Report: EU ABS Networking Event

Monday 14 June, 14:00-16:00 p.m. (online event)

Introduction

The EU ABS Networking event held on 14 June 2021 allowed the ABS community to touch base, exchange on the work that has been done to support users of genetic resources and to discuss the direction in which things are (or could be) moving. Due to the COVID-19 pandemic and cancellation of many events, there had been few opportunities for such exchange over the previous 18 months.

The event was attended by 120 people from the user community across the European Union, including both the academic and business sectors.

The program included:

- impulse presentations from various actors who support users of genetic resources with ABS;
- an audience poll and Q&A;
- a short panel discussion with actors from the user community about their perspective on challenges and ongoing needs; and
- an expert panel discussion about what opportunities exist for the future.

The event was hosted by the Leibniz Institute DSMZ-German Collection of Microorganisms and Cell Cultures (DSMZ)/German Nagoya Protocol HuB and co-organized with the Dutch National Focal Point (hosted by Wageningen University and Research), the European Marine Biological Resource Centre (EMBRC), ABS-int, the Union for Ethical Biotrade (UEBT) and the Natural History Museum London.

Impulse presentations

Web-based resources and direct user support for academic researchers, Elizabeth Karger, DSMZ/German Nagoya Protocol HuB

Elizabeth Karger gave a short overview of the German Nagoya Protocol HuB (GNP HuB), a project funded by the German Government that supports the academic research sector in Germany with access and benefit-sharing (ABS) compliance.

A new website (www.nagoyaprotocol-hub.de) has been created, which functions as the central communication instrument in the project and answers basic questions, provides links to existing resources and includes new products, such as infographics, an ABS strategy checklist and a podcast series. The website takes an inviting, informal and pragmatic approach based on real experiences (e.g. FAQs and case studies) and using simplified language. Data on website usage shows that it is being used regularly by people in Germany and from across the world.

A help desk has also been established, which can be contacted by academic researchers in Germany to ask questions if the information on the website does not cover their enquiry. The help desk creates a "safe space" for asking questions, i.e. the GNP HuB is not the regulator and all enquiries are confidential. The help desk has received a number of enquiries covering ABS in provider countries, the scope of Regulation (EU) No 511/2014 (EU Regulation), due diligence, user checks etc. Only general information is provided and no legal advice.

Networking has also been a key part of the project with the establishment of the GNP HuB Network and peer learning among actors through regular online meetings. Awareness-raising activities are also being done, especially information sessions for universities and research institutes.

Experience shows that there is a need for support among academic researchers, who have difficulties dealing with the complexity of ABS and who often have no direct support from their respective institutions.

Institutional implementation & best practice, Chris Lyal, The Natural History Museum London

Chris Lyal started by pointing out that institutions need to take into account that ABS goes beyond the Nagoya Protocol and the EU Regulation. To ensure that all legal provisions are respected, institutions must have clear and supportive policies and procedures, implement adequate workflows and inform staff about what they need to do. There are different tools available to support such processes, e.g. a self-assessment tool (https://nagoyaprotocol.myspecies.info/content/self-assessment-tool-abs-compliance-organizations) that helps institutions to work out whether they are ABS compliant or if not, what they need to do to be compliant. Another helpful tool is the CETAF Code of Conduct and Best Practice (CETAF Best Practice), which helps organizations to manage ABS requirements. It is the first and only best practice recognized by the EU Commission and is based on input from people and institutions all over Europe. Chris noted that all institutions are different and have varying legal structures, which is why the CETAF Best Practice is not a step by step guide but focusses on outcomes to be achieved by the institution and provides ideas for how to get there. Other tools that support institutional compliance were also mentioned, such as standard material transfer agreements (MTAs) or model clauses for benefit-sharing agreements, e.g. from the ABS Capacity Development Initiative.

ABS resources for business and industry and the UEBT approach to ABS, Valerie Normand, Union for Ethical BioTrade

Valerie Normand summarized the available ABS resources for business and industry, including guidelines and codes of conduct (e.g IFPMA guidelines), websites with guidance for members (e.g. Euroseeds), as well as sector or company level activities like conferences and trainings. She noted that these tools are becoming more targeted towards helping companies navigate ABS rules in specific countries and often assist companies in developing internal due diligence systems.

The UEBT is a non-profit association, which promotes sourcing of natural ingredients with respect. It works with companies in different sectors to implement good practices in operations and supply

chains, including respecting ABS principles even if there are no legal ABS requirements. UEBT supports its members with ABS compliance through guidance and verification, training and advisory services (e.g. developing due diligence systems, ABS assessments of specific ingredients), collaborations (e.g. between companies, governments, international organizations) and information resources (e.g. database on ABS rules). While some resources are only available to paying members, there are also publicly available ABS resources on UEBT's website, including factsheets on ABS in specific countries and FAQs (https://www.ethicalbiotrade.org/resources).

ABS compliance- A user's view from life sciences companies, academia, projects, Thomas Vanagt, ABS-int

Thomas Vanagt informed the audience about ABS-int, which is a private company that offers multidisciplinary consultancy that provides specialized support on ABS, e.g. assistance in concrete negotiations and training with a focus on users, focusing on multinational and small companies but also providing services to academia.

In ABS-Int's experience, ABS is very complex, can lead to high transaction costs, and the national ABS laws in provider countries are often more complicated than just complying with Regulation (EU) No 511/2014 (EU Regulation). Companies seem to be allocating resources for compliance and there is willingness to comply. ABS-int supports such companies with a systemic approach to compliance, including setting up a documentation management system that fits to the particular organization. Thomas also pointed out that staff training is very important so that all actors dealing with genetic resources know what ABS is and what their responsibilities are.

Audience poll

An audience poll was conducted to get a picture of who was listening in and what their experiences are.

- Around half the participants indicated that they provide support to researchers on ABS, with around one quarter being direct users.
- 85% of the audience indicated that they feel more informed about ABS than they did five years ago.
- Participants were asked about which types of resources they find most useful for ABS compliance. Almost 80% of people indicated that guidelines and best practices as well as web-based information were useful. Around two thirds of the participants indicated that formal information points are also useful, with less than one half regarding help desks as a useful resource. It may be that such help desks are uncommon and those that exist are not widely known.
- Most people indicated that their institution had measures in place to support ABS compliance. This was somewhat of a positive surprise and for those institutions without measures, it would be important to explore what is needed at their respective institutions.
- Three quarters of the respondents indicated that they know where they can ask for help with only a small percentage not knowing this.
- Since the webinar was international, it is not surprising that some of the resources discussed in the impulse presentations were new for participants. Especially the resources provided by UEBT and ABS-int were unknown for many people. Organizations and specialized companies focusing on ABS and providing such services are quite unique. A number of participants knew about the GNP HuB but most likely because they are in the German user community and

active in the GNP HuB network. It is hoped that the webinar exposed the participants to new supporting resources and pointed them in the right direction.

For the full results of the poll, refer to the Annex.

Questions from the audience

There were a couple of questions from the audience.

- One person asked what to do if there is outdated or no information in the ABS Clearing House (ABSCH), which is not an uncommon problem. It was pointed out that the information in the ABSCH is provided by the State Parties to the Nagoya Protocol, meaning the Secretariat of the Convention on Biological Diversity, which hosts the ABSCH, cannot change or add any information. It was suggested that if information is missing, researchers should contact the National Focal Point or the Competent National Authority in the provider country or make the Secretariat aware of the problem. Researchers can also use of their own networks or ask other researchers who might have experiences in that country about ABS.
- One participant pointed out that provider countries are in a difficult position if they do not know what users are really intending to do with genetic resources from their country and this can delay ABS processes. It was pointed out that users should be proactive in addressing such concerns. In the CETAF Code of Conduct, for example, there is a model statement that can guide users with writing down all of the potential uses for material, which can clarify what can and cannot be done on both sides and help provider countries with deciding about whether to grant access to genetic resources. It was commented that the use of Best Practice and other guidelines can generally help with building trust as it shows providers are committed to fulfilling ABS requirements.

Panel discussion–perspectives from the user community

This panel discussion was moderated by Elizabeth Karger of the German Nagoya Protocol HuB/DSMZ. The participants included people from both the academic and business sectors and provided the user perspective on ABS.

Monique Hölting is the Nagoya Protocol contact person at the Zoological Research Museum Alexander Koenig in Bonn, Germany. As a CETAF member, the museum is committed to CETAF Code of Conduct and Best Practice (see impulse presentation from Chris Lyal) and chose to adapt them to their own institutional needs. She provided input on that process and the priorities of the institute. The researchers at the museum wanted guidelines that were short and clear, which resulted in the Best Practice being shortened, flowcharts and graphics being added as well as details concerning storage of ABS documents at the museum (original and digital copies). The challenge for the institute was to make as few changes as possible to existing workflows and to involve the researchers in the process, which was key to acceptance of the proposed changes. She also noted that awareness-raising was important to ensure that actors know what the implications of guidelines are.

Koen Verhoeven is a researcher at the Netherlands Institute of Ecology. His institution does not have any ABS guidelines so when he became the coordinator of a pan-European network that wanted to investigate and share plant samples across institutions in Europe, he had to deal with ABS on his own. He started by looking in the ABS Clearing House (ABSCH) but found it confusing so he contacted the Dutch national focal point for guidance on ABS, which steps need to be taken and how to use the

ABSCH. This support provided clarity and he was able to move forward, although he was unable to obtain information about ABS from some countries, e.g. because they did not respond to his enquiries about ABS.

Christian Galassso from the Stazione Zoologica Anton Dohrn di Napoli highlighted the importance of having national collaborators in the ABS process when obtaining genetic resources from Spain. His local collaboration partners were key. He pointed out that overcoming practical challenges like language barriers and dealing with administrative processes can be much more efficient and straightforward if local actors are engaged in the process. While the proposed research was non-commercial, there may be opportunities in future to continue with applied/commercial research, meaning a further permit may be needed, demonstrating the potential transitions that can be made between non-commercial and commercial research.

Ricardo Gent is the Executive Director of the German Association of the Biotechnology Industry (Deutsche Industrievereinigung Biotechnologie) and provided the business perspective on user needs. The association represents member companies and is active at both the political and implementation level. He pointed out the need for reliable and predicable regulatory environments for business. In his point of view, the current ABS framework is too complicated and creates conditions which are not certain enough for companies. However, he also pointed out that ABS can work and that there are positive examples in some countries, e.g. Costa Rica. He noted that all types of companies are affected, although large multinational companies typically have sufficient resources at hand to deal with ABS. Small companies and start-ups, on the other hand, do not. Some companies reach out to the association for guidance on ABS and due diligence. He emphasized the need for understandable ABS rules for business and indicated that companies will avoid using material from certain countries if ABS rules are too complicated. He also suggested that providers should incentivize companies to do research so that they can share benefits.

Expert panel discussion – Moving forward

In the last session, the members of the expert panel reflected on the inputs heard and their personal experience to explore how the user community could be best supported in future. The panel members were Martin Brink, the Dutch ABS National Focal Point (hosted by Wageningen University and Research), Mery Ciacci of the European Commission, Thomas Greiber of the German Federal Agency for Nature Conservation and Anne Emmanuelle Kervella of the European Marine Biological Resource Centre (EMBRC- ERIC). The panel was moderated by Amber Scholz of DSMZ.

The panelists were asked a series of questions.

What do users need? What are the main challenges?

ABS is very complex for users. Users need simplicity and clarity. While they understand the logic, it is difficult to comply with the rules and the information available to them is often incomplete. They need more support from their institutions, especially in the public sector. There is a continuous need for awareness-raising. While there is a lot of information and knowledge about ABS in the user community, users often need experts/people to help implement it. Complexity should be reduced and until that happens, ensuring the sustainability of support is necessary. Ensuring the sustainability of this support is one of the major challenges.

Which opportunities exist and which of these are realistic and feasible?

The ABS framework addresses individual scientists. It could also be beneficial to provide incentives and frameworks for better partnership between users and provider countries. Large organizations could consider setting up framework agreements with different countries so that individual researchers do not have to deal with individual ABS permits. ABS issues can be included in research cooperation agreements between organizations in different countries. However, small companies/organizations that are not in a position to negotiate such framework agreements should not be overlooked. Governments could potentially adopt framework arrangements to promote joint partnerships/research programs in key sectors that use genetic resources and include ABS measures. ABS should be seen as an opportunity for both users and providers.

While there are some forums in place, e.g. the EU Commission has a consultation forum in place to clarify the EU Regulation with stakeholders and to take into account the challenges perceived by the stakeholders in the revision of the guidance document, there is a lack of dialogue during negotiations with stakeholders. Policy makers should try to facilitate more dialogue with the people who have to deal with regulations once implemented. In the short term, there should be continued networking and exchange to build on experiences and learn from them.

Are there real opportunities to simplify ABS?

With respect to the EU Regulation, the new Guidance Document has done a lot to clarify the scope. It is important to ensure that dialogue around the Regulation and EU Guidance document continues.

Rules in provider countries and in the EU need to be differentiated. The EU does not have any influence in provider countries but it can provide feedback on user experiences. Harmonized ABS procedures for interested countries would be very helpful but are probably unrealistic for now.

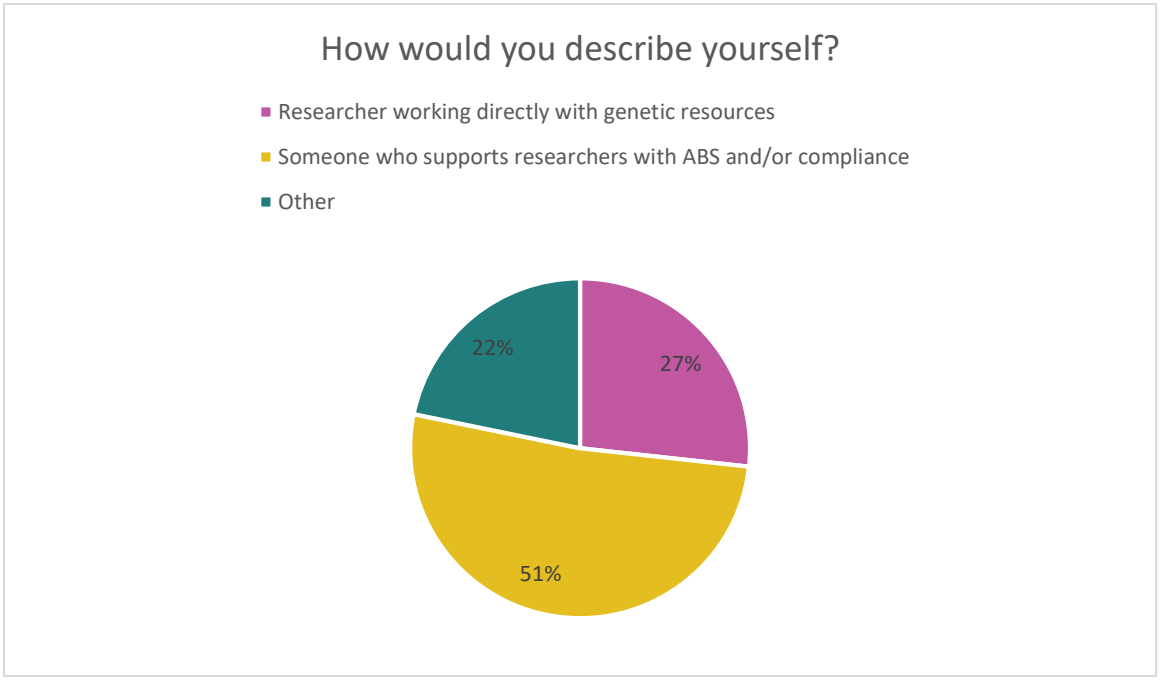
Conclusion

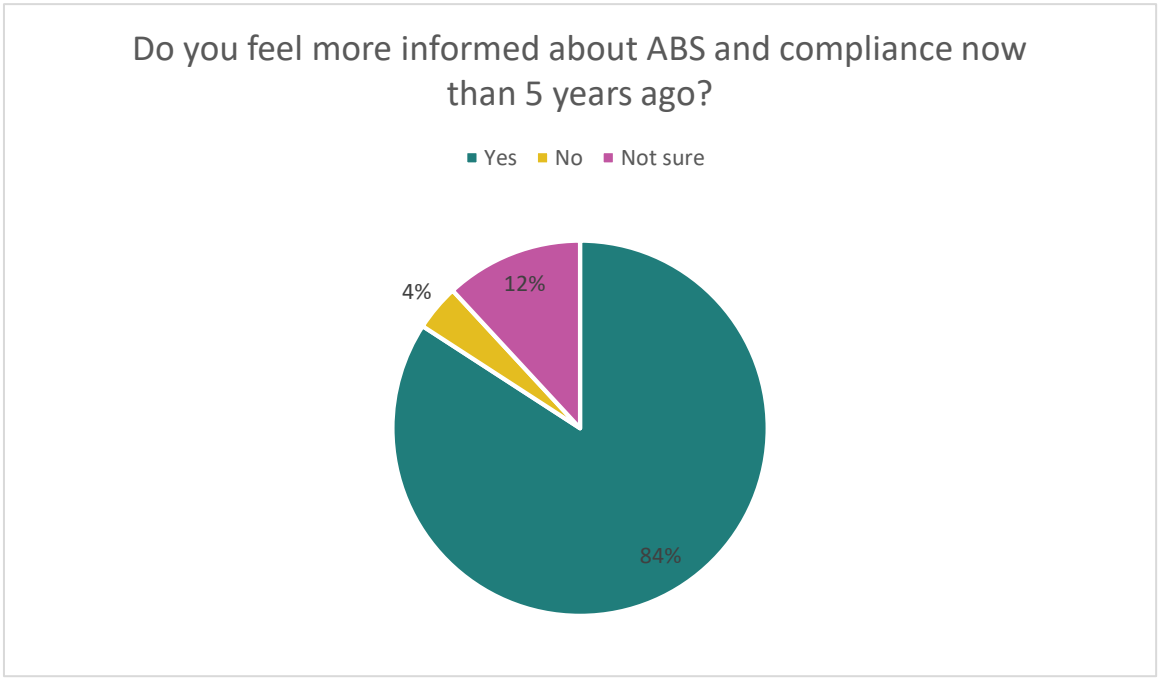
The EU ABS Networking Event showcased the work being done to support users of genetic resources with ABS compliance. Progress is being made and there are already a lot of guidelines and tools out there for researchers and institutions. However, it is clear that ongoing support, networking and awareness-raising is needed as well as institutional measures to support researchers.

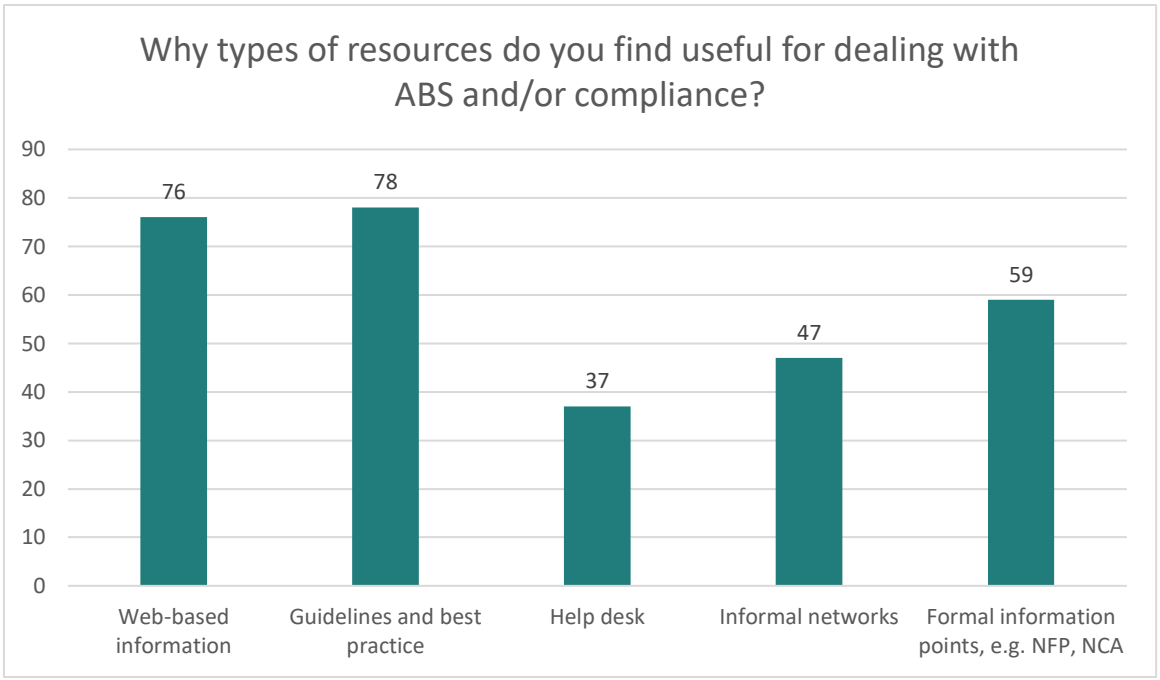
Even with good support, there are issues remaining with the ABS system which cannot be addressed by the users, e.g. the complexity of ABS rules, uncertainty as to whether ABS documentation will be obtained, unresponsive national authorities etc. Despite the challenges, it was noted that ABS should be seen as an opportunity and there is space for providers and users to explore innovative solutions.

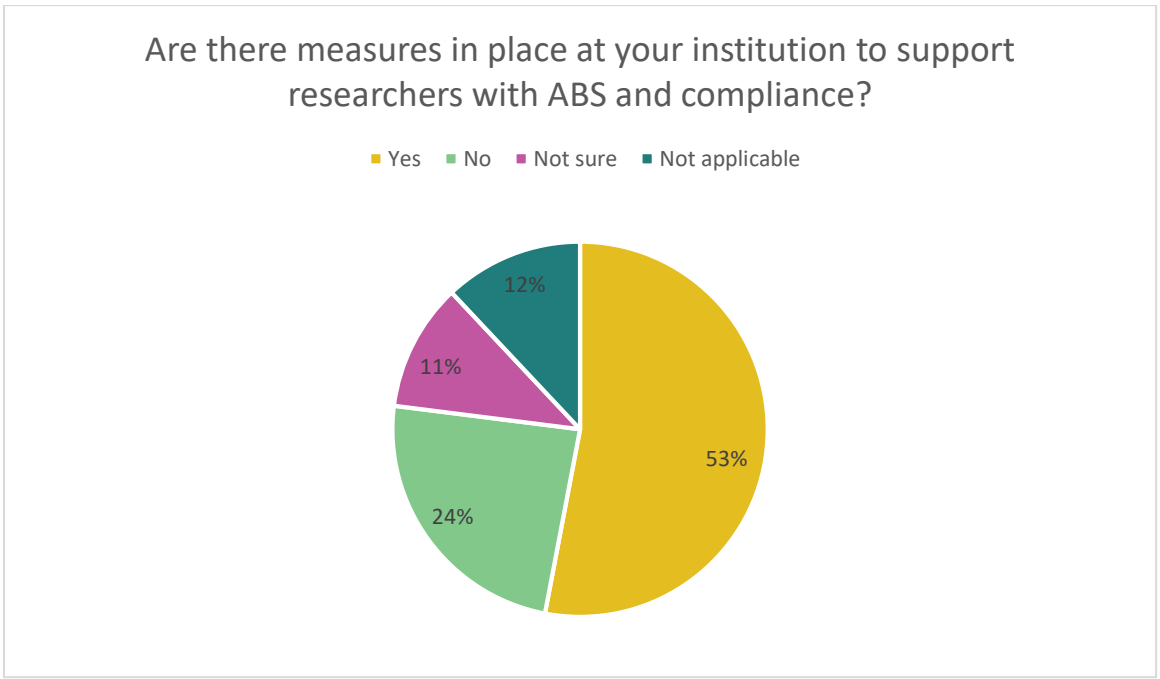
Annex

Audience Poll Results

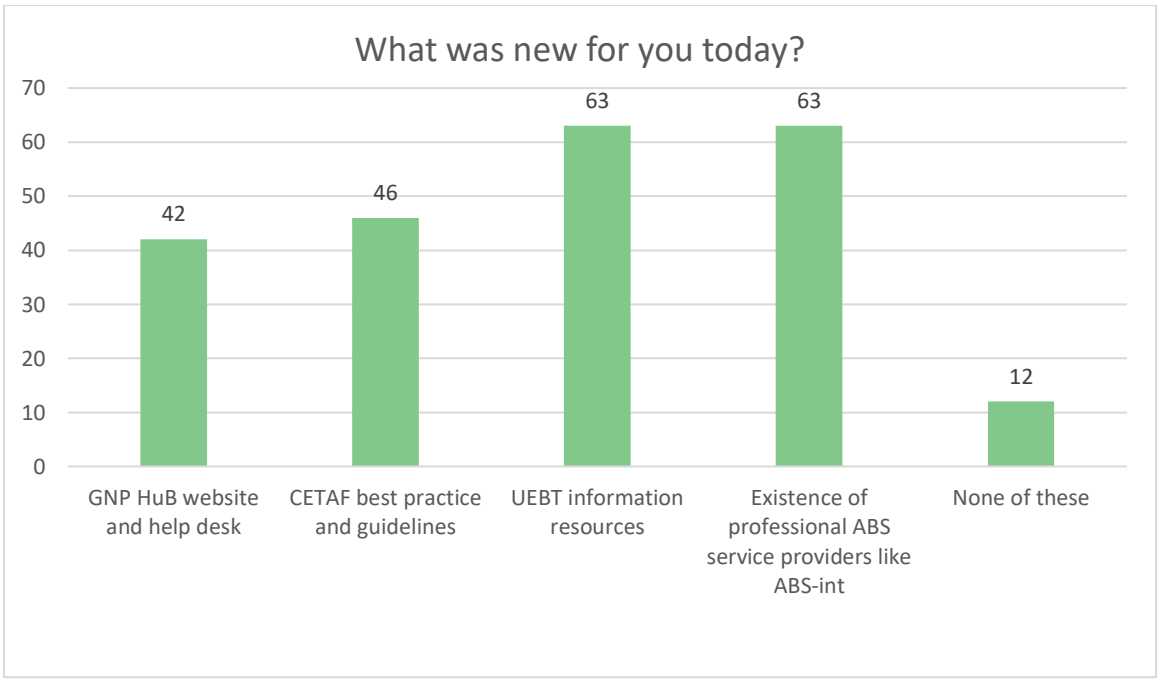





Why types of resources do you find useful for dealing with ABS and/or compliance?
90
80
70
60
50
40
30
20
10
0
76
78
37
47
59
Web-based information
Guidelines and best practice
Help desk
Informal networks
Formal information points, e.g. NFP, NCA


Are there measures in place at your institution to support researchers with ABS and compliance?
Yes
No
Not sure
Not applicable
12%
11%
53%
24%


Do you know who you can ask if you have questions about ABS and/or compliance?
Yes
No
Not sure
Not applicable
4%
13%
6%
77%


What was new for you today?
70
60
50
40
30
20
10
0
42
46
63
63
12
GNP HuB website and help desk
CETAF best practice and guidelines
UEBT information resources
Existence of professional ABS service providers like ABS-int
None of these