

**ZMT Seminar –
Complying with “Access and Benefit Sharing” (ABS) within
the academic research sector**

July 14, 2015, at the ZMT in Bremen, Germany
Fahrenheitstraße 6
28359 Bremen

Tuesday, 14.7.2015 @ ZMT

- 11:00 – 11:15 Introduction – **Dr. Bevis Fedder** (Officer for Knowledge Exchange, ZMT)
- 11:15 – 12:15* **‘Principles of Access to Genetic Resources and the Sharing of Benefits arising from their Utilization’** – **Prof. Dr. Gerd Winter** (Head of the Research Center for European Environmental Law, Bremen)
- 12:15 – 13:15 **Lunch (drinks and light lunch will be provided)**
- 13:15 – 14:15* **‘The EU Regulation on Access and Benefit Sharing: Development and Consequences’** – **Dr. Elisabeth Hasse** (Deputy Head of the Brussels Office of the Leibniz Association)
- 14:15 – 15:15* **Access and Benefit Sharing in the Use and Exchange of Collection Specimens’** – **Dr. Peter Giere** (Curator of the embryological collection at the Museum of Natural History, Berlin)
- 15:15 – 15:30 **Small coffee break (drinks and cookies)**
- 15:30 – 16:30* **‘Good practice for Academic Research on Genetic Resources’** – **Dr. Bevis Fedder** (Officer for Knowledge Exchange, Leibniz Center for Tropical Marine Ecology, Bremen)
- 16:30 – open **Further networking opportunities (drinks)**

* Each talk will be 30 minutes presentation + 30 minutes discussion

Prof. Dr. Gerd Winter



'Principles of Access to Genetic Resources and the Sharing of Benefits arising from their Utilization'

This presentation will explain the international law framework for access to genetic resources and benefit sharing. The typical research and development process on genetic resources will be sketched out, starting with sampling and ending in publications, patents and goods. Subsequently, we will focus on how the ABS regime affects the research and development (R&D) process. Provider state rights to control the process will be examined as well as user state obligations to ensure compliance. Some controversial issues in understanding and implementing the international regime will be highlighted for further discussion.

Since 1994 *Prof. Dr. Gerd Winter* is the Director of the Research Unit for European Environmental Law (FEU) at the University of Bremen. He holds a doctoral degree in law, an honorary doctoral degree in law from the University of Luzern, and a licentiate of the social sciences from the University of Konstanz. He has been appointed to the position of a Research Professor. In addition to providing legal consultancy in various countries on administrative and environmental law development, Gerd has been involved in several research projects in cooperation with the natural sciences, including projects on access to genetic resources and benefit sharing. His publications mainly focus on European and international environmental law. Amongst these are three highly influential books on the issue of access and benefit sharing: 'Genetic Resources, Traditional Knowledge and the Law' (2009), 'Common Pools of Genetic Resources' (2013) and most recently 'Research and Development on Genetic Resources' (2015).

Dr. Elisabeth Hasse

'The EU Regulation on Access and Benefit Sharing: Development and Consequences'

In 2012 the European Commission proposed the "Regulation [...] on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union" in order for the EU to be able to ratify the Nagoya Protocol. This presentation shall focus on the negotiation procedures between the European Parliament, the Council and the European Commission as well as on the different stakeholder positions defended during that negotiation phase. This shall allow us to point out, which elements were especially controversial, and where research seemed to be in danger of becoming negatively affected by this legislation. The final Regulation was adopted in April 2014 (Regulation (EU) No 511/2014) and has now to be implemented by the European Member States. We shall therefore finally discuss the contents of the Regulation and the consequences that are to be expected by the research community in Germany, Europe, and beyond.



Dr. Elisabeth Hasse works as a Research Policy Advisor at the Brussels Office of the Leibniz Association. As well as monitoring and analysing relevant political and legislative processes in the interest of the Leibniz Association, she advises on research funding in the EU Framework Programme for Research and Innovation Horizon 2020. Elisabeth holds a PhD in Literature from the University of Basel. Before joining the Brussels office in 2011, she was member of the President's staff of the Swiss Science and Technology Council (SSTC) where her main field of activities was the evaluation of research institutions.

Dr. Peter Giere (co-authors: Dirk Neumann, Dr. Cornelia Löhne)



'Access and Benefit Sharing in the Use and Exchange of Collection Specimens'

In the past decades the collection and exchange of biological material has been subjected to an increasing number of regulations, such as in species conservation, phytosanitary and animal health, import and export, and transporting biological materials by the carriers. This set of rules has recently been increased by the additions of the Nagoya Protocol. Access and Benefit

Sharing as the central aspect of the Nagoya Protocol entails certain obligations when accessing and utilising genetic resources and traditional knowledge. Depending on the national and international legislation governing access to and use of biological material deposited in a collection, these obligations result in new reporting and documenting needs. This presentation looks at these and other obligations of museum collections with regard to specimen use and exchange and introduces resources developed by CETAF, the Consortium of European Taxonomic Facilities, in order to facilitate this issue.

After studies as a biologist and a teaching degree in Marburg, Germany and Victoria, Canada, *Dr. Peter Giere* joined the Museum für Naturkunde Berlin initially to work on his PhD in mammal cranial development. After finishing his PhD in 2002, he remained at the Museum für Naturkunde, first as a scientist, later as Curator of the Embryological Collection and head of the Centre of Collections. The focus of his work has shifted from mammal morphology to the preservation of natural history collections where he is active both within the museum and in several networks on various levels. This includes his participation in the CETAF Legislations and Regulations Group that currently mainly deals with ABS.

Dr. Bevis Fedder

'Good practice for academic research on genetic resources'

Although the ABS system is in principle a straightforward system – transfer of genetic resources in exchange for benefits – it becomes quickly very complex given the clash of potentially conflicting interests between the Recipients (research and development) and the Provider (the state providing genetic resources). For example, while research prefers easy access and as little regulation as possible when disseminating knowledge into the public domain, provider states can be interested in controlling the flow of knowledge into the public domain in anticipation of future proprietary benefits. This results in a situation unsatisfying for all sides: the scientific process is hampered, and the research chill will result in less benefits that can be shared with the Provider. In response, model agreements based on successful experiences on the ground can help striking a balance between interests on both sides and thus facilitating expeditious research and the sharing of benefits. This presentation will introduce a checklist for researchers to accommodate ABS in the research process and will explain the latest model agreement in its detail.



Dr. Bevis Fedder holds a position as Officer for Knowledge Exchange at the Leibniz Center for Tropical Marine Ecology (ZMT). He is responsible for promoting the communication between research and non-scientific stakeholders here and abroad in order to promote conservation and sustainable use of natural resources and ecosystems. He is a marine tropical ecologist by training (M.Sc.) and obtained his doctorate in environmental law on access and benefit sharing in the marine realm.