

## THE ABS-CH AND THE SECRETS OF THE NAGOYA PROTOCOL

### Mock exercise on how to register an ABS measures in the ABS-CH

---

#### **Part 1: Initial ABS measure**

In 2007, before the entry into force of the Nagoya Protocol, Middle-earth had developed a national framework to deal with access and benefit sharing issues (**Law 3/333 on access and benefit-sharing**). The law entered into force on September 1 2007 and its main provisions are the following:

- Article 2 defines issues related to the scope of the measure which deals with all magic genetic resources in Middle Earth and which includes some provisions regarding magic knowledge associated with genetic resources from Elf local communities.
- Article 3 establishes the appropriate Competent National Authority (CNA)) for granting access to different magic genetic resources.
- Articles 3-6 deal with access to genetic resources in general. Article 6 includes some provisions about access for non-commercial research.
- Articles 8-10 address access to magic knowledge from Elf communities.
- Article 11 deals with benefit-sharing
- Article 12 includes measures to ensure compliance with Law 3/333.

The original measures are written in the local language, Raetho-Romance, but Middle-earth has provided a courtesy translation of the measures in English.

The person to contact in case of questions about the measure is Frodo Baggins.

The measure can be found at <http://en.wikipedia.org/wiki/Middle-earth>

*Instructions for the exercise:*

*-Complete the common format on ABS measures with the information provided*

#### **Part 2: Amendments of ABS measures**

The government of Middle-earth ratified the Nagoya Protocol in 2014 and, for this reason, it had to adjust its legal framework to implement the Nagoya Protocol provisions. As a Party to the Nagoya Protocol, Middle-earth has adopted a new law (Law 4/444) to make sure that they comply with the Nagoya Protocol in matters related to compliance (particularly Articles 15-18 of the Nagoya Protocol). The new law amends Article 12 of Law 3/333.

The new law entered into force the 12 October 2014 and has only 5 articles:

- Article 1: scope

- Article 2: Compliance with national ABS measures
- Article 3: Establishment of checkpoints
- Article 4: Monitoring the utilization of magic genetic resources
- Article 5: Compliance with mutually agreed terms

Once again, the original measures are written in the local language, Raetho-Romance, but Middle earth has provided a courtesy translation of the measure in English.

The measure can be found at <http://en.wikipedia.org/wiki/Middle-earth>

*Instructions for the exercise:*

*-Complete the common format on ABS measures with the information provided and make sure that this is reflected as an amendment to Law 3/333.*

### **Part 3: Register guidelines**

Middle-earth has also developed some guidelines on benefit-sharing which are still in draft form to provide further guidance regarding the sharing of benefits derived from the utilization of magic genetic resources and associated magic knowledge. The guidelines are meant to support the application of Article 11 of Law 3/333.

The measure can be found at <http://en.wikipedia.org/wiki/Middle-earth>

*Instructions for the exercise:*

*-Complete the common format on ABS measures with the information provided and make sure to link the guidelines to Law 3/333.*