

Country	
1. Member State:	Republic of Poland
General information	
2. Responsible authority:	Ministry of Environment
3. Contributing agencies, organisations and other authorities:	Chief Inspector of Environmental Protection, regional (voivodship) Inspectors of Environmental Protection, Ministry of Science and Higher Education
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 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 <i>⌞ Please provide a summary of the status of the process: <Text entry></i></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: Poland signed the Nagoya Protocol on September 20, 2011, however, the ratification process will start after the completion of the national legislative process providing legal framework for the implementation of the provisions of Regulation 511/2014.</i></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> minister competent for environment</p> <p style="margin-left: 40px;"><i>⌞ If selected, please fill in also section 7</i></p>

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

	<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>- recognition and verification of registered collections</p>	<p>X <input 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: not relevant</p> <p>↳ If no, please indicate which other institution is responsible for receiving due diligence declarations: <Text entry></p> <p>X <input 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: not relevant</p> <p>↳ If no, please indicate which other institution is responsible for transmitting information: <Text entry></p> <p><input type="checkbox"/> Yes OR X <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: <Text entry></p> <p>↳ If no, please indicate which other institution is responsible for checking compliance: bodies of the Inspection of Environmental Protection</p> <p><input type="checkbox"/> Yes OR X <input type="checkbox"/> No</p> <p>↳ If yes and more than one competent authority established, please indicate which institution is responsible for recognition and verification of collections: <Text entry></p> <p>↳ If no, please indicate which other institution is responsible for recognizing and verifying registered collections: bodies of the</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>- 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 style="text-align: center;">Inspection of Environmental Protection</p> <p>X <input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p style="padding-left: 40px;">↳ <i>If yes and more than one competent authority established, please indicate which institution is responsible for cooperation with third countries: not relevant</i></p> <p style="padding-left: 40px;">↳ <i>If no, please indicate which other institution is responsible for the cooperation: <Text entry></i></p> <p>X <input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p style="padding-left: 40px;">↳ <i>If yes and more than one competent authority established, please indicate which institution is responsible for implementation of complementary measures: not relevant</i></p> <p style="padding-left: 40px;">↳ <i>If no, please indicate which other institution is responsible for implementation of complementary measures: <Text entry></i></p>
<p>8. Has your country designated any checkpoints beyond those envisaged in Article 7(1) –7(2) of the Regulation?</p>	<p>X <input type="checkbox"/> No</p> <p>OR</p> <p><input type="checkbox"/> Yes</p> <p style="padding-left: 40px;">↳ <i>Please provide information about the additional checkpoints: <Text entry></i></p>
<p>9. Does your country have specific staff to administer functions directly related to the implementation of the Regulation?³</p>	<p>X <input type="checkbox"/> Yes</p> <p style="padding-left: 40px;"><i>If selected, please indicate how many (person-months per year): 220 – starting with 2017</i></p> <p style="padding-left: 40px;">Involved in enforcement of the Regulation (person-months per year⁴): 150</p> <p style="padding-left: 40px;">Involved in other activities (cooperation, awareness-raising, capacity-building, reporting) (person-months per year): 70</p> <p>OR</p> <p><input type="checkbox"/> No</p> <p style="padding-left: 40px;">↳ <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 budget for implementation of the Regulation</p>	<p>An estimate for total external⁵ annual budget for EU ABS Regulation implementation, including cooperation, awareness-raising, capacity-building, reporting:</p> <p style="padding-left: 40px;">about 4,500 EUR</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.

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> During the establishment of the appropriate institutional structure, the main difficulties resulted from the innovative nature of the subject - it was necessary to establish the framework to ensure user compliance with regulations, which were only just introduced by the countries – providers of genetic resources. There was no knowledge on what exactly are the legal solutions adopted by these countries, therefore – how ensuring compliance with them will be done in practice. Additionally, since analogous works on the implementation of Regulation 511/2014 have been carried out in all EU Member States, there was no possibility to learn from the experience of other administrations.</p> <p>Currently, the most important challenge is the lack of experience and appropriate knowledge of newly employed staff and the need of trainings related thereto, where organizing such trainings is hampered because we have to deal with very specialised, new and under-explored issue.</p>

Legislative measures	
Penalties (Article 11)	
12. Has your country set up a penalty system as required by Article 11?	<p>X <input type="checkbox"/> Yes <i>↳ If selected, please fill in sections 13-15</i></p> <p>OR</p> <p><input type="checkbox"/> No <i>↳ If selected, please explain why not and provide a timetable for adoption of penalties: <Text entry></i></p>
13. What are the types of penalties foreseen for infringements of Article 4 and 7 of the Regulation?	<p>X <input type="checkbox"/> Notice of remedial action</p> <p>X <input type="checkbox"/> Administrative fines</p> <p><input type="checkbox"/> Criminal sanctions</p> <p><input type="checkbox"/> Others <i>↳ If selected, please specify: <Text entry></i></p>

<p>14. What is the level of penalties established for breaches of the Regulation?</p>	<p>The Act of 19 July 2016 <i>on access to genetic resources and sharing of benefits arising from their utilisation</i> (hereinafter: ABS Act) provides for levels of penalties for offences against particular articles of Regulation 511/2014, where these levels are differentiated: from approx. EUR 230 - 2,300 for failure to submit the due diligence declaration despite the obligation set out in Article 7 (1) of the Regulation, to EUR 2,300 - 23,000 for the use of genetic resources despite failure to obtain access permission or its equivalence and failure to establish mutually agreed conditions despite the obligation set out in Article 4 (5) of the Regulation.</p> <p><i>Please provide examples for penalties applicable to offences that are considered to be severe, medium, and of lower importance.</i></p>
<p>15. Additional information</p>	<p><i>Please provide any additional relevant information, including – where relevant – a summary of the main challenges when putting penalty systems in place:</i> Lack of comparable situations in current legal regulations in other fields</p> <p><i>Please provide link(s) to the relevant legislation:</i> http://biodiv.gdos.gov.pl/protokol-z-nagoi/ustawa-z-dnia-19-lipca-2016-r.-o-dostepie-do-zasobow-genetycznych-i-podziale/ustawa-abs-w-dz.u..pdf</p>

Administrative measures put in place for implementation of the Regulation	
Monitoring of user compliance (Article 7)	
<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>X <input type="checkbox"/> Yes <i>↳ If selected, please fill in section 17 below</i></p> <p>OR</p> <p><input type="checkbox"/> No <i>↳ If selected, please explain why not and indicate if there is any other way of ensuring compliance with Article 7(1): <Text entry></i></p>
<p>17. How is the request under Article 7(1) made?</p>	<p><input type="checkbox"/> By law or other legislative measures <i>↳ If selected, please provide reference to relevant legal provisions: <Text entry></i></p> <p>OR/ AND</p> <p><input type="checkbox"/> By direct requests to applicants for funding <i>↳ If selected, specify which organization is responsible for making the request: <Text entry></i> <i>↳ If selected, please indicate how many requests have been made so far: <Text entry></i></p> <p>OR/ AND</p>

	<p>X <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:</i></p> <p>http://biodiv.gdos.gov.pl/protokol-z-nagoi/oswiadczenia-skladane-przez-uzytownikow-zasobow-genetycznych</p> <p>www.biodiv.gdos.gov.pl website is part of the global system for the exchange of information on biodiversity (CHM), established in order to facilitate the implementation of the Convention on Biological Diversity. It includes any information on the implementation of the CBD Convention as well as protocols, including Nagoya Protocol (for the Nagoya Protocol there is a special subpage in the system).</p> <p>http://www.nauka.gov.pl/komunikaty/informacja-dla-beneficjentow-srodkow-na-badania-z-wykorzystaniem-zasobow-genetycznych.html</p> <p>https://www.ncn.gov.pl/aktualnosci/2017-04-21-informacja-dla-beneficjentow?language=pl</p> <p>www.nauka.gov.pl is a website of the Ministry of Science and Higher Education and www.ncn.gov.pl – of the National Centre for Science, executive agency established to support scientific activity in the field of basic research, i.e. experimental and theoretical work carried out, in particular, to gain new knowledge about basic phenomena and observable facts. These institutions are the main address for scientists who search for possible sources of financing for their research.</p> <p>OR/ AND</p> <p><input type="checkbox"/> By other means</p> <p style="padding-left: 40px;">↳ <i>If selected, please specify:</i> <Text entry></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): not relevant</i></p>
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)?	<p><input type="checkbox"/> Yes</p> <p style="padding-left: 40px;">↳ <i>If selected, please fill in sections 20 to 22 below</i></p> <p>OR</p> <p>X <input type="checkbox"/> No</p> <p style="padding-left: 40px;">↳ <i>Please explain why not and provide a timeline for when the plan is expected to be developed:</i> Pursuant to the ABS Act, a plan for checks on user compliance for the following year shall be prepared by the Chief Inspectorate for Environmental Protection (GIOŚ) and submitted for approval to the minister responsible for the environment by the end of November</p>

	<p>each year. In 2016, the development of such plan was impossible due to the fact that the budget provided for the financing of tasks related to the implementation of the provisions of the Act in the Inspection of Environmental Protection only since January 2017, therefore, only this year it was possible to launch work on the identification of the users, which is necessary for the preparation of the plan for checks. Moreover, there is ongoing work on the regulation laying down the detailed scope of the checks, which also translates into the preparation of the plan.</p> <p>The development of the plan of checks on user compliance and its submission to the minister competent for environment depends on the entry into force of the executive regulation to the ABS Act, determining the detailed scope of the checks. The ABS Act provides for the development of the plan for checks on user compliance for 2018 and submission for approval to the minister responsible for the environment by the end of November 2017.</p>
<p>20. What are the risk factors applied in the preparation of the plan and any other criteria considered in its development?</p>	<p>Please describe the risk factors: Currently, there are discussions on the adoption of the most accurate approach to the determination of appropriate risk factors and, on that basis, identification of users from the private/commercial sector and the sector of universities and scientific institutes, who will be subject to checks under the plan for checks for 2018.</p> <p>Please describe any other criteria: -</p>
<p>21. Which period does the current plan cover? When and how often will the plan be revised?</p>	<p>Not relevant</p>
<p>22. Additional information concerning development of the plans</p>	<p><i>Please provide any additional relevant information, including – where relevant – a summary of the main difficulties and challenges when preparing the plan:</i></p> <p>Main challenges:</p> <ul style="list-style-type: none"> • the need to train in short term the newly employed staff responsible for the identification and checks of users • lack of implementing regulation of the minister responsible for the environment, laying down the detailed scope of the checks on users, which currently is being drafted • early stage of implementation of the implementing legislation in other UE Member States, hampering learning from their experience <p><i>Please provide link to the plan: not relevant</i> <i>and/or <Attachment></i></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: not relevant</i></p> <p><i>Please provide a summary of the main difficulties and challenges in relation to implementation of Article 7(2), if any: not relevant</i></p>
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 <p style="text-align: center;">↳ <i>Please specify:</i> <Text entry></p> <p>Not relevant</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.

<p>30. Were all the checks carried out in line with the plan developed based on Article 9(3)(b)?</p>	<p><input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p>↳ <i>Please specify what were the reasons/triggers for carrying out the other checks:</i> <Text entry></p> <p>Not relevant</p>
<p>31. In how many situations the checks were initiated due to substantiated concerns as referred to in Article 9(3)(b)?</p>	<p>Not relevant</p>
<p>32. In how many cases were shortcomings identified?</p>	<p>Not relevant</p>
<p>33. Additional information</p>	<p><i>Please provide a summary of the main types of shortcomings identified:</i> not relevant</p> <p><i>Please provide a summary of the main difficulties and challenges in relation to checks:</i> <Text entry></p>
<p>Penalties (Article 11)</p>	
<p>34. Penalties imposed during the reporting period</p>	<p><i>Please specify if your country imposed any penalties</i></p> <p><input type="checkbox"/> Notice of remedial action ↳ <i>If selected, please specify how many:</i> <Text entry></p> <p><input type="checkbox"/> Fines ↳ <i>If selected, please specify how many:</i> <Text entry></p> <p><input type="checkbox"/> Criminal sanctions ↳ <i>If selected, please specify how many:</i> <Text entry></p> <p><input type="checkbox"/> Others ↳ <i>If selected, please specify how many:</i> <Text entry></p> <p>Not relevant</p>
<p>35. If penalties were applied during the reporting period, which types of infringements were penalised?</p>	<p>Infringement of duties stemming from:</p> <p><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:</i> <Text entry></p> <p>Not relevant</p>
<p>36. Additional information:</p>	<p><i>Please provide a summary of the main difficulties and challenges concerning enforcement measures (if any):</i> not relevant</p>

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 <i>↳ Please indicate how many collections expressed their interest: <Text entry></i> 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: not relevant</i>

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?	<input checked="" type="checkbox"/> Yes <i>↳ Please specify countries with which the cooperation was undertaken: EU member states that participated in the CNA meetings on the Vilm island (March 2017) and in Brussels (September 2017)</i> <i>↳ Please provide examples of such cooperation: Exchange of information and experience during the CNA meetings (see above); participation in the discussions conducted on the dedicated internet forum capacity4dev</i> OR <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 type="checkbox"/> Yes <i>↳ Please specify the countries with which the cooperation was undertaken: <Text entry></i> <i>↳ Please specify areas of cooperation: <Text entry></i> Was the cooperation related to any identified shortcomings? <input type="checkbox"/> Yes OR <input type="checkbox"/> No <i>↳ If yes, please specify the shortcomings: <Text entry></i> OR <input checked="" type="checkbox"/> No

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;

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

↳ Please specify type and number of activities carried out:

Training sessions: 2

- Training for the Council of Botanic Gardens and Arboreta (2015)
- Training for the inspectors of environmental protection (2017)

Workshops: 1

Workshop at the Biology Faculty of the Adam Mickiewicz University in Poznań (2017)

Conferences: 6

- 2 conferences organized by the Ministry of Environment (2014 and 2015)
- Sectoral meetings with the cosmetics sector and pharmaceutical sector (2014)
- Conference at the Plant Breeding and Acclimatization Institute (2016)
- Conference of the Polska Izba Nasienna in Poznań (2016)

Others:

- Lecture at the University Centre for Environmental Studies and Sustainable Development of the Warsaw University (2017)
- Lectures on the issues of the Convention, the Nagoya Protocol and regulation 511/2014 for the students of the University of Life Sciences in Warsaw, of faculties: biology, zootechnics, protection and breeding of pet and wild animals, interdepartmental study of biotechnology as well as foreign students (lectures carried out on an annual basis, in total 250-350 persons annually)

↳ 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 1,000 + about 250-350 students of the University of Life Sciences in Warsaw yearly

OR

No

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: 3</p> <ul style="list-style-type: none"> • “New regulations on access to genetic resources in agriculture”, National Research Institute of Animal Production, Balice, 2014 • LXXXI Congress of Polish Society of Animal Production, Warsaw, 2016 • Adam Mickiewicz University, Biology Faculty, 2017 <p>Others: <Text entry></p> <p>↳ Please estimate number of users that participated in the activities carried out/ that received assistance: about 260 participants</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 type="checkbox"/> Yes</p> <p>↳ Please summarise the nature of complaints received: <Text entry></p> <p>OR</p> <p>X <input type="checkbox"/> No</p>

Submission addresses:

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