



NHM STANDARD PROCEDURE FOR NAGOYA PROTOCOL/ABS COMPLIANCE

It is of utter importance to start the process of obtaining all required permits and documentation well in advance of the intended starting point of the field collections.

How long this may take will certainly differ among countries, but several months may easily pass. The process should therefore be among the first things to initiate as soon as one has decided to collect genetic resources from abroad.

Feel free to contact the NHM ABS-team to discuss your plans and hopefully receive some advice on the way. **The responsibility for complying with ABS and any other relevant legislation rests, however, solely on the researcher or other person who is responsible for the field collections.**

Required documentation

Which documentation is required to legally collect, import and analyse genetic resources will differ among countries. According to Norwegian law ([Nature Diversity Act, § 60](#)) one is required to be able to document that all national laws and regulations regarding utilization of genetic resources have been complied with for all genetic resources obtained after 1 July 2009, irrespective of whether the country is a party to the Nagoya Protocol or not. The following permits and documentation will in most cases be required, or, alternatively, a lack of requirement needs to be documented (i.e. you should be able to tick off one of the boxes on each row in the table below).

Permit type	Available	Lack of requirement documented
Collecting ¹	<input type="checkbox"/>	<input type="checkbox"/>
«Nagoya documents» (PIC ² , MAT ³ , ...)	<input type="checkbox"/>	<input type="checkbox"/>
CITES ⁴	<input type="checkbox"/>	<input type="checkbox"/>
Export	<input type="checkbox"/>	<input type="checkbox"/>
Import	<input type="checkbox"/>	<input type="checkbox"/>

¹ Particularly for protected or threatened species and/or in protected areas

² Prior Informed Consent

³ Mutually Agreed Terms

⁴ Convention on International Trade in Endangered Species of Wild Fauna and Flora

How to obtain the required documentation

It may sometimes be frustratingly difficult to establish which documentation is really required to legally be able to collect, import and analyse genetic resources from abroad. A local contact will often be required, for practical as well as legal reasons, and will often know where to obtain collecting permits, export permits etc.

For CITES species, please consult the [CITES web page](#) for updated information on which species included on the CITES list.

Documentation requirements arising from the Nagoya Protocol and ABS regulations are still in their infancy and rather new to those set to administer them, and it can be challenging to navigate these waters.

In the next section we have therefore tried to gather some hints and tips on what to do in order to comply with these regulations.

Suggested procedure

The [ABS Clearing House](#) is supposed to be an information central for anything that relates to the ABS legislation. This is a natural place to start your ABS process:

1. Visit the ABSCH [Country Profiles](#) and locate your country of interest

In the best case scenario you will here find links to relevant national laws and regulations, enabling you to establish which documentation is required.

In many cases, at least for the nearest future, there will unfortunately not be much information to find here, except for whether the country is a party to the Nagoya Protocol. If so, contact information to its ABS National Focal Point (NFP) shall be available:

2. Send a request with a description of your collecting plans to the NFP, with copy to yourself and the NHM ABS-team for later documentation purposes (see below), asking for which documentation is required to legally be able to carry out your project

Hopefully you will receive an answer which may guide you in the process of obtaining all required documentation. If necessary, please feel free to contact the NHM ABS-team for further advice and assistance, particularly if the requirements include contracts to be made e.g. by the NHM or other authorities.

If you do not receive any answer from the NFP:

3. Send a reminder after a month, and again, if still no answer, after two months

If you still have not received any answer from the NFP:

4. Contact the NHM ABS-team for further assistance

NB! Remember that even if no documentation or actions are required, this also has to be documented (e.g. by copy of correspondence)!

The ABS system is based on a due diligence principle, meaning that you are required to exhibit due diligence (“tilbørlig aktsomhet”) in your attempts to comply with the ABS regulations. If you are unable to establish which laws and regulations that may influence your plans, even after several attempts to get in contact with the NFP, due diligence can be said to have been exhibited, given that your contact attempts is documented, e.g. by a copy of the correspondence.

NB! Collecting, export and other permits CAN and WILL often still be required!

What to do with the documentation?

ABS legislation requires that copies of all relevant documentation shall follow the samples AND any derivatives of these. To secure that this requirement can be complied with, it is advisable to link all relevant documentation to all objects concerned in the databases of the collections they reside in, preferably as PDFs that can be easily retrieved in connection with loans or other future use of the objects. The original documents should be deposited in the NHM archive; the ABS team will take care of this.