



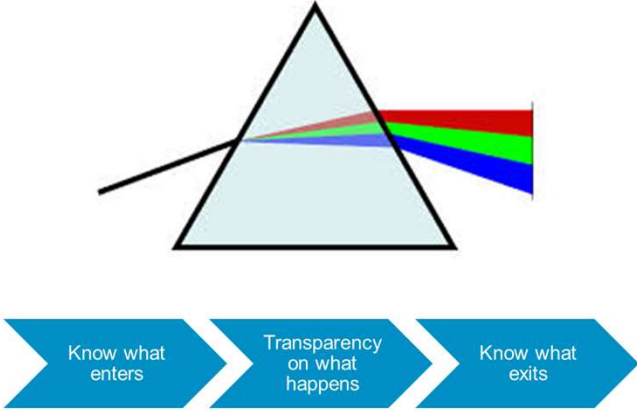
**nunhems** | **BASF**  
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## Nagoya Protocol Company measures to comply

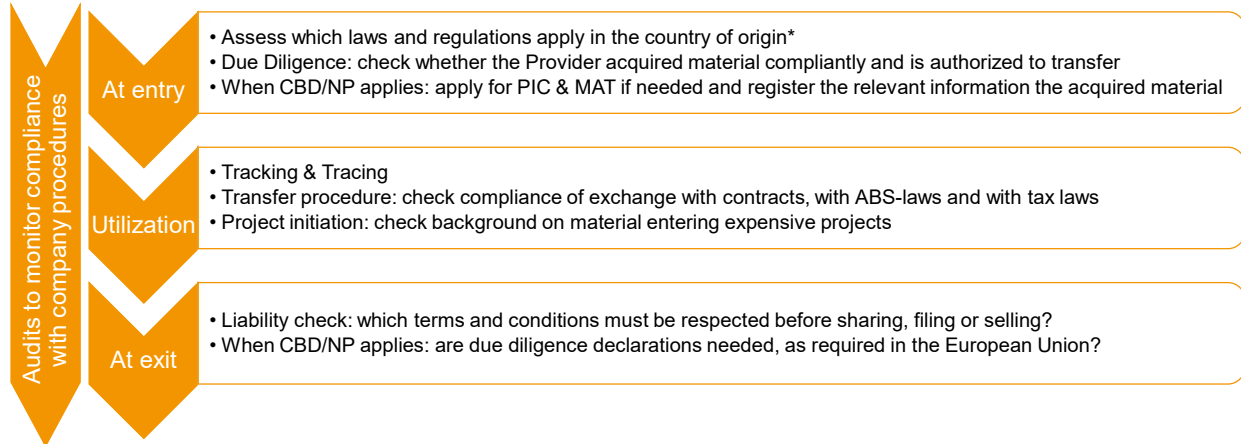
Mrs. Ir. Tonny van den Boom  
BASF Vegetable Seeds

Awareness raising UK Academics 15-11-2024

### Company measures in a nutshell

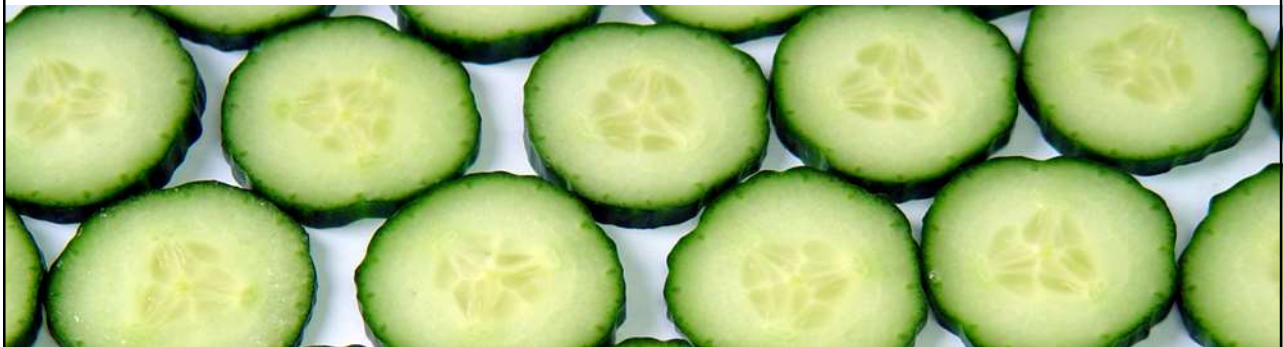


## Company measures in a nutshell



\* ABS Clearing House: <https://absch.cbd.int>; WIPO Lex: <https://wipolex.wipo.int/en/main/legislation>; FAOLEX: <http://www.fao.org/faolex/country-profiles/en/>; Union for Ethical Biotrade: <https://www.ethicalbiotrade.org/resources>;

## Company measures at BASF Vegetable Seeds



- ABS-specialists
- Implementation of procedures on acquisition and transfer of genetic resources
- Education and audits
- Track & Trace system

## Hurdles in access to genetic resources

### National laws / regulations

- are not always easy to find
- are often only available in the local language
- are different from country to country and often difficult to interpret

### Lack of legal certainty

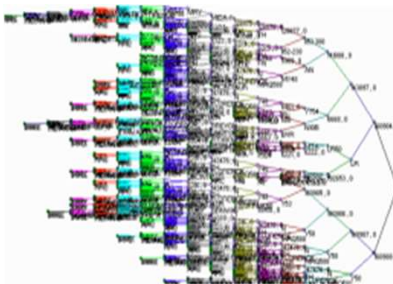
- on material scope (commercial varieties, private collections, pathogens, leaf samples)
- on definition of utilization (reference varieties, pollinators, crop rotation, tools in R&D)

### National Focal Points

- don't always speak English
- don't always respond to e-mails or only with a lot of delay (months) or in their local language
- don't always have realistic ideas on terms and conditions appropriate for the sector

## Hurdles in utilization of genetic resources

- Exchange in international networks has become difficult (anti-globalization)
- Development of disease testing protocols to ensure safe global circulation of commercial seeds has become difficult
- Accumulation of documents and obligations in development of new varieties creates complexity



## SMTA: our preferred mechanism for Access and Benefit Sharing

In 2018 Nunhems was the first user to contribute to the FAO Trust Fund based on the sales of varieties with patented traits. We make yearly payments and in total we have contributed over 600'000 USD to the Fund.

These varieties have material in their pedigree, for which we signed a Standard Material Transfer Agreement (SMTA) at the time of access.

Since it concerns non-Annex 1 material it is not in scope of the Treaty (ITPGRFA), but in scope of the CBD/NP. We would welcome it if ALL crops for Food & Agriculture would fall under the regime of the Treaty.

Nunhems was the first breeding company to do use-based payments to the FAO Trust Fund, demonstrating that the system works, but that in plant breeding you just need to be patient. Now there are at least 4 other organizations contributing.



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## Conclusions

- Conservation of biodiversity costs money, and it is fair that users of genetic resources pay their share
- The question is whether the chosen format is the best one:
  - High costs of implementation for both providers and users
  - Time consuming negotiations that slow down innovation
  - Reduced access endangers the 2<sup>nd</sup> CBD-objective (sustainable use)
  - Disappointment when access does not lead to benefit sharing
- Food for thought:
  - Can we develop a system where benefit sharing is not linked to the benefits arising from the access of a specific genetic resource?
  - Should consumers/end-users also pay their share?



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## Take home message

# COMPLY WITH ABS-REGULATIONS

## Entomologists convicted

Subhra Priyadarshini  
doi:10.1038/nindia.2008.277 Published online 8 September 2008

Despite international appeals for their release, Czech entomologists Petr Švácha and Emil Kučera were convicted by an Indian court on September 8 for violating the country's wildlife protection act. They were taken into custody on June 22 after samples of live and preserved insects collected from West Bengal's Singalila National Park were found from their hotel room in Srikhola.



Švácha (left) & #38; Kučera.  
© The Telegraph

## Captain Hook Awards FOR BIOPIRACY 2016

Biopiracy refers to the monopolization (through intellectual property, & more recently, digital sequencing & genome editing) of genetic resources & traditional knowledge or culture taken from peoples or farming communities who have developed & nurtured those resources.

### Digital Biopiracy Award:

#### DivSeek

For facilitating wide-spread biopiracy by providing access to digital sequences of the world's crop biodiversity.

### Worst Government Behaviour Award:

#### Canada

For attempting to delete any reference to digital sequences in the text at COP 13, and putting 30 million dollars into digitizing its biological collections without considering digital biopiracy implications.

### Runner-up: Honduras

For defending free and unregulated access to digital genetic sequences data with a shameless disregard for benefit-sharing.



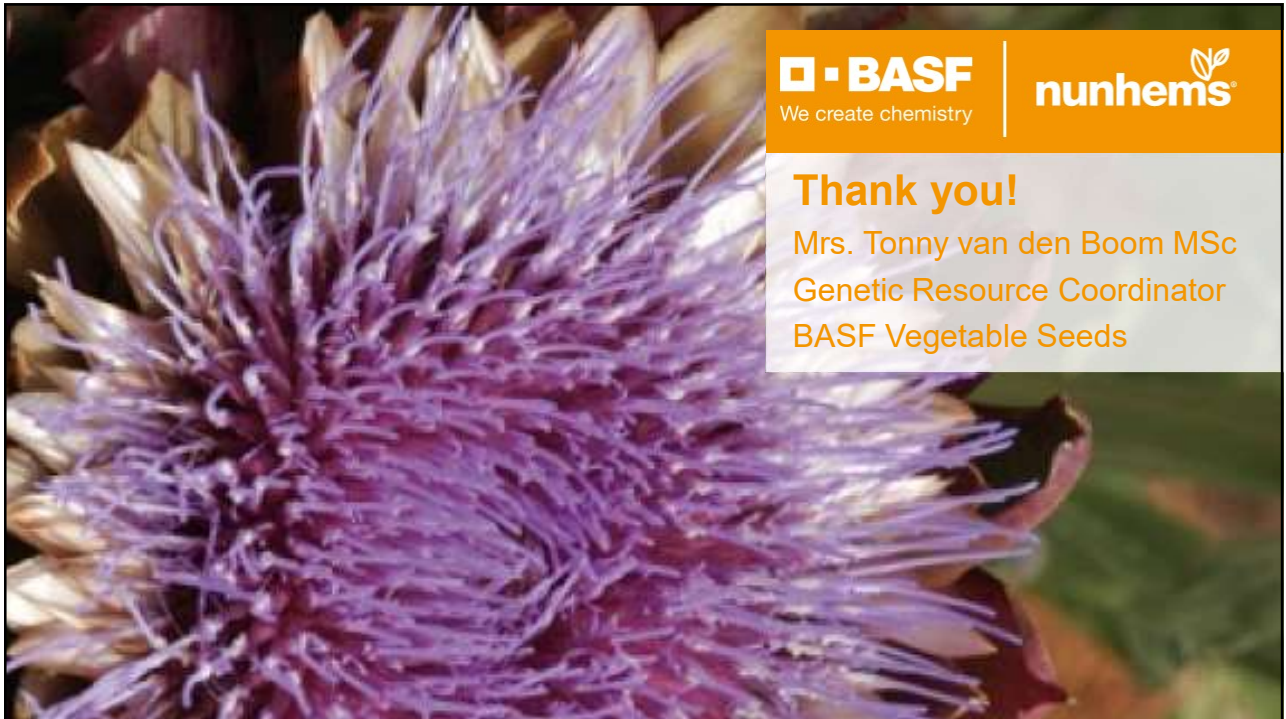
The 2016 Cog Awards

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## Thank you!

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