

Norwegian Nature Diversity Act
- Genetic Material

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Purpose

Section 1

- Protect biological, geological and landscape diversity and ecological processes
- Trough conservation and sustanialbe use
- Human activity, culture, health and well-being
- Now and in the future

For Access to Genetic Material:

The utilisation shall benefit the environment and human beings, both nationally and internationally

- o Emphasis on appropriate sharing of benefits
- o Safeguard the interests of indigenous peoples and local communities

Management

Genetic material from nature is a common resource belonging to Norwegian society as a whole

Its management rests with the State

The purpose of the law indicates how the State shall manage the resources

Access and utilisation

Special regulation to be developed that will require that access to genetic material shall be subject to permit (PIC) given by the Ministry of environment

- Exeptions:
 - For public collections
 - For use and further breeding or cultivation in agriculture or forestry
 - For taxonomic purposes

Regulation will address:

- o Conditions for prior informed consent (permit)
- o Information requirements by the applicant
- o How to ensure the rights of landowner, indigenous peoples and local communities
- o Conditions, for further utilisation, necessary to ensure that the purpose of the law is complied with

Conditions for the prior informed consent will apply to subsequent receivers/users

Public Collections

- ❑ Public collections shall be managed in accordance with the principles set out above.
- ❑ Duty to register any genetic material removed from the collection and provide public access to such information
- ❑ Refrain from claiming IPR or other rights to the material that would limit its use – unless the material has been modified substantially

Genetic material from other countries –

- ❑ Import for utilisation in Norway of genetic material from a state that requires consent for collection or export may only take place in accordance with such consent
- ❑ Possibility for the Norwegian State to enforce these conditions in favor of those who have set them – by bringing legal action;

Genetic material from other countries

Obligation under Norwegian law to;

- ❑ disclose the country of origin and/or the country from where the material is collected, or if material has been acquired in accordance with the Standard Material Transfer Agreement established under the International Treaty on Plant Genetic Resources
- ❑ for users in Norway to comply with the conditions set out in a prior informed consent of the provider country, and mutually agreed terms;

Enforcement and sanctions

- ❑ Measures to remedy or mitigate the impact of unlawful activities
- ❑ Duty to prevent/limit harm – lawful activities
- ❑ Direct implementation
- ❑ The authorities can impose a coercive fine
- ❑ The authorities can impose environment compensation in favor of the State
- ❑ Penal measures

Implementation of ITPGRFA

- Regulations will be developed regarding the implementation of the International *Treaty* on Plant Genetic Resources for Food and Agriculture of 3 November 2001 in Norwegian law.

Challenges ahead

- ❑ To develop regulation that regulate access to *in situ* PGFA/annex 1 material (150-200 species) according to the Multilateral System
- ❑ How to include Treaty provisions in new or existing regulations
- ❑ How to ensure that the regulations of access to non-GRFA is compatible with access to GRFA

We need to...

- Focus on information and communication
- Make sure that the GRFA aspects are included in all relevant documents
- Make sure that the Global Plans of Action are included in National Action Plans
- Focus on need to build capacity and networking
- Involve FAO resource persons in national initiatives