

SUMMARY RECORD

FIFTH MEETING OF THE ABS CONSULTATION FORUM

27 NOVEMBER 2019

1. Adoption of the agenda & welcome

The European Commission (EC) welcomed the participants. The agenda was adopted.

2. Update by the Commission on recent international developments

The EC reported on the post-2020 Biodiversity Framework process. Much discussion on access and benefit-sharing of genetic resources (ABS) can be expected in the 15th Conference of the Parties to the Convention on Biological Diversity (CBD), in particular on the role Digital Sequence Information (DSI) could play in this respect. The EC also reported on an informal workshop on DSI organized by Norway and South Africa in Pretoria.

3. Update by the Commission about DECLARE

The EC presented an overview of the use of DECLARE, the EU-wide tool for the submission of ABS-related due diligence declarations, and informed that there were currently 213 organisations registered in DECLARE, including 188 users of genetic resources and 24 public authorities in 16 EU Member States.

4. Information about the process of ratification of the Nagoya Protocol and implementation of the EU ABS Regulation

The EC reported that:

- 20 EU Member States had ratified the Nagoya Protocol (NP);
- All MS but two had designated their Competent Authorities (CAs);
- 26 MS had adopted penalties and sanctions;
- Only a few MS had adopted risk-based plans for checks and checks had started in some of them;
- Access legislation concerning genetic resources had been adopted in five MS.

5. Update by the Commission about compliance promotion tools (best practices, register of collections)

The EC reported that the [CETAF Code of Conduct](#) had been recognised by the EC as first best practice (information available on the [EU ABS website](#)). Two other expressions of interests in best practice had been received by the EC.

A German collection of microorganisms has been granted the status of registered collection (see [Register of Collections](#) available on the [EU ABS website](#)). *[After the meeting, also a French collection received the status of registered collection.]* MS are working on a common framework to deal with applications for registered collections.

6. Draft revised general and specific guidance documents - process

The EC informed that much progress had been achieved on the drafting of the general and the specific guidance documents. The EC recalled the process of preparation of these guidance documents, with the extensive involvement of industry and civil society. As similar issues appeared in the initial nine sectorial guidance documents, it had been decided to merge the nine documents into one specific guidance document (SG), focusing on the notion of utilisation (from access through the value chain to marketing). In the process, some issues were identified that related to the scope of application or to due diligence requirements. Since these fitted better in the general (horizontal) guidance document, it had been decided to add them to the existing general guidance document (GG).

The EC stressed that the two new guidance documents are not legally binding (the legally binding documents are the EU ABS Regulation and the Commission Implementing Regulation). The documents are complementary and aim at providing clarifications of concepts embedded in the Regulation. The purpose of the SG is to translate the principles and approaches proposed in the GG into concrete examples of relevance for different sectors but, obviously, these examples cannot cover every single case that might come up.

The EC outlined the new elements added to the GG. The SG could be published as an attachment to the GG. The process involves MS and stakeholders feedback first, followed by a consultation of all the relevant services inside the EC. The guidance documents will be published in the Official Journal of the European Union. Future revision of the documents would be subject to the same process. In the meantime, users should rely on the already published [horizontal guidance](#).

7. Draft general and specific guidance document – contents

Various issues tackled in the documents were discussed by the Members of the ABS Consultation Forum who were asked to submit their final comments, after which the text would be consolidated and the EC inter-service consultation would be carried out, possibly in February/March 2020.

8. AOB

To close the meeting, the EC:

- Announced that the Wageningen University would organize a workshop on the implementation of private sector standards for ABS;
- Indicated that a second DSI workshop would be organized by Norway and South Africa;
- Encouraged stakeholders to participate in a study on how DSI is used in product development;
- Informed that, in the framework of the EU-Brazil dialogue on ABS, a workshop would be held in December 2019, focusing on DSI practicalities.

Participants

AT	Ministry of Environment
BE	Agency for Nature and Forests
BE	SPF - Santé
BE	SPW
DE	Federal Office for Agriculture and Food (BLE)
DE	Federal Ministry for the Environment, Nature Conservation and Nuclear Safety
DE	Federal Agency for Nature Conservation
DK	Environmental Protection Agency
EE	Ministry of the Environment
ES	Ministerio para la Transición Ecológica
FI	Natural Resources Institute
FR	Ministère de la Transition Ecologique et Solidaire
HR	Ministry of Environment and Energy
NL	Food and Consumer Product Safety Authority
PL	Ministry of the Environment
SE	Swedish Environmental Protection Agency
SK	Ministry of Environment of the Slovak Republic

AESGP - Association of the European Self-Medication Industry
EFfCI – European Federation for Cosmetic Ingredients
AnimalhealthEurope
Arche Noah – Seed savers organisation in Central Europe
CETAF – Consortium of European Taxonomic Facilities
CIOPORA (Communauté Internationale des Obtenteurs de Plantes Ornamentales et fruitières à Reproduction asexuée)/AIPH (International Association of Horticultural Producers) Group
DNR – German League for Nature, Animal Protection and Environment
EFPIA – European Federation of Pharmaceutical Industries and Associations
ESA – European Seed Association
EuropaBio – European Association of BioIndustries
EU Specialty Food Ingredients
FEFANA – EU Association of Specialty Feed Ingredients and their Mixtures
FoodDrinkEurope
GIZ - ABS Capacity Development Initiative
IBMA – International Biocontrol Manufacturers Association
ICC – International Chamber of Commerce
IFRA – International Fragrances Association
LERU – League of European Research Universities
Microbial Biobanks group
UEBT - Union for Ethical Bio Trade