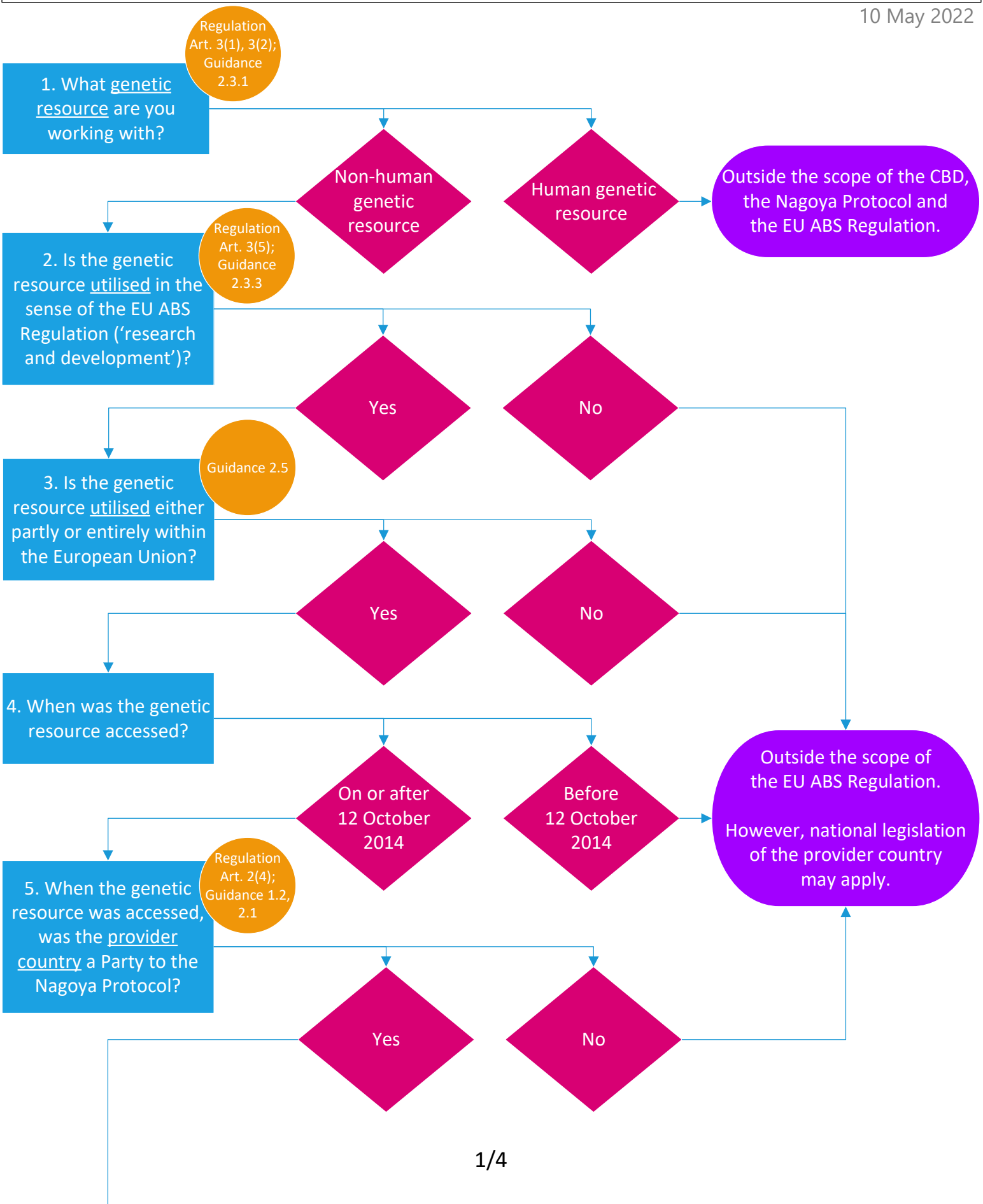
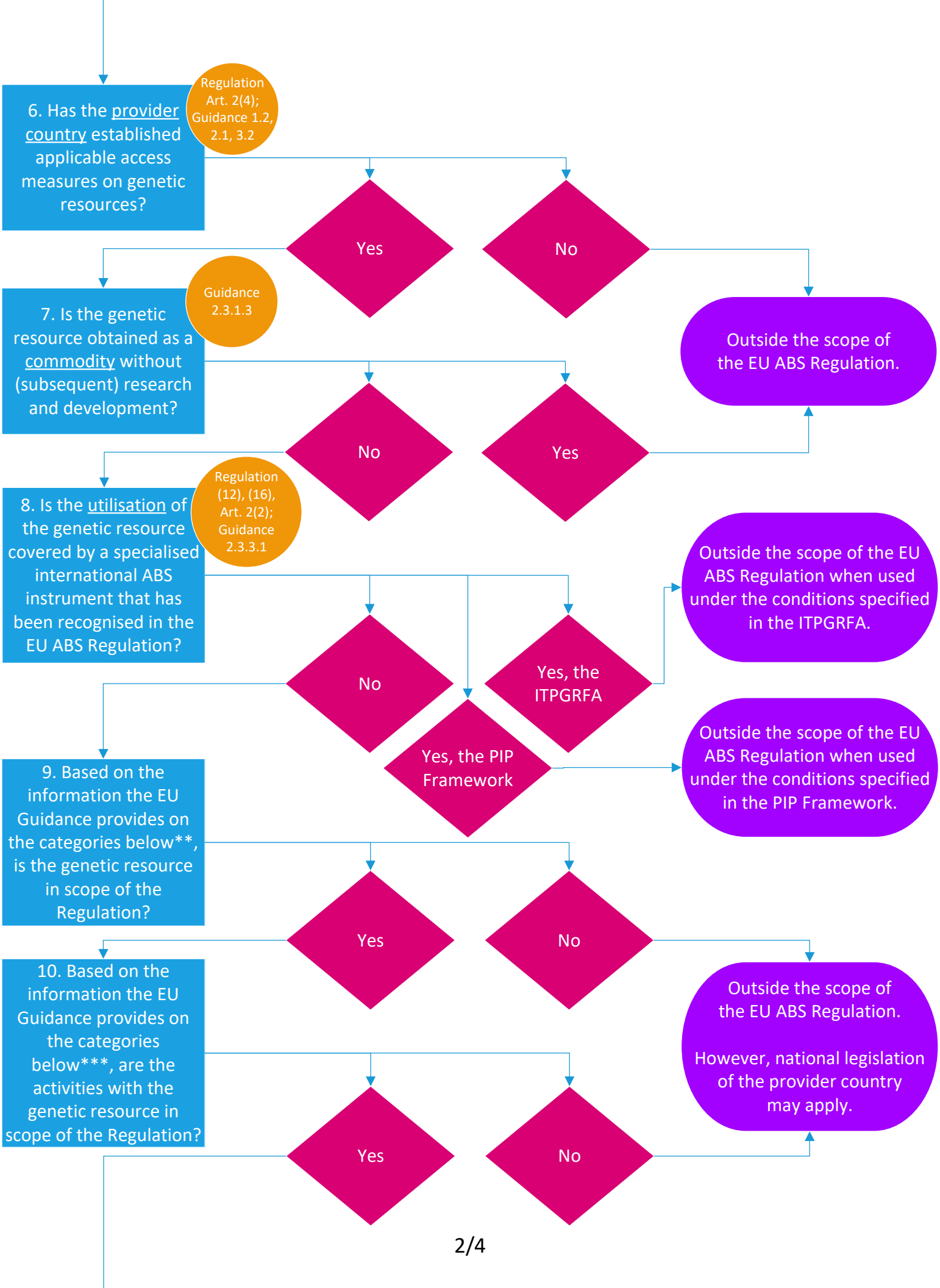
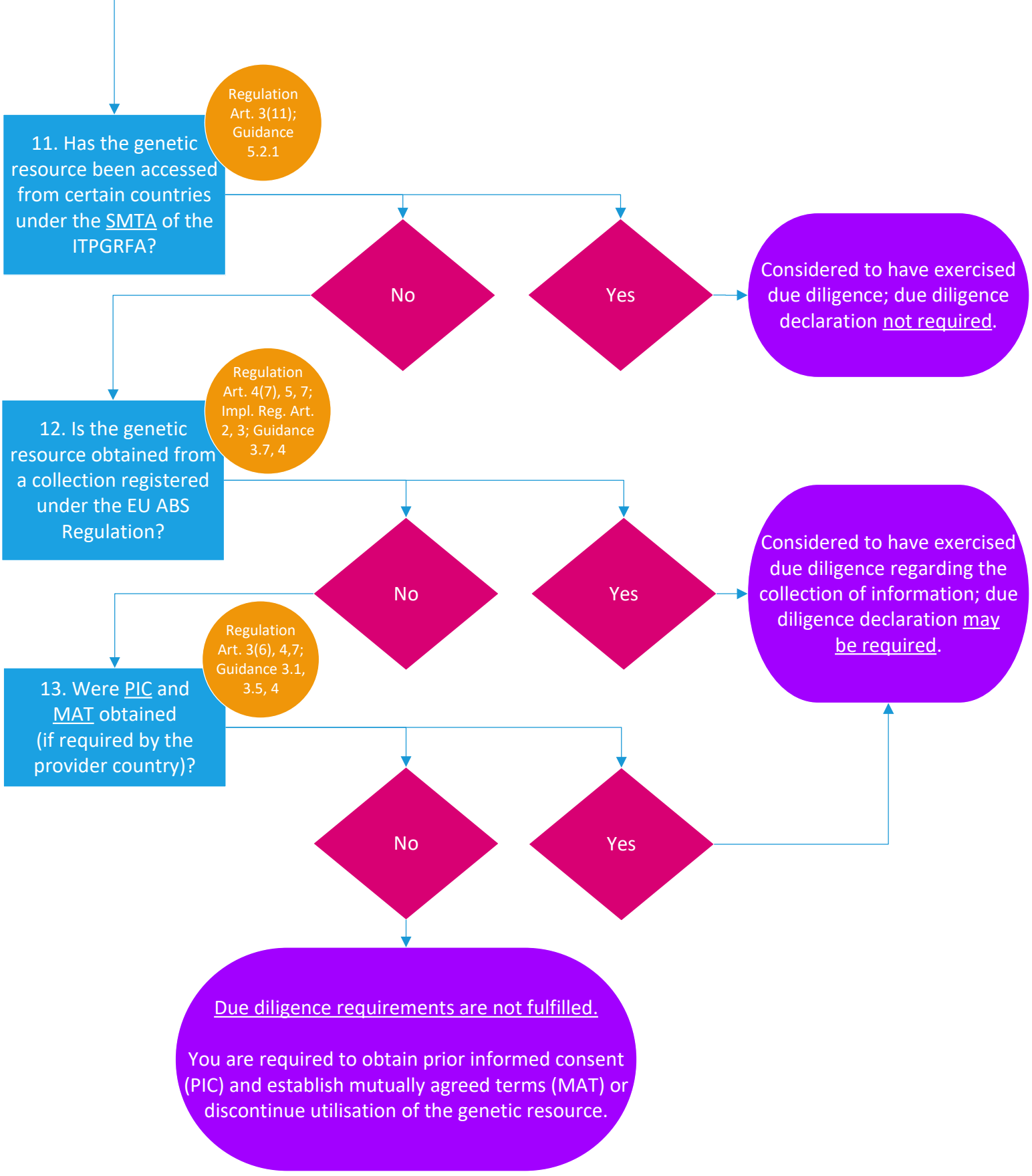
Flowchart EU Regulation on the Implementation of the Nagoya Protocol (EU ABS Regulation)

This flowchart is to be used as a supplement to the interactive help tool on the ABS Focal Point website (www.absfocalpoint.nl).
More information available in the referenced documents* and on the ABS Focal Point website.

10 May 2022




6. Has the provider country established applicable access measures on genetic resources?
Regulation Art. 2(4); Guidance 1.2, 2.1, 3.2
Yes
No
Outside the scope of the EU ABS Regulation.
7. Is the genetic resource obtained as a commodity without (subsequent) research and development?
Guidance 2.3.1.3
No
Yes
8. Is the utilisation of the genetic resource covered by a specialised international ABS instrument that has been recognised in the EU ABS Regulation?
Regulation (12), (16), Art. 2(2); Guidance 2.3.3.1
Outside the scope of the EU ABS Regulation when used under the conditions specified in the ITPGRFA.
No
Yes, the ITPGRFA
Yes, the PIP Framework
Outside the scope of the EU ABS Regulation when used under the conditions specified in the PIP Framework.
9. Based on the information the EU Guidance provides on the categories below**, is the genetic resource in scope of the Regulation?
Yes
No
10. Based on the information the EU Guidance provides on the categories below***, are the activities with the genetic resource in scope of the Regulation?
Outside the scope of the EU ABS Regulation.
However, national legislation of the provider country may apply.
Yes
No



***EU ABS documents**

Regulation	EU Regulation 511/2014 (EU ABS Regulation)
Impl. Reg.	EU Implementing Regulation 2015/1866
Guidance	EU Guidance document

****Step 9**

Consider whether the genetic resource falls into one or more of the following categories.

Before choosing 'Yes' or 'No', consult the indicated sections in the EU Guidance document to determine whether the genetic resource falls into these categories and to find more information on the scope of the EU ABS Regulation.

- Alien or invasive alien species (2.1.4);
- Released biocontrol organisms (2.1.5);
- Pathogenic genetic resources or pests introduced unintentionally in the EU (2.3.1.5);
- Associated organisms brought to the EU on an (accessed) genetic resource (2.3.1.6);
- Human microbiota (2.3.1.7);
- Traditional knowledge associated with genetic resources (2.3.2);
- Derivatives (2.3.4);
- Testing or reference tools (Annex II 7.1, 7.2);
- Laboratory strains (Annex II 7.5);
- Commercial plant varieties (Annex II 8.4);
- Forest reproductive material (Annex II 8.5);
- Animals for breeding (Annex II 8.6).

Based on the information provided about these categories in the indicated sections of the EU Guidance document, is the genetic resource in scope of the EU ABS Regulation?

*****Step 10**

Consider whether the activities with the genetic resource fall into one or more of the following categories.

Before choosing 'Yes' or 'No', consult the indicated sections in the EU Guidance document to determine whether the genetic resource falls into these categories and to find more information on the scope of the EU ABS Regulation.

- (Taxonomic) identification of a genetic resource (2.3.3.1, Annex II 6.1);
- Storage and collection management (Annex II 3);
- Rearing and multiplication (Annex II 4);
- Characterisation (Annex II 6.2);
- Phylogenetic analysis (Annex II 6.3);
- Identification of derivatives (Annex II 6.4);
- Large-scale screening (Annex II 6.5);
- Behavioural studies (Annex II 6.6);
- Breeding (Annex II 8);
- Product development, processing and product formulation (Annex II 9);
- Product testing, including regulatory tests and clinical trials (Annex II 10).

Based on the information provided about these categories in the indicated sections of the EU Guidance document, are the activities with the genetic resource in scope of the EU ABS Regulation?