

REPORT

12th Meeting of the German Nagoya Protocol HuB Network (12. GNP HuB Stammtisch)

ABS in Latin America

September 5th, 15:30-17:30 (CEST), ZOOM

During Stammtisch 12 on ABS in Latin American countries, we explored ABS measures and procedures in Colombia, Peru, and Brazil. Researchers from Germany shared real-life cases detailing their experiences in requesting ABS permits from these countries, including the project description, ABS processes, and the challenges they faced. Each country session concluded with a Q&A segment featuring the participation of the respective ABS authorities, providing valuable insights and clarifications.

Welcome and project update

The meeting began with a detailed project update by Melania Muñoz from the German Nagoya Protocol Hub at the Leibniz Institute DSMZ, who provided an overview of the project's outcomes, recent activities, and future plans.

The presentation centered on two key components: improving researchers' understanding of ABS rules and actively contributing to policy development. The team has been working on developing user-friendly ABS guides, with near-completion for France and Brazil, and ongoing work for Cameroon. Additionally, the project has provided guidance to the CBD Secretariat to improve the ABS Clearing-House website, making it more user-friendly for those accessing genetic resources and associated traditional knowledge. Other significant activities include creating ABS tools for institutions and compliance officers, such as a checklist for ABS compliance at the institutional level and guidelines to include ABS in grant applications and scientific publications.

The project also plays a key role in policy discussions surrounding benefit-sharing from the use of Digital Sequence Information (DSI), developing policy briefs and advocating for a simple multilateral mechanism that does not hinder research and innovation. The recent and future policy outreach activities were summarized, including the preparation and participation in the CBD-COP16.

The new ideas for the project's rebranding were shown. The project's team is working on the transition from the German Nagoya Protocol HuB to the ABS Science HuB, which aims to expand its support for ABS compliance and policy development.

Learning from experience: real-life cases on ABS in Latin America:

ABS in Colombia.

The office of genetic resources from the Directorate of Forest, Biodiversity and Ecosystemic Services at the Ministry of Environment of Colombia, presented an overview of the country's Access and

Benefit-Sharing (ABS) regulations. Colombia operates under Andean Decision 391, which governs access to genetic resources, while the country is in the process of ratifying the Nagoya Protocol. Access to genetic resources is managed through bilateral contracts with the Ministry of Environment, which typically take 2-3 months to process, and include terms for benefit-sharing. If associated traditional knowledge is involved, separate negotiations with the respective Indigenous Peoples and Local Communities (IPLCs) are required.

The ABS authorities also highlighted exceptions for academic research that is non-commercial in nature, such as species identification, which may not require access contracts. Researchers can inquire with the Ministry for confirmation (info@minambiente.gov.co), with responses typically provided within a week. It is important to note that ABS regulations only apply to native species, allowing research on non-native species to proceed without restrictions. Keep in mind you may need other kind of permits, e.g. to export samples. The presentation concluded with a note on Colombia's progress toward ratifying the Nagoya Protocol.

ABS in Peru.

The discussion started with the user case: "Plants and Pathogens from Peru", presented by Dr. Annika Engelhardt, the ABS compliance officer at Kiel University. She provided valuable insights into the practical implementation of Peru's ABS framework. The research project initially focused on taxonomy and phylogenetic studies, which are exempt from ABS permits in Peru, according to article 5c of the ABS legislation. Dr. Engelhardt emphasized that the ABS system in Peru is clear and well-structured, making it relatively easy for researchers to navigate, with positive experiences in communicating with authorities.

As the project progressed, the research group identified a new focus on functional testing of selected genes, which now falls within the scope of Peru's ABS measures. During the Q&A session with Fiorella Briceño from the Ministry of Environment of Peru, several key points were clarified. Peru's ABS regulation includes exemptions for certain non-commercial, basic research in the areas of taxonomy, systematics, phylogeography and conservation genetics. However, any change in research intent may require an ABS permit. As a result, obtaining an ABS permit is necessary for this new phase of the project. Fiorella emphasized the importance of requesting an Internationally Recognized Certificate of Compliance (IRCC) whenever a project undergoes changes, even if prior permits were granted. She also explained that, under Peruvian law, the start of utilization is considered access to genetic resources. This means ABS permits are required for new utilization, even if the material was collected long ago.

ABS in Brazil

Dr. Doreen Babin, from the Institute for Epidemiology and Pathogen Diagnostics, Julius Kühn Institute (JKI), presented the user case: "Microorganisms from Brazil". The project involves a bacterial strain used for biocontrol against the *Fusarium* fungus, which affects banana crops. The research focused on the genetic and functional characterization of the strain. A Material Transfer Agreement (MTA) between JKI and the Federal University of Rio de Janeiro was signed. It specifies restrictions on

transferring genetic resources to third parties, extending their use for commercial purposes, or utilizing them beyond the agreed-upon research project's description.

The MTA was sent to Brazil's ABS authorities for approval and clarification of the next steps, but researchers experienced delays in receiving a response. During the Q&A session with Maira Smith from the Ministry of Environment and Climate Change of Brazil, key issues were addressed. Maira explained that while the MTA is required for shipping Brazilian genetic material abroad, compliance with Brazil's ABS legislation also requires SisGen registration for any *new access* to genetic resources. Under Brazilian law, *access* means carrying out research or technological development on Brazilian genetic resources and/or associated traditional knowledge. She also clarified the distinction between "shipment" of genetic resources (transfer of samples to a foreign institution for subsequent research or technological development abroad), which requires a previous registration in SisGen, and "sending" genetic resource samples for services (e.g. sequencing), which allows for a simplified process.

Maira further emphasized the mandatory requirement for foreign users to establish a partnership (which can be merely administrative, without scientific collaboration) with Brazilian institutions for SisGen registration. Additionally, she announced the development of a "Foreign Module" in the SisGen platform, with forms in English, featuring a simplified process for establishing local partnerships and access registration, with a projected release in 2025, after a trial period involving national and international users.

Reflection and wrap up

The 12th Stammtisch meeting provided valuable insights into ABS measures and procedures in Latin America, with a focus on Colombia, Peru, and Brazil. Researchers shared real-world challenges in obtaining ABS permits, while Q&A sessions with the respective national ABS authorities offered clarity on key aspects of their legislation. The exchange of perspectives between researchers and authorities fostered productive and insightful discussions.