

ABS, Are you talking about my car's brakes?

Antonio Villanueva
ECIMAT
19 Feb 2019











A BIT ABOUT MYSELF...



Not an expert in Genetic Resources

Not an expert in Biotechnology

Definitely not an expert in Legal Compliance











EBB

an EMBRC project

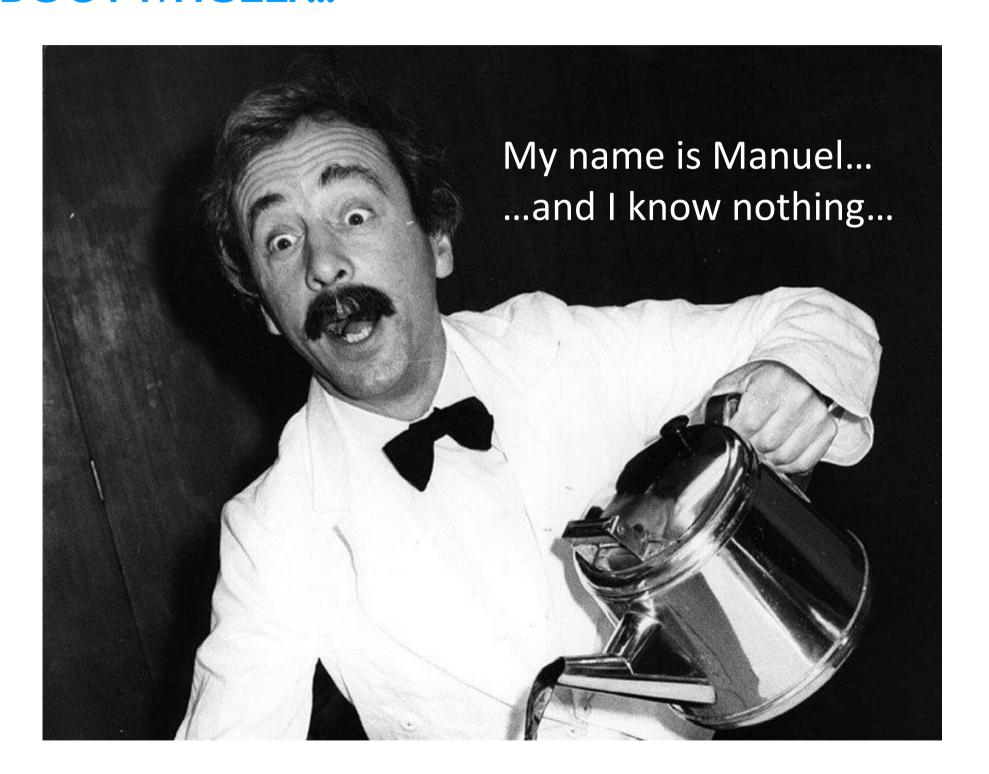








A BIT ABOUT MYSELF...



...SO WHAT THE HECK AM I DOING HERE?

I WORK FOR A RESEARCH INFRASTRUCTURE...















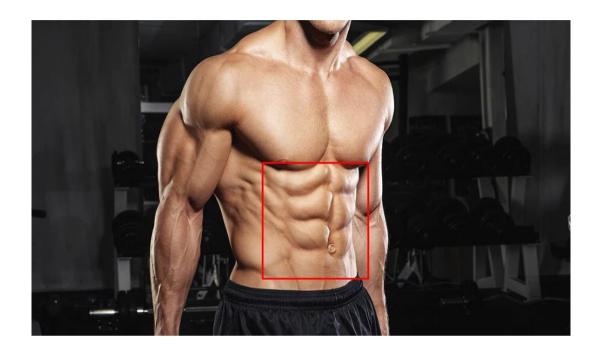


...AND RESEARCH INFRASTRUCTURES ARE HERE TO HELP RESEARCHERS

So, what is ABS anyway?...













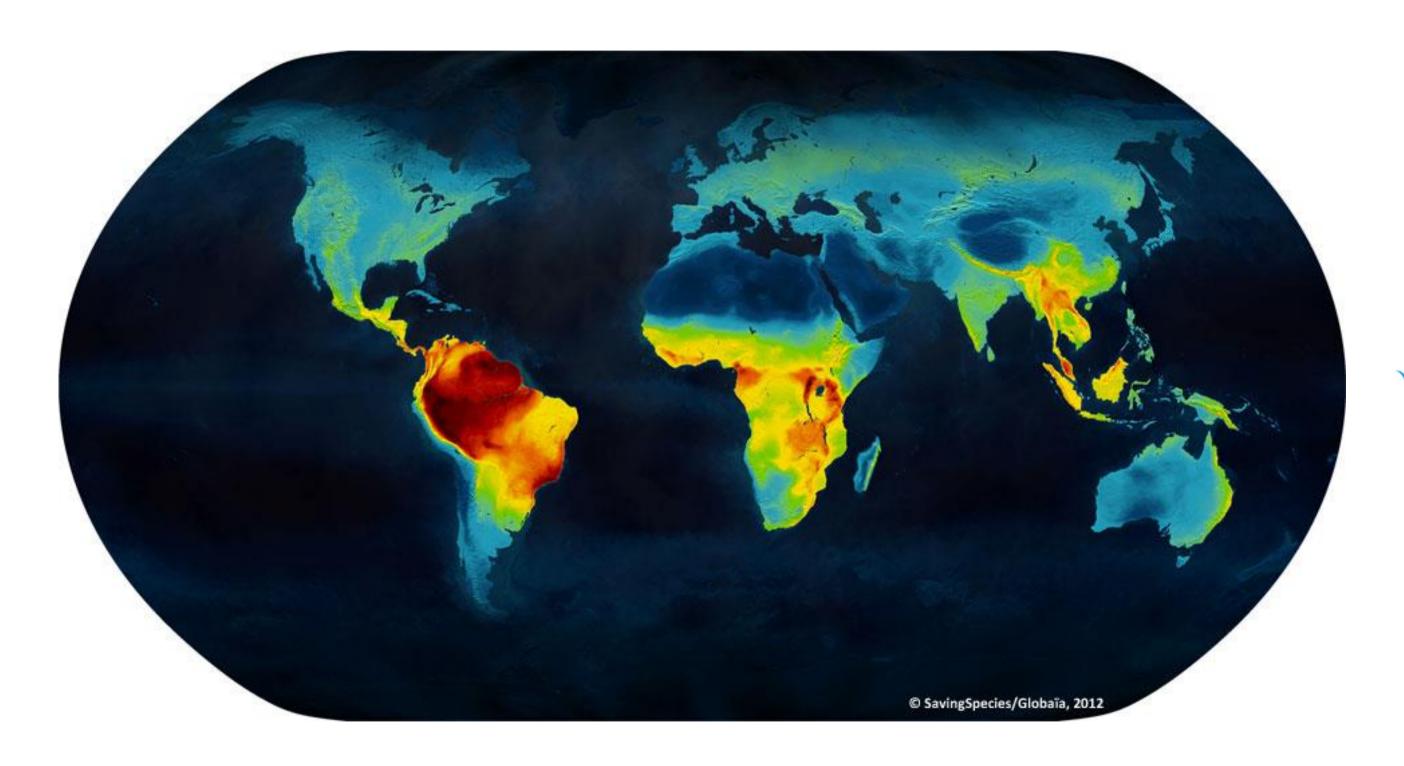




ABS: Access & Benefit Sharing

ACCESS TO GENETIC RESOURCES (AND TRADITIONAL KNOWLEDGE ASSOCIATED TO GENETIC RESOURCES) AND THE FAIR AND EQUITABLE SHARING OF THE BENEFITS DERIVED FROM THEIR UTILIZATION





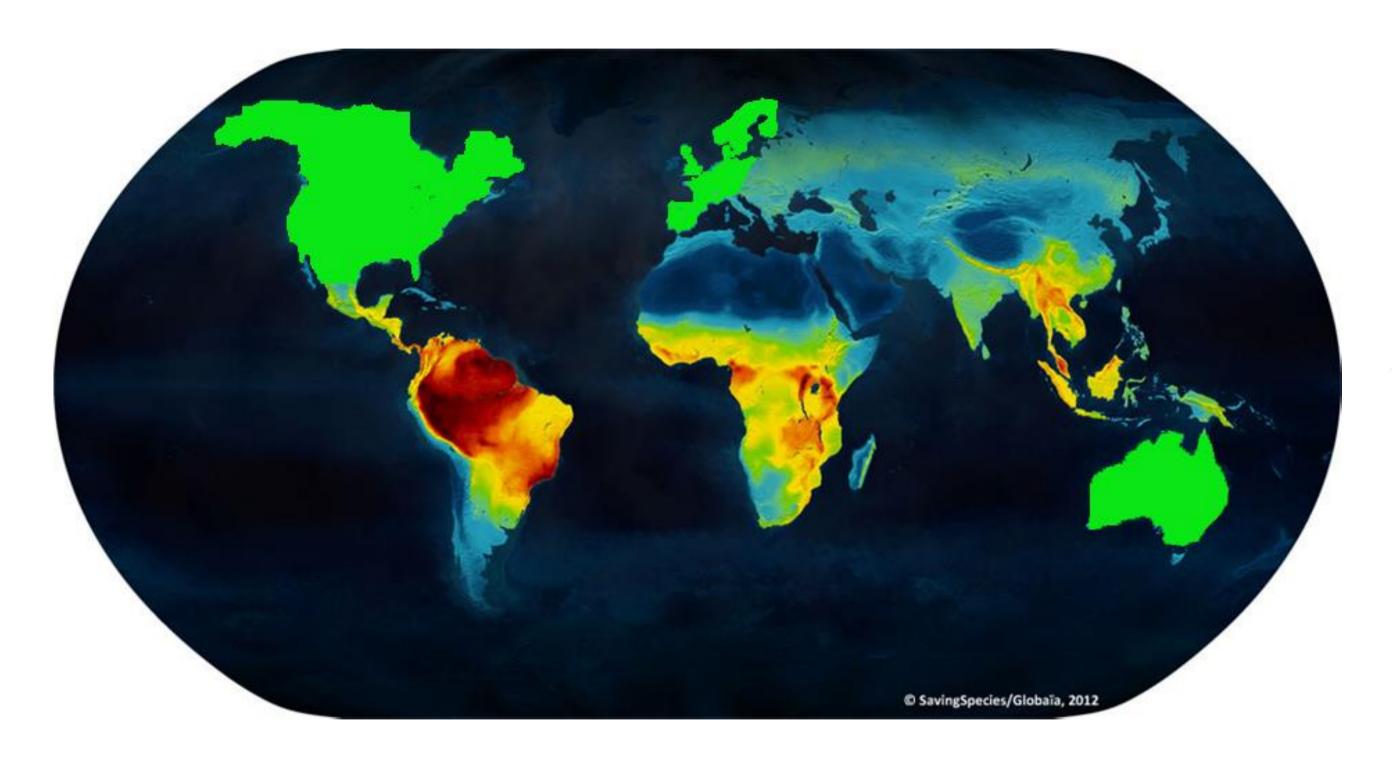




















The Nagoya Protocol



The Convention on Biological Diversity (CBD) first identified the need to protect the sovereign rights of the countries over their natural resources and traditional knowledge.



















The Nagoya protocol defines the mechanisms to ensure those rights prevail. Signatory parties to the Nagoya protocol commit to ensure compliance by their nationals to the set requirements.

This process often starts from Traditional Knowledge

La planta amazónica con más antioxidantes que el té

La infusión de guayusa es consumida desde hace más de 1.000 años por los indígenas de Ecuador como bebida energizante y antioxidante. La ciencia estudia si las propiedades que se le atribuyen son ciertas



Hojas de guayusa, una planta originaria de la Alta Amazonía que se consume desde hace más de mil años por sus propiedades energéticas, antioxidantes y antiinflamatorias. JAIME GIMÉNEZ

BLUE**BIOBANK**.EU























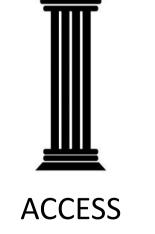








Nagoya Protocol





WHERE DOES IT APPLY

Exclusive Economic Zone

Text and Graphics Theo Deutinger

No matter the economical situation, natural resources are hot. Since many of the easy accessible resources on the main land are exhausted more and more afford is done for off-shore exploitation.

Today a countries marine economic area is defined by its Exclusive Economic Zone (EEZ), a 200 nautical miles (370 km) wide offset from the countries national coast line. This regulation, which was installed by the "UN Convention on the Law of the Sea" in

1982 grants a state special rights to explore natural (e.g. oil) and marine (e.g. fish) resources, including scientific research and energy production (e.g. wind-parks). Practically this means that if a country owns a minuscule rock somewhere in the ocean, this rocks exploitable surface increases from almost zero on-shore to 430,000km² off-shores. In the case EEZ's overlap, it is up to the involved states to delineate the actual boundary; a rule which led in certain case to

decennia's of dispute. Yet there is more underwater land to claim and more squabbles ahead, since the 200 nautical miles definition got supplemented by a clause which allows its expansion till the continental shelf. The first deadline for this so called 'continental shelf submissions' passed this year May and land (seabed) allocation will start soon. If underwater land grabbing goes on like this the 'Freedom of the Seas' might soon shrink to the 'Freedom of the Ponds'.

























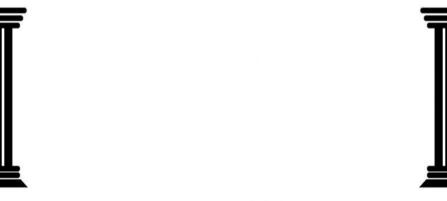






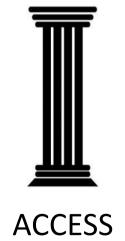


Nagoya Protocol



COMPLIANCE EU REG. 511/14





NATIONAL LAWS





YOU NEED TO COMPLY

CHECKPOINTS

- RESEARCH FUNDING
- FINAL DEVELOPMENT OF PRODUCT
- PATENT APPLICATION (SPAIN)
- INDIVIDUAL INSTITUTE'S ETHICS BOARDS













SOME USEFUL TERMS

'genetic material' means any material of plant, animal, microbial or other origin containing functional units of heredity;

'genetic resources' means genetic material of actual or potential value;

'traditional knowledge associated with genetic resources' means traditional knowledge held by an indigenous or local community that is relevant for the utilisation of genetic resources and that is as such described in the mutually agreed terms applying to the utilisation of genetic resources;

'access' means the acquisition of genetic resources or of traditional knowledge associated with genetic resources in a Party to the Nagoya Protocol;

'user' means a natural or legal person that utilises genetic resources or traditional knowledge associated with genetic resources;

'utilisation of genetic resources' means to conduct research and development on the genetic and/or biochemical composition of genetic resources, including through the application of biotechnology as defined in Article 2 of the Convention;











...DO YOU FOLLOW? (I WOULDN'T)

TO COMPLICATE THINGS A BIT MORE



Dictionary

Search for a word



due diligence

noun LAW

reasonable steps taken by a person to avoid committing a tort or offence.

· a comprehensive appraisal of a business undertaken by a prospective buyer, especially to establish its assets and liabilities and evaluate its commercial potential.











...ANY DOUBTS?...IF YES, ASK...

The Nicoya region of Costa Rica: a high longevity island for elderly males

January 2013 · Vienna Yearbook of Population Research 11:109-136 Source · PubMed

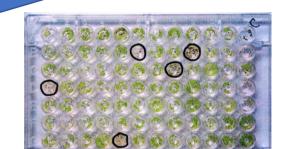
👨 Luis Rosero-Bixby · 🌑 William Hatfield Dow · 🍏 David H Rehkopf

Blue Zones



\$\$ and/or Non Monetary

























Does this affect our research?

Any research utilizing genetic resources may be affected.



Simplified procedures for basic research

Non monetary benefit sharing

ABS CAN BE A COOPERATION MECHANISM













SOME KEY QUESTIONS

- 1. Does your research institution utilize genetic resources?
- 2. Do you know the origin of the genetic resources that you utilize?
- 3. Do you know if they have been legally obtained (in compliance with the legislation of the provider country)?
- 4. Do you know the Nagoya Protocol and how the European and national legislations can affect you?









A COUPLE EXAMPLES





SCUBA CANCER
Transmisible cancers
under the sea



Identify the genomic and mutational alterations drive that processes transmissible cancers to depart from their hosts and evolve as parasitic clonal lineages in the marine environment, for illuminating universal processes that make a cancer contagious, and to identify new/unexpected biological insights into the general mechanisms of cancer metastasis









EBB an EMBRC project

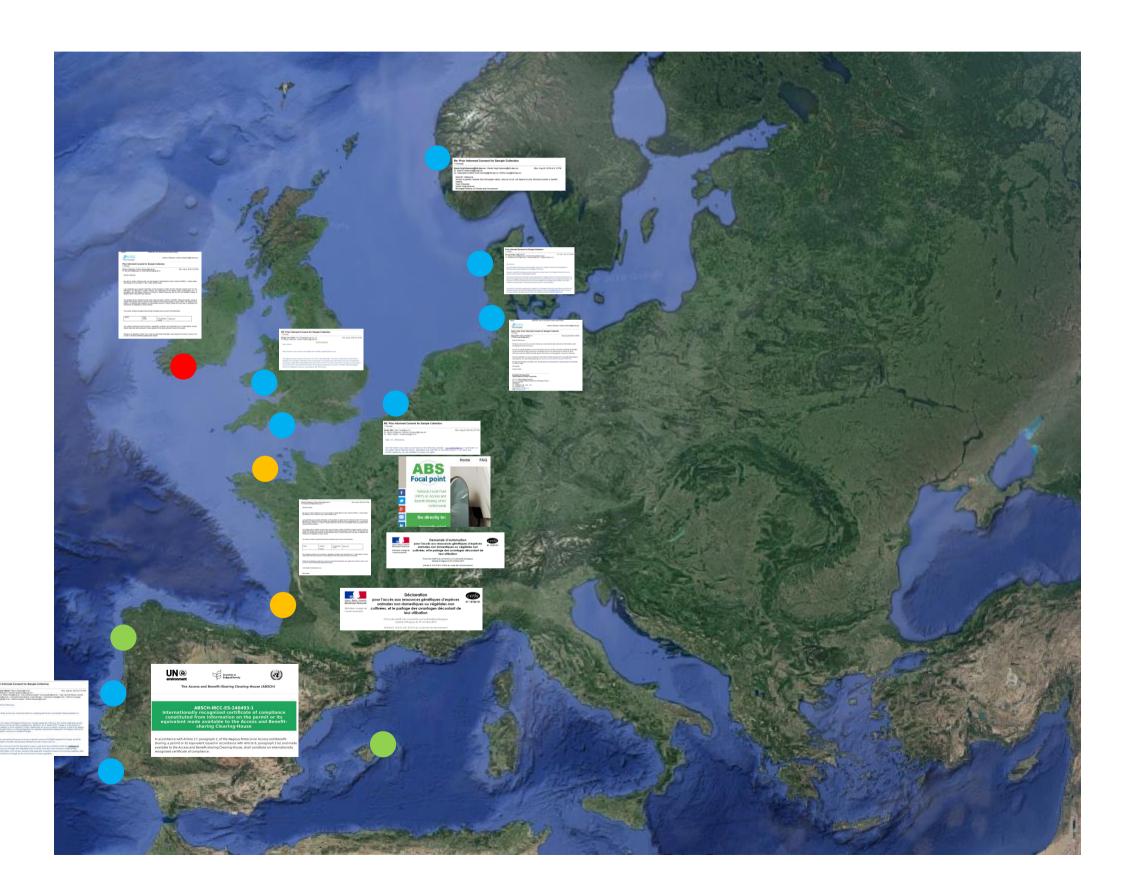








A COUPLE EXAMPLES



A COUPLE EXAMPLES

















The Access and Benefit-Sharing Clearing-House (ABSCH)

ABSCH-IRCC-ES-240493-1

Internationally recognized certificate of compliance constituted from information on the permit or its equivalent made available to the Access and Benefit-sharing Clearing-House

In accordance with Article 17, paragraph 2, of the Nagoya Protocol on Access and Benefitsharing, a permit or its equivalent issued in accordance with Article 6, paragraph 3 (e) and made available to the Access and Benefit-sharing Clearing-House, shall constitute an internationally recognized certificate of compliance.

A CTM CTATAGOGAGACCCAAGCTTCCCTCGGCAAGGCCACAATGAACCGGGGAGTCCCTTTTAGGCACTTCGCTTCTGGTCC











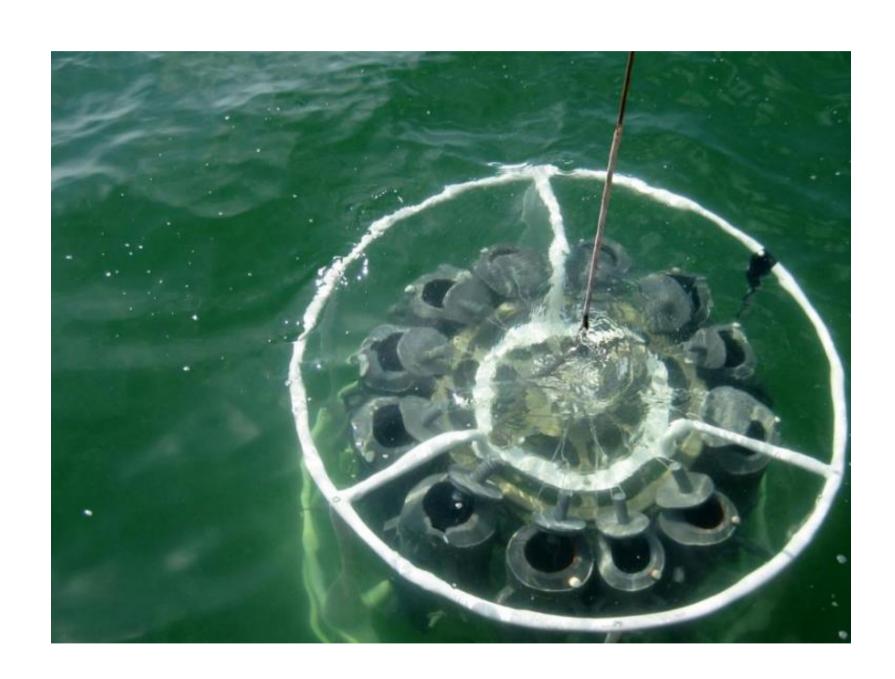






A COUPLE EXAMPLES







- Location
- Date
- Sampling crew
- Relevant sampling permits (non ABS)









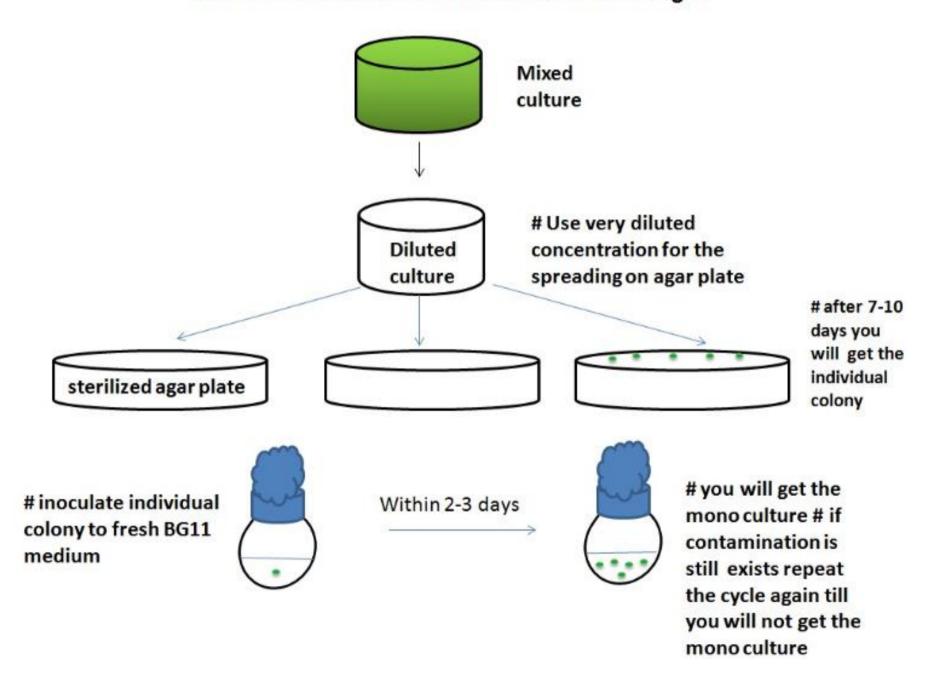




EBB an EMBRC project

A COUPLE EXAMPLES

Mono culture isolation from Mixed culture of algae













A COUPLE EXAMPLES





MAT COVERING TRANSFER??









Transfer to a user: ASK!

RESPONSIBILITY IS ON THE USER

an EMBRC project

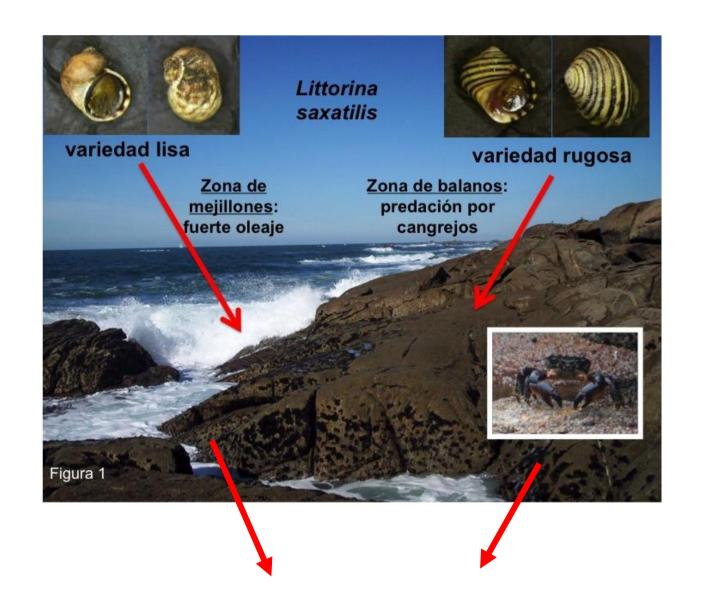








A COUPLE EXAMPLES



Capture, sampling (including for DNA), markup, recapture Genomic studies to determine genetic variation

SAMPLING IN CABO SILLEIRO

A COUPLE EXAMPLES

RE: Consulta sobre protocolo de Nagoya

1 message

bzn-protocolonagoya

*bzn-protocolonagoya@mapama.es>
To: Fiz da Costa <fiz.costa.gonzalez@uvigo.es>
Co: Antonio Villanueva <antonio.villanueva@uvigo.es>

Wed. Feb 6, 2019 at 1:57 PM

Estimado Sr. da Costa,

Muchas gracias por remitirnos sus preguntas.

Antes de responder a su caso concreto, por favor, permítanos hacerle unas aclaraciones previas sobre la normativa relativa al acceso a recursos genéticos y el reparto de beneficios derivado de su utilización.

Tanto España como la Unión Europea, son parte del **Protocolo de Nagoya**. Este protocolo es un instruinternacional jurídicamente vinculante que persigue el uso sostenible de los recursos genéticos, y acompos dos grandes pilares:

- Acceso: en base a que los Estados poseen derechos soberanos sobre los cultorenes la posijurisdicción, el Protocolo no obliga a regular el acceso a los recursos gentalicos de la libro decisión de cada estado. Lo que sí obliga el Protocolo es que si unidad lo decidad guar a acceso a su recursos genéticos, debe hacerlo en base a ciertas consideraciones
- Cumplimiento: el Protocolo obliga a todas las Portes es egurarse o case la utilización que se bace de recursos genéticos bajo su jurisdicción es lega (como a la regulación de acceso del país de del recurso genético).

Como ya se adelantaba, la Unión Europea 511/2014, que cubre el pilar de cumpli estado miembro). Este reglamento es d principalmente en el ejercici r parte del usuario de recursos a presentación de la declaración ida por parte del usua. enéticos. Esta declaración de que realice la utilización de los deb da se presenta en varios puntos de control, entre ellos ndo el usuario es ber ciario de do de investigación, y consiste principalmente en aportar el número de certificado autorización de acceso del recurso genético que se haya utilizado, demostrando así qu legal acorde a la normativa del país de

Además, por su parte **España**, ha regulado de la plan recursos genéticos, in situ y ex situ, procedentes de taxones silvestres mediante el Real Decreto de la plan recursos genéticos procedentes de taxones silvestres y al contro de utilización, que entró en vigor el 15 de marzo de 2017.

Esta nueva norma detalla los procedimientos para, por un lado, el acceso a los recursos genéticos españoles in situ y ex situ procedentes de taxones silvestres, para su utilización con fin comercial y no comercial, así como la distribución justa y equitativa de los beneficios (pilar de acceso) y, por otro, el control de la utilización de los recursos genéticos y de los conocimientos tradicionales asociados en España (pilar de cumplimiento acorde a la normativa europea).

Por tanto, si en su proyecto se utilizan recursos genéticos españoles procedentes de taxones silvestres, es posible que requiera una autorización de acceso a recursos genéticos. En este sentido hay dos definiciones que son clave para saber si se está dentro del ámbito de aplicación de la regulación de acceso recogida en el Real Decreto 124/2017:

Recursos genéticos: material genético de valor real o potencial (Artículo 2 de la Ley 42/2007).
 Entendiendo material genético como todo material de origen vegetal, animal, microbiano o de otro tipo que contenga unidades funcionales de la herencia (Artículo 2 del Convenio de Diversidad Biológica)

OUT OF SCOPE



18/2/2019

ECIMAT Mail - RE: Consulta sobre protocolo de Nagoya

 Utilización de recursos genéticos: la realización de actividades de investigación y desarrollo sobre la composición genética y/o bioquímica de recursos genéticos, incluso mediante la aplicación de biotecnología, conforme a la definición que se estipula en el artículo 2 del Convenio sobre la Diversidad Biológica (Artículo 2 del Real Decreto 124/2007)

Quizás sea de su interés conocer que queda fuera del ámbito de aplicación de la regulación de acceso española el acceso a recursos genéticos españoles con fines exclusivamente taxonómicos de acuerdo con la definición del artículo 2.3 del Real Decreto 124/2017, de 24 de febrero (Fines exclusivamente taxonómicos: la aplicación de principios y métodos de la identificación, delimitación y clasificación de los seres vivos, y que requiere del estudio de sas relaciones filogenéticas, así como de los procesos evolutivos y ecológicos que han generado la sidad utilizando datos morfológicos, fisiológicos, genéticos, de comportamiento y ambientales). En este caso la transmisión a terceros únicamente estará permitida cuando también sea con fines exclusivamente taxonómicos, en caso contrario será obligatorio solicitar una autorización de acceso. Igualmente, si en un futuro se desea realizar una utilización con fines diferentes a los exclusivamente taxonómicos, con dichos recursos genéticos, se habrá de solicitar previamente una autorización de acceso.

Por tanto, en base a las explicaciones aportadas, se podría entender que la investigación prevista sobre *Littorina* saxatilis con el objeto de generar conocimiento sobre genética de poblaciones y los procesos de diferenciación tendría fines exclusivamente taxonómicos. Si nuestra interpretación es correcta, no se encontraría en la obligación de solicitar una autorización de acceso a dichos recursos para el proyecto referido. No obstante, tenga en cuenta que, independientemente del Real Decreto 124/2017 que regula el acceso a los recursos genéticos, es posible que necesite otros permisos para la recolección de muestras. Por lo tanto, es recomendable que se ponga en contacto con la autoridad local competente del área prevista para el muestreo.

Para más información sobre recursos genéticos, puede visitar la página Web del Ministerio: http://www.miteco.gob.es/es/biodiversidad/temas/recursos-geneticos/. Donde también encontrará un documento de preguntas frecuentes sobre el Real Decreto 124/2017, disponible tanto en castellano como en inglés: http://www.miteco.gob.es/es/biodiversidad/temas/recursos-geneticos/protocolo-de-nagoya/FAQ.aspx

http://www.miteco.gob.es/en/biodiversidad/temas/recursos-geneticos/protocolo-de-nagoya/FAQ.aspx

Confiamos en que las aclaraciones hayan sido de su utilidad. Por favor, no dude en ponerse en contacto con nosotros si necesita más información.

...IN SPAIN

Un cordial saludo

Buzón Protocolo de Nagoya

Subdirección General de Biodiversidad y Medio Natural

Ministerio para la Transición Ecológica

bzn-protocolonagoya@mapama.es











DON'T BE A BIOPIRATE

BLUE**BIOBANK**.EU

Tips for marine basic scientists to lawfully access marine genetic material & use it in Europe



What you need to do first!

1. TRACK your samples

2. SEEK information

date + place of collection description providing source previous users

visit absch.cbd.int check providing country status contact National Focal Point

...then, if relevant, there is some paperwork

FIND A LOCAL PARTNER

3. COMPLY

4. KEEP

you must keep proof of compliance 20 years after the use end

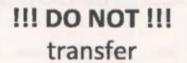
due diligence

5. DECLARE

Two EU checkpoints:

- Research funding
- Final development of a product designed for the EU market

For samples from EU registered collections, due diligence is covered



unless you have a MTA, which can be negotiated during MAT, or separately







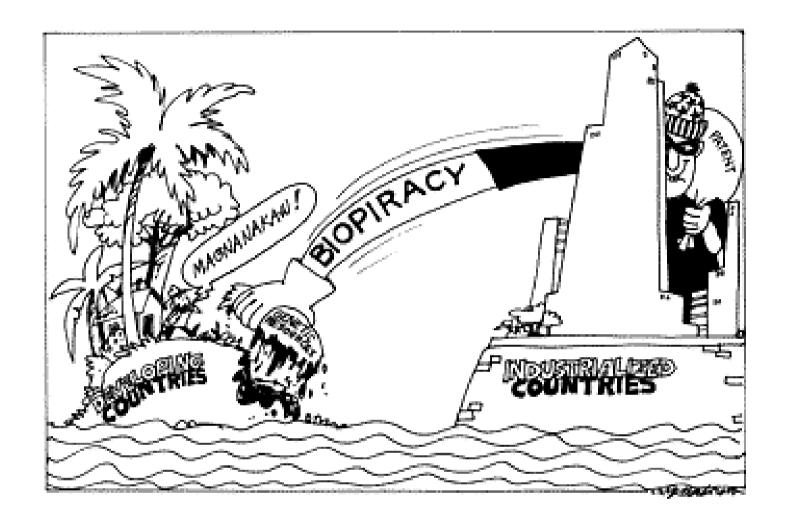


with the providing country on benefits and get the permission to sample

with a PIC and a MAT, you agree

Acknowledgements: Anne Emmanuelle Kervella, Nathalie Kowalczyc, Station Biologique de Roscoff Columbus Project

The Concept is great, but...



Biopiracy: the unethical or unlawful appropriation or commercial exploitation of biological materials (such as medicinal plant extracts) that are native to a particular country or territory without providing fair financial compensation to the people or government of that country or territory













The Concept is great, but...







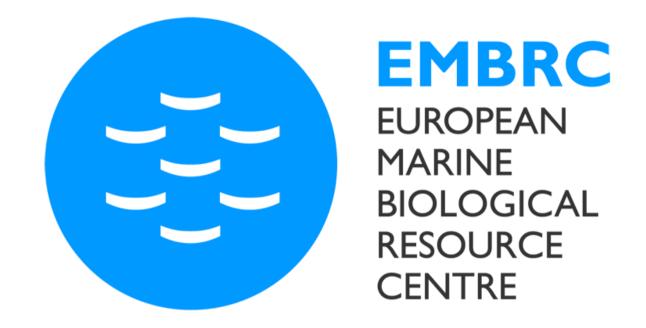






...Do not worry, we are here to help





THE EUROPEAN RESEARCH INFRASTRUCTURE FOR MARINE BIOLOGY AND ECOLOGY





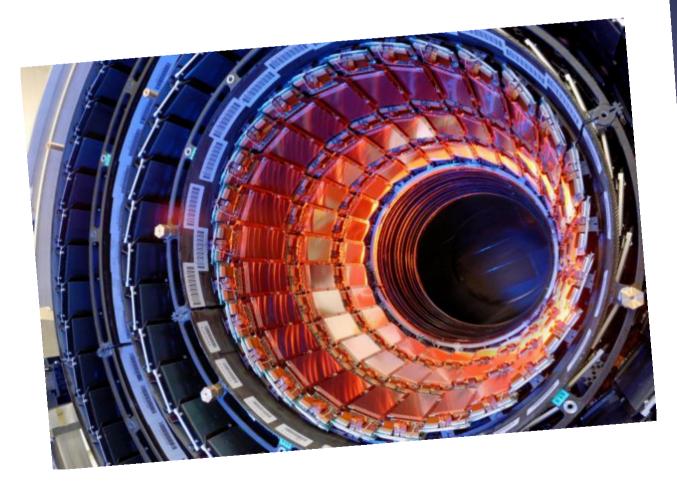






Research infrastructures (RIs) are facilities, resources and services available for the science community to conduct research and foster innovation.



















ENERGY

181 ECCSEL ERIC182 JHR

ENVIRONMENT

183 EISCAT_3D
 184 EMSO ERIC
 185 EPOS
 186 EURO-ARGO ERIC
 187 IAGOS
 188 ICOS ERIC
 189 LifeWatch ERIC

HEALTH & FOOD

190 **BBMRI ERIC** 191 **EATRIS ERIC** 192 **ECRIN ERIC** FI IXIR 193 194 **EMBRC ERIC** 195 **ERINHA EU-OPENSCREEN ERIC** 196 197 **Euro-Biolmaging INFRAFRONTIER** 198 199 **INSTRUCT ERIC**

PYSICAL SCIENCES & ENGINEERING

200 CTA ELI 201 **ELT** 202 203 **EMFL** 204 **ESRF EBS** 205 **European Spallation** Source ERIC European XFEL 206 207 FAIR 208 HL-LHC 209 ILL SKA 210 SPIRAL2 211

SOCIAL & CULTURAL INNOVATION

212 CESSDA ERIC
213 CLARIN ERIC
214 DARIAH ERIC
215 ESS ERIC
216 SHARE ERIC

DATA, COMPUTING AND DIGITAL RESEARCH INFRASTRUCTURES

BLUEBIOBANK.EU



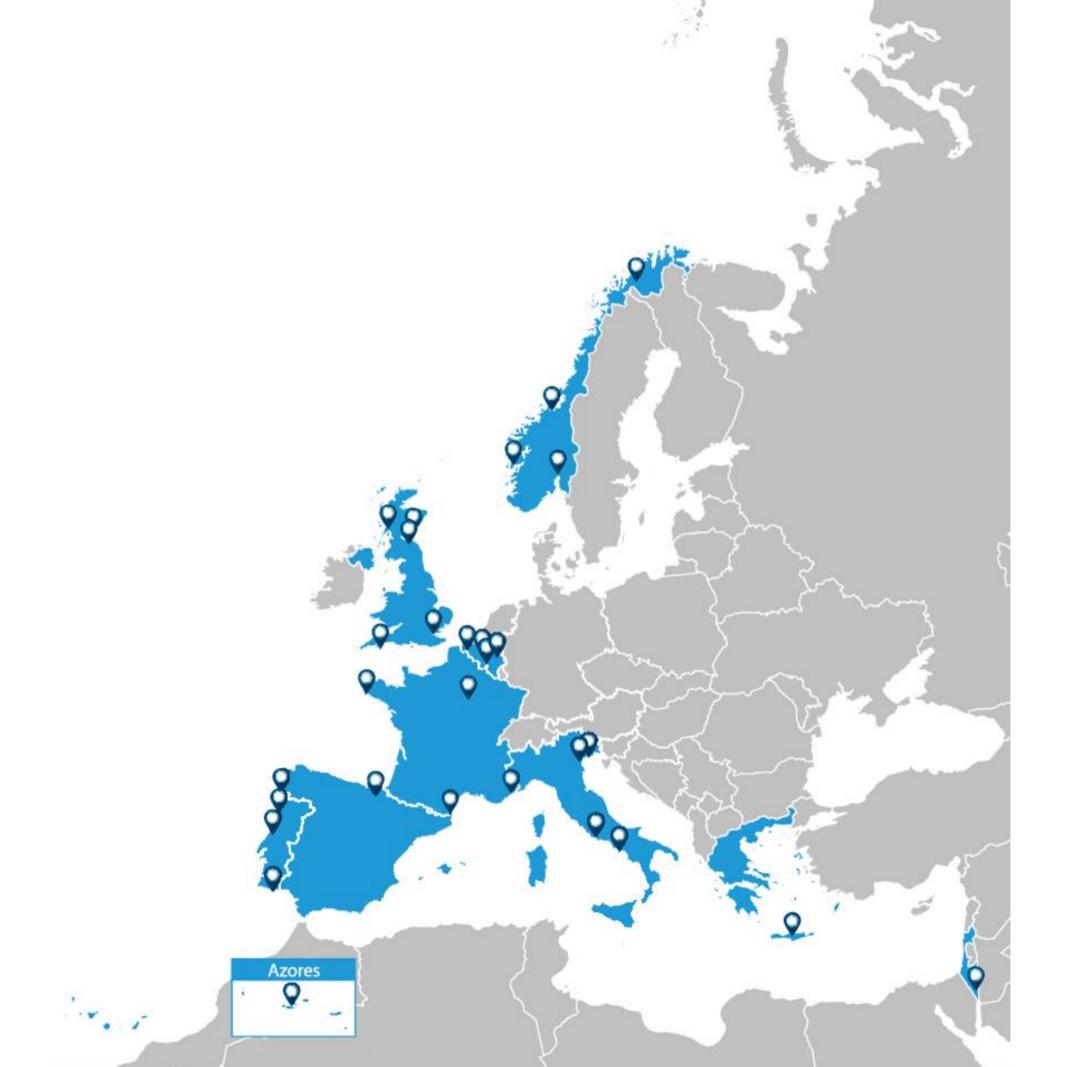


























EMBRC main service provision of MBRs





















EMBRC supports its users in ABS compliance



Research Infrastructures, that comprise culture collections (CCs) and biological resource centers (BRCs) can play a role in greatly facilitating access to biological resources by ensuring legal compliance and lawful use.

According to the EU ABS Regulation users who acquire a genetic resource from a collection registered with the European Union will be considered to have exercised "due diligence" in the seek of ABS information. The purpose of the registered collections is to substantially lower the risk of non-compliance, and to relieve the administrative burden especially for academic researchers and SMEs



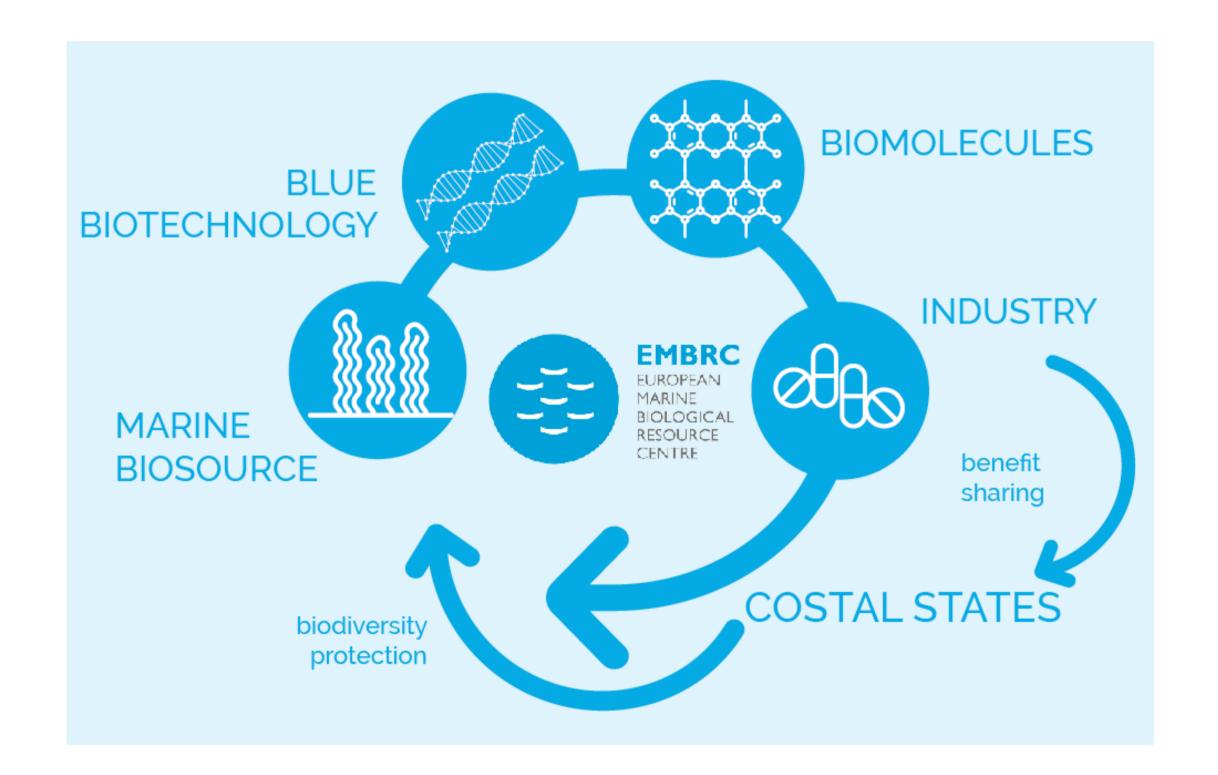








EMBRC supports its users in ABS compliance















The European Blue Biobank Project













































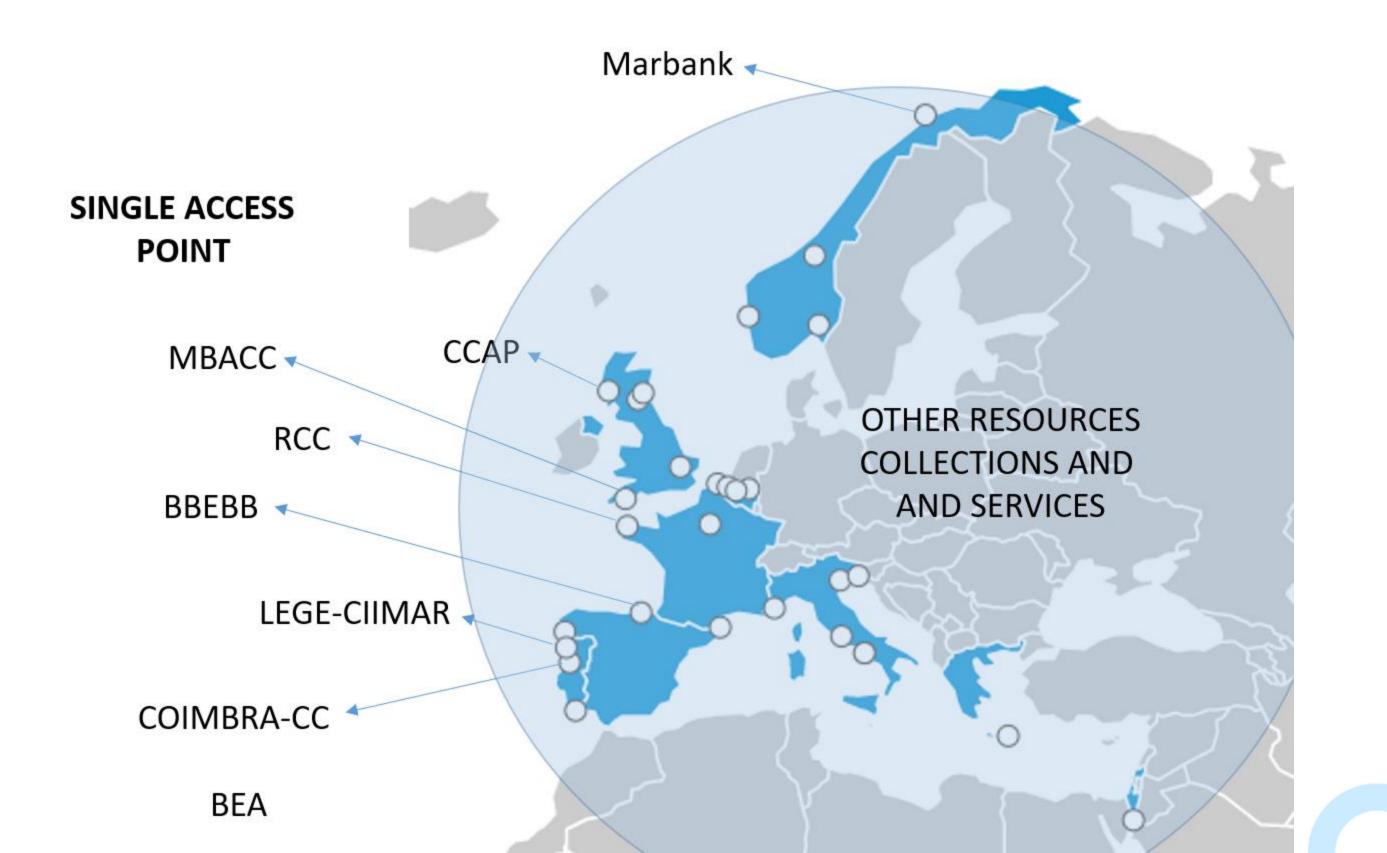






The European Blue Biobank Project

















The European Blue Biobank Project

Homogenise procedures among EMBRC collections

Implement ABS Best Practice in EMBRC Collections

Support ABS implementation

Support researchers



BLUEBIOBANK.EU













EBB OUTCOMES



The main outcome out of the EBB project is a better service to marine biological researchers through the EMBRC.

- Single access point to the world's largest open access culture collection of Marine Biological Resources (including model organisms and wild specimens)
- Suport to users in ABS compliance.











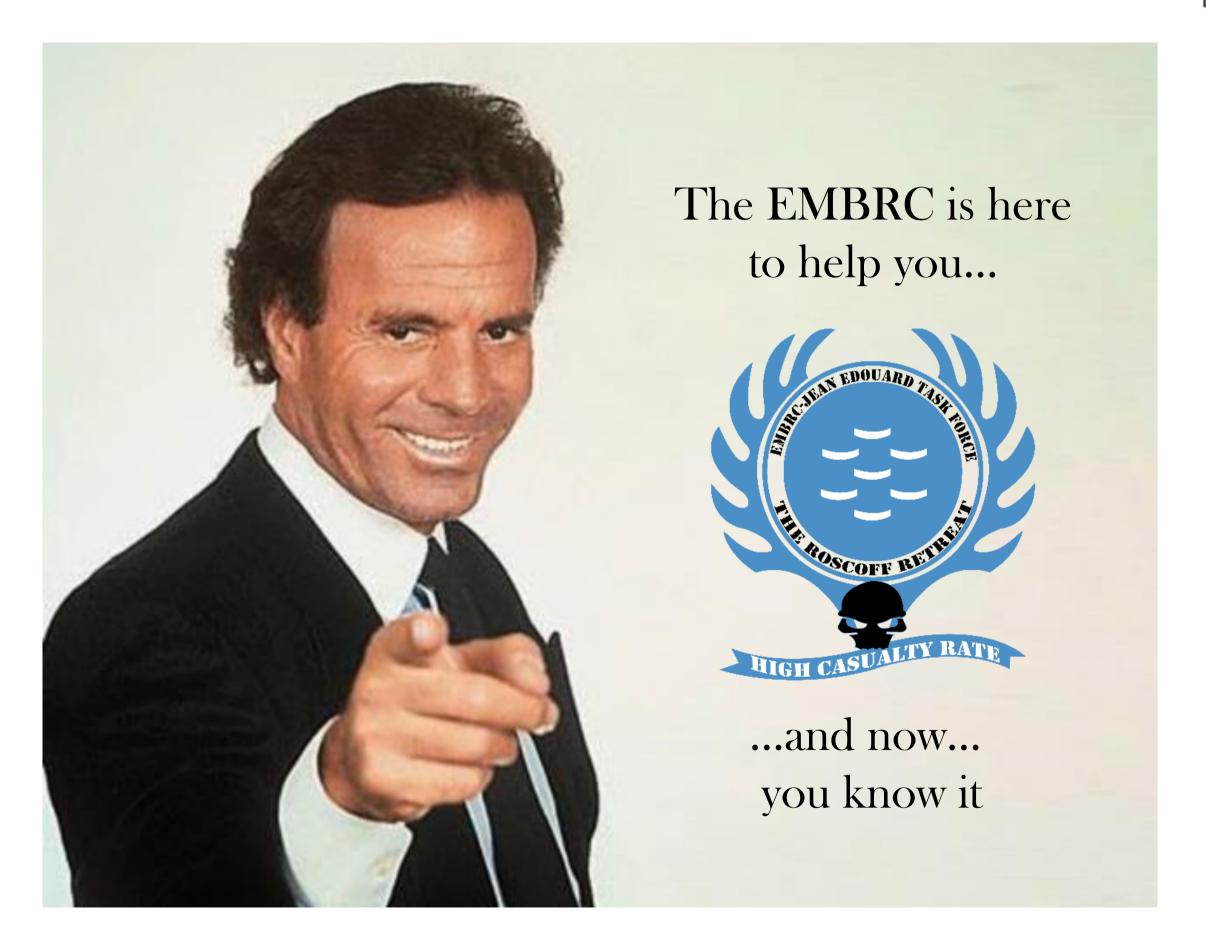












We are here to help, contact us:

EMBRC-ERIC

4 Place Jussieu - BC 93

75252 Paris Cedex 05 (FR)

Email: secretariat@embrc.eu

Phone: +33.1.44.27.63.37

EBB Project: ebb@bluebiobank.eu

ECIMAT Responsible Research Unit:

Estación de Ciencias Mariñas deToralla

Illa de Toralla s/n

Vigo, 36208

Email: ecimat@uvigo.es

Phone: +34.986.81.57.10

BLUEBIOBANK.EU













THANK YOU









