

Utilizing Swedish genetic resources

Guidance on what you need to do to be able to utilize genetic resources originating in Sweden.

Guidance

Laws/Regulations

Definitions

Background

Target group

- Those who wish to use Swedish genetic resources for research and/or product development.

Sweden has no specific legislation governing access to Swedish genetic resources. This means that users do not need informed consents and agreements under the Nagoya Protocol in order to utilize Swedish genetic resources.

However, for some species Sweden has legislation that restricts or prohibits all utilization.

Before you utilize a Swedish genetic resource

It is prohibited to collect certain species of plants and animals if they are protected by law or in other ways.

Check the legislation applicable to the particular species from which the genetic resource will be accessed. One such piece of legislation that you should check is Sweden's *Artskyddsförordning* (2007:845) (the Swedish Species Protection Ordinance).

If you want to use a species covered by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), you might also need apply for a CITES permit. In the EU, CITES is implemented through Council Regulation (EC) No 338/97. (Link below)

If the resource is found outside protected areas

Almost all plant and animal species as well as fungi and other organisms in Sweden that are found outside protected areas such as nature reserves and national parks can be used with only the permission of the landowner, or under Sweden's right of access to private land (*allmansrätten*).

You can utilize a genetic resource without the landowner's permission if it is obvious that the resource has no economic value for the landowner and your utilization does not cause any harm to the landowner.

If the resource is found in a protected site

You may need an exemption or permit under Sweden's Environmental Code from the county administrative board, or in some instances the municipality, if the genetic resource is found in a nature reserve or a national park.

Contacts

- > You apply for CITES permits from the Swedish Board of Agriculture
- > The county administrative boards: www.lansstyrelsen.se/

Contact at Swedish EPA

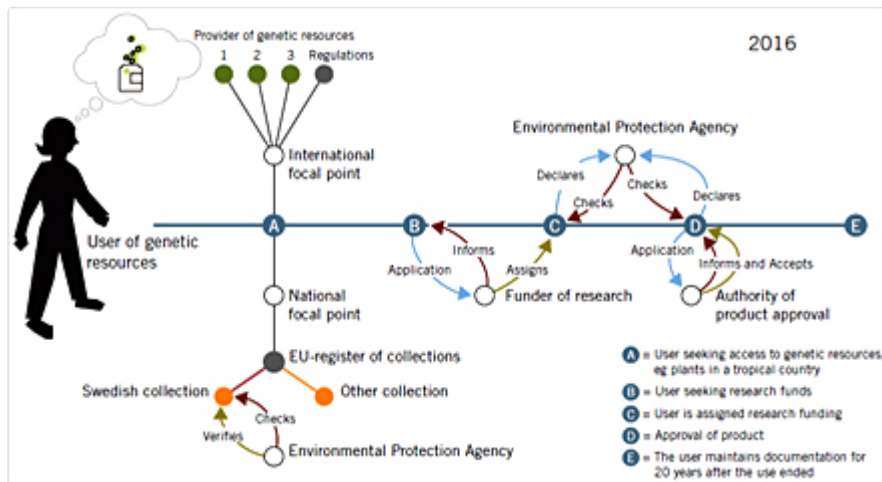
> nagoya@naturvardsverket.se

Was this information helpful to you?

Yes

No

More information



> [About Genetic resources](#)

Environmental objective



> [A Rich Diversity of Plant and Animal Life](#)

Definitions

For the purposes of this Regulation, the definitions of the Convention and the Nagoya Protocol as well as the following definitions apply:

- **access** means the acquisition of genetic resources or of traditional knowledge associated with genetic resources in a Party to the Nagoya Protocol;
- **association of users** means an organisation, established in accordance with the requirements of the Member State in which it is located, that represents the interests of users and that is involved in developing and overseeing

the best practices referred to in Article 8 of this Regulation;

- **collection** means a set of collected samples of genetic resources and related information that is accumulated and stored, whether held by public or private entities;
- **genetic material** means any material of plant, animal, microbial or other origin containing functional units of heredity;
- **genetic resources** means genetic material of actual or potential value;
- **illegally accessed genetic resources** means genetic resources and traditional knowledge associated with genetic resources which were not accessed in accordance with the national access and benefit-sharing legislation or regulatory requirements of the provider country that is a Party to the Nagoya Protocol requiring prior informed consent;
- **internationally recognised certificate of compliance** means a permit or its equivalent issued at the time of access as evidence that the genetic resource it covers has been accessed in accordance with the decision to grant prior informed consent, and that mutually agreed terms have been established for the user and the utilisation specified therein by a competent authority in accordance with Article 6(3)(e) and Article 13(2) of the Nagoya Protocol, that is made available to the Access and Benefit-sharing Clearing House established under Article 14(1) of that Protocol.
- **traditional knowledge associated with genetic resources** means traditional knowledge held by an indigenous or local community that is relevant for the utilisation of genetic resources and that is as such described in the mutually agreed terms applying to the utilisation of genetic resources;
- **user** means a natural or legal person that utilises genetic resources or traditional knowledge associated with genetic resources;
- **utilisation of genetic resources** means to conduct research and development on the genetic and/or biochemical composition of genetic resources, including through the application of biotechnology as defined in Article 2 of the Convention.

Background

The aims of the UN Convention on Biological Diversity (CBD) are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. At the Conference of the Parties to the Convention on Biological Diversity (CBD) in 2010, the Nagoya Protocol governing access to genetic resources and fair and equitable sharing of their use was adopted.

In the EU, the Nagoya Protocol is implemented by Regulation (EU) No 511/2014 of the European Parliament and of the Council on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union (also called the ABS Regulation).

This Regulation entered into force in October 2014. On 12 October 2015, one year after its entry into force, the Regulation's provisions on the obligations of users of genetic resources began to apply within the EU.

Sweden is a signatory to the Nagoya Protocol, but has not yet ratified it. According to the Government Offices of Sweden, Sweden plans to ratify the Nagoya Protocol at the latest 90 days before the first meeting of the Parties to the Nagoya Protocol on Access and Benefit-Sharing in December 2016, in order to be a full member at this meeting. Before it can ratify the Protocol however, Sweden must have penalty provisions in place and a regulatory framework for access to traditional knowledge that is not acquired in the context of access to genetic resources. These provisions are likely to be decided on before the summer of 2016.

Tasked with the implementation of the ABS Regulation

In February 2015, the Swedish Environmental Protection Agency was tasked by the Government of Sweden with preparing for the implementation of the EU Regulation 511/2014 (ABS Regulation) on the implementation of the Nagoya Protocol. This task entailed:

- Suggesting how best to organize and exercise national supervision of the ABS Regulation cost-effectively
- Setting up a national focal point in the Internet-based Access and Benefit-Sharing Clearing House (ABS Clearing House) that has been established to provide information about access to genetic resources and benefit-sharing from the utilization of these resources
- Initiating dialogue with representatives of users of genetic resources in both private and public sector activities in order to materially assist the implementation and facilitate compliance with the ABS Regulation.

How the Swedish EPA has been working on this task

In June 2015, the Swedish Environmental Protection Agency submitted a proposal to the Government concerning the supervision organization. This proposal suggested that both the Swedish Environmental Protection Agency and the Swedish Board of Agriculture should be competent authorities and share supervisory responsibility for the implementation. However, in January 2016 it became clear that the Swedish EPA needed to shoulder the entire responsibility for supervision, and therefore remains the only competent authority in Sweden. Since January, the Swedish EPA has been preparing in various ways to take on this responsibility, for example by developing a risk-based supervision plan and Guides for users.

The Swedish EPA has set up a national focal point by publishing Guides and other information on the Web.

The Swedish EPA now also has an organization for dealing with questions from stakeholders, and is ready to accept declarations from users.

Dialogue has been initiated through a hearing in the spring of 2015, and via e-mail communications with users of genetic resources.

On 22 April 2016, a seminar will be held to communicate the application of the ABS Regulation to different categories of users.

A report on this task was presented on 31 March 2016, at which time the Guides were also published.

[> Report \(Only in Swedish, pdf 223 kB\)](#)

Last updated: 15 January 2018 Content editor: Pernilla Åhrlin

Related pages

- [> Instructions for reviewers](#)
- [> Protected species](#)
- [> Payment for work](#)
- [> Environmental research](#)
- [> Instructions for applicants – synthesis analysis](#)

GENETIC RESOURCES

[< All guidance](#)

[> Utilizing Swedish genetic resources](#)

[> Utilizing traditional knowledge](#)

[> Utilizing genetic resources from abroad](#)

[> Awarding research funding and approving products](#)

[> Being a collection holder](#)

Postal address: SE-106 48 Stockholm

Telephone: +46 10 698 10 00

[About the website](#)

[Cookies](#)