agriculture, Nature and Food Quality<br>└ *If selected,* please fill in also section 7 |

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

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| | OR<br>☐ No<br>└ *Please provide explanation why not:* <Text entry><br>└ *If selected,* please move to section 8 |
| 7. Is (one of) the competent authority (authorities) in your country responsible for:<br>- receiving due diligence declarations under Article 7(1) and 7(2) | ☒ Yes OR ☐ No<br>└ *If yes and more than one competent authority established,* please indicate which institution is responsible for receiving due diligence declarations2*: The* Minister of Agriculture, Nature and Food Quality<br>└ *If no,* please indicate which other institution is responsible for receiving due diligence declarations*:* <Text entry> |
| - transmitting information to the ABS Clearing House under Article 7(3) | ☒ Yes OR ☐ No<br>└ *If yes and more than one competent authority established,* please indicate which institution is responsible for transmitting information to ABS CH: The Minister of Agriculture, Nature and Food Quality.<br>└ *If no,* please indicate which other institution is responsible for transmitting information: <Text entry> |
| - carrying out checks on compliance in line with Article 9 | ☒ Yes OR ☐ No<br>└ *If yes and more than one competent authority established,* please indicate which institution is responsible for carrying out checks: NVWA<br>└ *If no,* please indicate which other institution is responsible for checking compliance: <Text entry> |
| - recognition and verification of registered collections | ☒ Yes OR ☐ No<br>└ *If yes and more than one competent authority established,* please indicate which institution is responsible for recognition and verification of collections: *The* Minister of Agriculture, Nature and Food Quality<br>└ *If no,* please indicate which other institution is responsible for recognizing and verifying registered collections: <Text entry> |

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

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| - cooperation with third countries under Article 7(3)<br><br>- implementation of complementary measures under Article 13 (awareness raising, training activities, guidance to users etc.) | ☒ Yes OR ☐ No<br>└ *If yes and more than one competent authority established,* please indicate which institution is responsible for cooperation with third countries: Ministry of Agriculture, Nature and Food Quality<br>└ *If no,* please indicate which other institution is responsible for the cooperation: <Text entry><br><br>☒ Yes OR ☐ No<br>└ *If yes and more than one competent authority established,* please indicate which institution is responsible for implementation of complementary measures: *the* Minister of Agriculture, Nature and Food Quality └ *If no*, please indicate which other institution is responsible for implementation of complementary measures: <Text entry> |
| 8. Has your country designated any checkpoints beyond those envisaged in Article 7(1) –7(2) of the Regulation? | ☒ No<br>OR<br>☐ Yes<br>└ *Please provide information about the additional checkpoints:* <Text entry> |
| 9. Does your country have specific staff to administer functions directly related to the implementation of the Regulation?[3] | ☒ Yes<br>*If selected*, please indicate how many (person-months per year): <Text entry><br>Involved in enforcement of the Regulation (person-months per year[4]): ca. 10 persons 2400 hrs/year totally<br>Involved in other activities (cooperation, awareness-raising, capacity-building, reporting) (person-months per year): ca. 6 person-months per year (NFP)<br>OR<br>☐ No<br>└ *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> |
| 10. An estimate of external annual budget for implementation of the Regulation | An estimate for total external[5] annual budget for EU ABS Regulation implementation, including cooperation, awareness-raising, capacity-building, reporting:<br>_2,4 million_____ EUR, this includes the full operation of our |

[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.

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| | Center for Genetic Resources (CGN), including managing the Genebank, scientific work, policy advice etc. |
| 11. Additional information | *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:* <Text entry> |

| **Legislative measures** | |
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| **Penalties** (Article 11) | |
| 12. Has your country set up a penalty system as required by Article 11? | ☒ Yes<br>└ *If selected,* please fill in sections 13-15<br>OR<br>☐ No<br>└ *If selected,* please explain why not and provide a timetable for adoption of penalties: <Text entry> |
| 13. What are the types of penalties foreseen for infringements of Article 4 and 7 of the Regulation? | ☒ Notice of remedial action<br>☒ Administrative fines<br>☒ Criminal sanctions<br>☐ Others<br>└ *If selected,* please specify: <Text entry> |
| 14. What is the level of penalties established for breaches of the Regulation? | light infringement (f.e. no timely notice of change in registered collection): warning / medium infringement (f.e. missing documents like PIC or MAT): remedial action / severe infringement (f.e. biopiracy); up to 6 years imprisonment<br><br>*Please provide examples for penalties applicable to offences that are considered to be severe, medium, and of lower importance.* |
| 15. Additional information | *Please provide any additional relevant information, including – where relevant – a summary of the main challenges when putting penalty systems in place*: <Text entry><br>*Please provide link(s) to the relevant legislation:* http://wetten.overheid.nl/BWBR0037855/<br>http://wetten.overheid.nl/BWBR0037855/<br>http://wetten.overheid.nl/BWBR0037856/<br>For English versions, see the ABS Clearing House |

| **Administrative measures put in place for implementation of the Regulation** | |
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| **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<br>└*If selected*, please fill in section 17 below<br>OR<br>☒ No<br>└*If selected, please explain why not and indicate if there is any other way of ensuring compliance with Article 7(1):* We will monitor and check researchers and give information about their obligations. We are considering if extra measures are needed. |
| 17. How is the request under Article 7(1) made? | ☐ By law or other legislative measures<br>└*If selected, please provide reference to relevant legal provisions:* <Text entry><br>OR/ AND<br>☐ By direct requests to applicants for funding<br>└ *If selected, specify which organization is responsible for making the request:* <Text entry><br>└*If selected, please indicate how many requests have been made so far:* <Text entry><br>OR/ AND<br>☐ By means of a website<br>└*If selected, please provide URL and explain the reasons for the choice of that site:* <Text entry><br>OR/ AND<br>☐ By other means<br>└*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):* We are considering if extra measures are neccesary. First we will monitor if ddd are provided. |
| **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<br>└*If selected*, please fill in sections 20 to 22 below<br>OR<br>☐ No<br>└ *Please explain why not and provide a timeline for when the plan is expected to be developed:* <Text entry> |

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| 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: amount of accessions of genetic material, origin of genetic resources, level of awareness, level of organisation (if very structured, probably less risks)<br>Please describe any other criteria: <Text entry> |
| 21. Which period does the current plan cover? When and how often will the plan be revised? | Yearly plans are made. In 2015 a plan was made for a longer period, but this is revised every year according to new insights and progressions |
| 22. Additional information concerning development of the plans | *Please provide any additional relevant information, including – where relevant – a summary of the main difficulties and challenges when preparing the plan*: The unresolved issues make it more difficult to start serious checks as well as the many types of users and their specific charactaristics regarding use of genetic resources. Attached are the first and the last project plans, only available in Dutch<br><br>*Please provide link to the plan:* <URL and website name><br>*and/or* <Attachment>  Projectplan_implementatie_Nagoya_Proto  pp Nagoya 2018ms.doc |

| **Enforcement and compliance measures** | |
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| **Monitoring of user compliance** (Article 7)[6] | |
| 23. How many due diligence declarations have been received based on Article 7(1)? | *None* |
| 24. How many due diligence declarations have been received based on Article 7(2)? | *None* |
| 25. Number of checkpoint communiques transferred to the ABS Clearing House | *None* |

[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.

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| 26. Number of checkpoints communique transferred to the competent authority referred to in Article 13(2) of the Protocol for confidentiality reasons | *None* |
| 27. Additional information | *Please provide a summary of the main difficulties related to monitoring of user compliance as per Article 7(1), if any: When selecting addresses, it is difficult to define whether a company or person is in or out of scope.*<br>*Please provide a summary of the main difficulties and challenges in relation to implementation of Article 7(2), if any: <Text entry>* |
| **Checks on users** (Article 9) | |
| 28. How many checks have been carried out during the reporting period? | ca 45 |
| 29. What types of checks were carried out? | ☐ Examination of documents provided upon request<br>☒ On-site visits<br>☒ Inspections<br>☐ Other<br>└ *Please specify:* <Text entry> |
| 30. Were all the checks carried out in line with the plan developed based on Article 9(3)(b)? | ☒ Yes<br>OR<br>☐ No<br>└ *Please specify what were the reasons/triggers for carrying out the other checks:* <Text entry> |
| 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 types of shortcomings identified:* <Text entry><br>*Please provide a summary of the main difficulties and challenges in relation to checks*: <Text entry> |
| **Penalties** (Article 11) | |
| 34. Penalties imposed during the reporting period | *Please specify if your country imposed any penalties*<br>☐ Notice of remedial action<br>└ *If selected,* please specify how many: <Text entry><br>☐ Fines<br>└ *If selected,* please specify how many: <Text entry> |

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| | ☐ Criminal sanctions<br>└ *If selected,* please specify how many: <Text entry><br>☐ Others<br>└ *If selected,* please specify how many: <Text entry> |
| 35. If penalties were applied during the reporting period, which types of infringements were penalised? | Infringement of duties stemming from:<br>☐ Article 4 – due diligence<br>☐ Article 7 – duty to file due diligence declaration<br>☐ Other<br>└ *Please specify:* <Text entry> |
| 36. Additional information: | *Please provide a summary of the main difficulties and challenges concerning enforcement measures (if any)*: <Text entry> |
| **Register of collections** (Article 5) | |
| 37. Are you aware of any interest by institutions in your country to become a registered collection? | ☐ Yes<br>└ *Please indicate how many collections expressed their interest:* <Text entry><br>OR<br>☒ No |
| 38. Number of applications received | None |
| 39. Number of verifications carried out | None |
| 40. Additional information | *Please provide any additional information, including on what might explain the level of interest in becoming a registered collection:* There is not a lot to gain from registering; unclarity about liability |

| **Cooperation and complementary measures** | |
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| **Cooperation** (Article 12) | |
| 41. Has your country[7] cooperated with competent authorities or other relevant organizations in other EU Member States? | X Yes<br>└ *Please specify countries with which the cooperation was undertaken:* Belgium, Denmark<br>└ *Please provide examples of such cooperation:Exchange of experiences and views on national ABS implementation, insights on national Law, genebank management and Enforcement.*<br>OR<br>☐ No |
| 42. Has your country cooperated with (third countries') competent national authorities referred to in Article 13(2) of the Protocol? | X Yes<br>└ *Please specify the countries with which the cooperation was undertaken:* Japan, China, Turkey (starting)<br>└ *Please specify areas of cooperation:* Exchange of experiences in national ABS implementation<br>Japan and China were developing new ABS legislation to implement the NP, and requested our feedback. From Dutch side also private sector was closely involved, to follow updates in legislation and explain where there might be barriers for ABS. There was also interest in our enforcement arrangements.<br>Was the cooperation related to any identified shortcomings?<br>X Yes OR ☐ No<br>└ *If yes, please specify the shortcomings: Dutch* Private sector raised our attention to the fact China is developing ABS legislation which applies retrospectively, which means it will cover all transfer as within the scope of the NP. We have commented on this, in a constructive way, with input from private sector, and we will receive the next version of the legislation for final comments.<br>OR<br>☐ 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? [8] | X Yes<br>└ Please specify type and number of activities carried out:<br>Training sessions: Preparing a workshop and training session with Turkey<br>Workshops: national ABS stakeholder group (2x a year), and a DSI stakeholder group is being formed now |

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

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| | Conferences: National Day to celebrate Biodiversity (every 5 years)<br><br>Others: Stakeholder meeting (1 day) to exchange views and build support for Post-2020 follow-up.<br><br>Presentations/seminars on the Nagoya Protocol and its implementation in the EU were given for various stakeholders and stakeholder groups (7 in 2015, 11 in 2016, 12 in 2017).<br><br>Regular e-mail notifications were sent out to a mailing list of users of genetic resources, to point at new developments (e.g. coming into force of EU ABS Regulation, ratification of Nagoya Protocol by the Netherlands, and opening of DECLARE).<br><br>The NFP provided help-desk support to users of genetic resources, by answering specific questions.<br><br>└ 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.): About 1500 people attended/participated in the presentations/seminars. The mailing list contains 200 persons. About 120 specific questions were answered by the NFP (20 in 2015, 50 in 2016, 50 in 2017).<br><br>OR<br><br>☐ No |

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| 44. Has your country organized any activities addressed specifically to academic, university and non-commercial researchers, and small and medium enterprises? | X Yes<br>└ Please specify type and number of activities carried out:<br>Training sessions: <Text entry><br>Workshops: <Text entry><br>Conferences: <Text entry><br>Others: About 80% of the presentations/seminars on the Nagoya Protocol and its implementation in the EU were given at universities, research institutes, scientific meetings, and SMEs.<br>About 80% of the persons on the mailing list are academic, university and non-commercial researchers, and representatives of small and medium enterprises.<br>About half of the questions answered by the NFP came from academic, university and non-commercial researchers, and small and medium enterprises in the Netherlands.<br>Enforcement risk strategy has resulted in choice for certain sectors to be addressed through education and awareness raising first.<br>Please estimate number of users that participated in the activities carried out/ that received assistance: About 1300 academic, university and non-commercial researchers, and representatives of small and medium enterprises attended/participated in the presentations/seminars.<br>The mailing list contains about 160 academic, university and non-commercial researchers, and representatives of small and medium enterprises.<br>About 60 questions of academic, university and non-commercial researchers, and representatives of small and medium enterprises were answered.<br>OR<br>☐ No |
| 45. Have any complaints been received from users in relation to implementation of the EU ABS Regulation? | X Yes<br>└Please summarise the nature of complaints received: Too complicated, difficulties with access in third countries, complexity of different legislations (NP, ITPGRFA etc), seems off track from original goal of NP, resulting in eternal patents on plant varieties.<br>OR<br>☐ No |

**Submission addresses:**

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