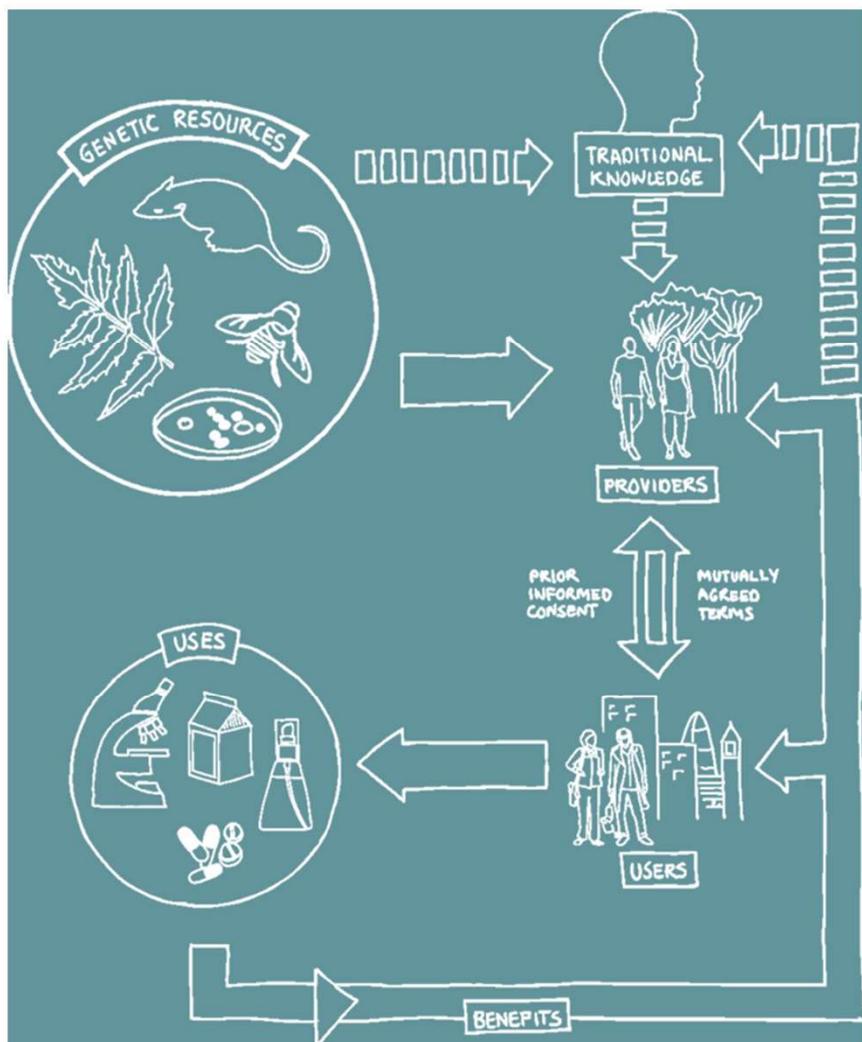




Nederlandse Voedsel- en
Warenautoriteit
Ministerie van Landbouw,
Natuur en Voedselkwaliteit



Monitoring the Nagoya Protocol / Regulation 511/2014

digital inspections

January 14th 2020

Linda Wassink-de Ligt
NVWA



Checks on user compliance

Article 9 ABS Regulation (511/2014)

4. The checks may include an examination of:

(a) the measures taken by a user to exercise due diligence in accordance with Article 4;

(b) documentation and records that demonstrate the exercise of due diligence in accordance with Article 4 in relation to specific use activities;

(c) instances where a user was obliged to make declarations under Article 7.

On-the-spot checks may also be carried out, as appropriate.





Nagoya Protocol (Implementation) Act

Section 5

Our Minister (LNV) is authorised to impose an order enforceable by remedial action to enforce the provisions laid down by or pursuant to this Act.

To restore or to prevent repetition.



Section 7

The Public Prosecution Service must be informed of an offence if this is warranted by the seriousness of the offence or the circumstances in which it was committed.



Nagoya Protocol (Implementation) Act

Section 6

1. Our Minister may, in accordance with the applicable EU regulations concerning genetic resources, take immediate interim measures in regard to users who breach provisions laid down by or pursuant to this Act
2. The costs of the measures referred to in subsection 1 are borne by the person responsible for access to or the use of the genetic resources, the owner thereof or the authorised representative of one or more of the said persons





Intervention policy NVWA

Severe violation: no due diligence with genetic materials under the NP / No due diligence declaration. No timely recovery possible, or premeditated offence.

→ Minister can impose an order enforceable by remedial action and/or the Public Prosecution Service will be informed

Violation: no due diligence with genetic materials under the NP, but not premeditated and easily recovered. Not informed about changes or updates made to a best practice or a registered collection.

→ Warning letter and re-inspection

→ No restoration or repetition → see severe violation





Intervention strategy NVWA

- Risk based approach: amount of genetic material acquired, countries of origin, species, breeders rights, patents, scientific publications.
- Sectoral approach. Awareness raising (through Umbrella organisations) followed by inspections
- 2017/2018: plant breeding / 2019/2020: public research / 2020: food and feed industry
- Complaints by provider countries: priority





Inspection Nagoya Protocol

Letter (by e-mail) → weblink questionnaire **EHerkenning**

Questions about:

- is there utilisation of genetic resources?
- type of genetic resources and provider country
- measures taken to implement the Nagoya Protocol
- tracking and tracing of genetic resources
- Due diligence declarations provided?

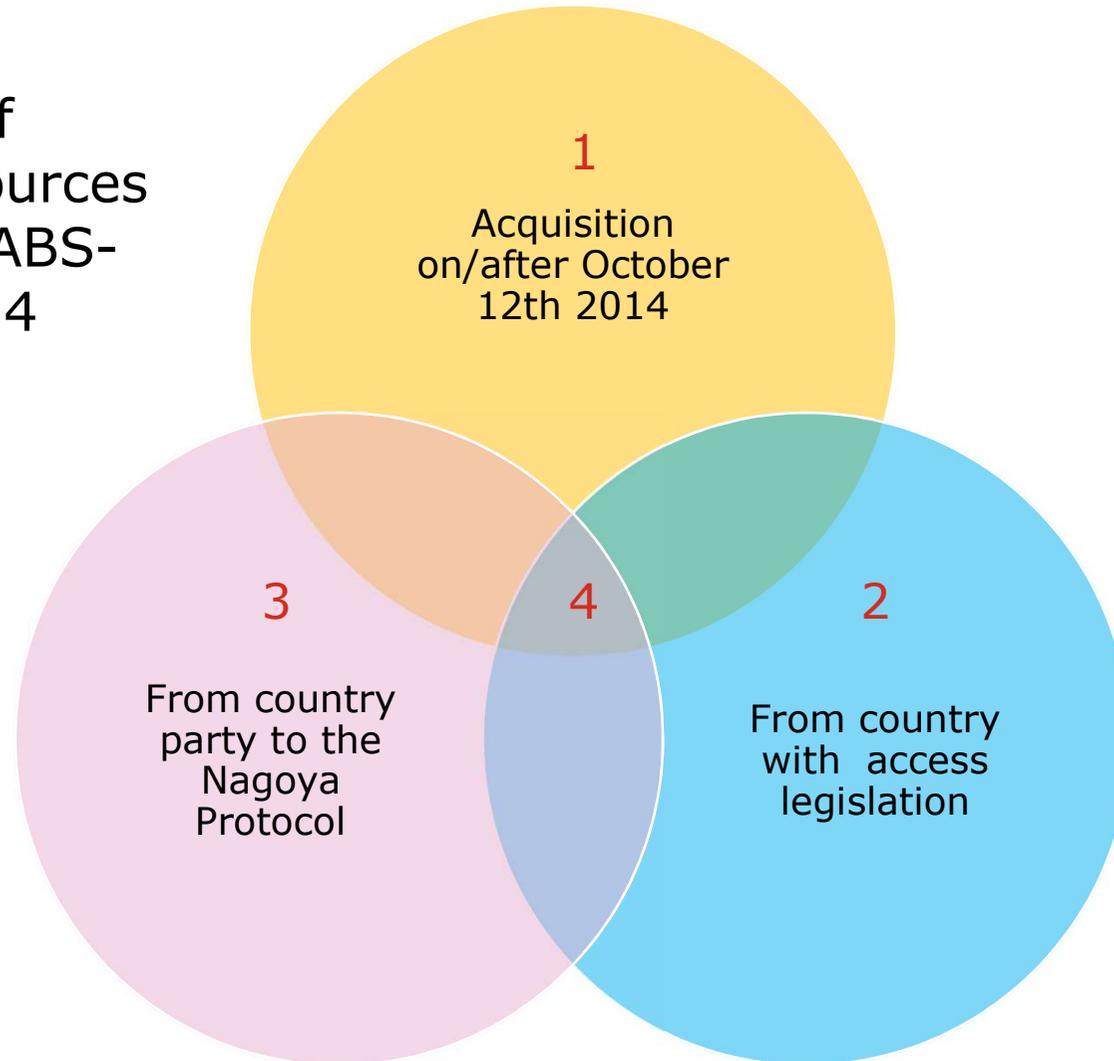
Questions about experiences with the Nagoya Protocol, what problems.

Also physical inspection possible.





Utilisation of genetic resources in scope of ABS-Regulation: 4





Questions?

Questions about monitoring and compliance: NVWA

Contact person: Linda Wassink-de Ligt (L.wassink@nvwa.nl)

<https://www.nvwa.nl/onderwerpen/nagoya-protocol>

Additional information regarding eHerkenning: <https://www.nvwa.nl/over-de-nvwa/hoe-de-nvwa-werkt/zakendoen-met-de-nvwa/eherkenning>

General questions: National Focal Point ABS:

<https://www.absfocalpoint.nl/en/absfocalpoint.htm>