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Tools to support compliance: the CETAF Code of Conduct and Best Practice for ABS

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CETAF
CONSORTIUM OF EUROPEAN TAXONOMIC FACILITIES

What is CETAF?

Consortium of European Taxonomic Facilities

- Represents 56 institutions from 19 EU countries:
  - All carrying out taxonomic research:
    - Natural History Museums
    - Natural Sciences Museums
    - Botanic Gardens
    - Other biodiversity research centres
- Formed in 1996
- 2009: established as legal entity under Belgian law as an AISBL (not-for-profit international association)
- General Secretariat in permanent office in Brussels

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What is CETAF?

Collections

- Repositories for the study of taxonomy & evolution of organisms and their genetic variation in time and space.
- More than 1.5 billion specimens,
- More than 80% of the biodiversity described worldwide
- Acquired over the past 250 years and still growing
- Provide direct access to organisms, information on their occurrence and associated biological, geographical and ecological data.

Staff

- 5,000+ researchers and collection managers
- Use morphology, biochemistry and gene sequencing

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Why has CETAF developed a Best Practice for ABS?

- CETAF supports the principles of ABS
- Response to call for Best Practice in Nagoya Protocol and EU Regulation
- Facilitates compliance with the Regulation and emerging MS national legislation
- Direct benefits to members:
  - Assists members in developing their own policies and processes for compliance
  - Builds trust in countries of origin
  - Facilitates non-commercial research and delivery of benefits
  - Facilitates exchange of specimens (loans)

Developing the Code of Conduct

- Working Group set up (2012)
- Document package developed (2013)
- Circulated to membership for comment (September 2013)
- Provided to General Meeting for approval (May 2014)
- Limited redrafting of one component currently taking place
- Will be circulated to members for signature at Director level (late 2014)
- Code of Conduct and Best Practice Applied across network (2014-15)

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What is included in the Code of Conduct?

1. **Code of Conduct on Access & Benefit-Sharing**
   - Agreed principles by which we govern our activities
2. **Annex: Best Practice**
   - The way in which we implement those principles, including recommendations for policies and processes.
3. **Tool: Use of Biological Material**
   - What we do with Biological and Genetic Material
   - To support obtaining PIC
4. **Tool: Standard Material Transfer Agreements**
   - Terms under which specimens are transferred from one party to another, in the context of the Code of Conduct and Best Practice.

Code of Conduct

Brief document, highlights Key Points:

- Honour letter and spirit of CBD, NP and other relevant international agreements
- Abide by national and international laws
- Comply with PIC and MAT
- Provide full explanation of purposes when seeking PIC
- Acquire TK associated with GR with written agreements (PIC & MAT) and use only under agreed terms and conditions

Code of Conduct

- Utilize GR consistent with terms & conditions of acquisition
- Seek to renegotiate PIC & MAT if change of purpose proposed
- Supply to 3rd parties only in compliance with PIC and MAT, using written MTAs
- Share benefits fairly and equitably
- Maintain records:
  - to record PIC and MAT / MTAs
  - to track utilization and benefits
  - to record supply to 3rd parties (loans etc)
- Retain and manage BR/GR unless otherwise stipulated in MAT
- Prepare and adopt policies to implement the Code of Conduct

Best Practice

Much more detail, setting out how Code of Conduct is implemented

Covers:

- Policies
- Data management / curation
- Staff training
- Fieldwork
- Utilization
- Utilization by third parties
- Benefit-sharing
- Disposal of collections

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Best Practice: Policies

17 policy areas identified, which should ensure:

- institution understands its rights and responsibilities under ABS agreements;
- staff abide by appropriate national and international laws and regulations;
- biological resources acquired obtained with appropriate legal certainty;
- biological resources deposited in the repository can legally be retained;
- terms and conditions governing samples are complied with by collections and 3rd parties using collections;
- renegotiation with country of origin if change in utilization proposed ;
- terms and conditions governing biological resources are recorded and can be accessed effectively;
- institution can address benefit-sharing issues regarding GR accessed prior to NP.

Best Practice: Data management / curation

Data management should support:

- Policies
- Document retention
- Tracking and tracing
- Discovery of requirements and restrictions
- Managing delivery of benefits
- Application of unique identifiers
- Recording processes and movements
- Recording core data
- Compliance with EU Regulation

Best Practice: Third Party use

- Communication of original MAT etc
- If transfer temporary:
  - Abide by conditions of PIC and MAT
  - Records of transfer
  - No unsanctioned retention by third party
- If permanent:
  - Only if permitted by original PIC and MAT
  - Only with appropriate MTA
  - Original MAT etc provided with material
  - Records maintained

Use of Biological Material

Sets out what CETAF members do with specimens / samples collected

- **Non-Commercial Research** on systematics, ecology, conservation, genetics, horticulture, morphology, physiology, molecular biology ect.
  - Research may involve sequencing DNA, and publishing sequence data
- **Publication** of research results
- **Publication** of data and images
- **Loans** for non-commercial research in other research organizations
- **Public display** and propagation
- **Manage access** to Traditional Knowledge associated with Genetic Resources

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CETAF package of documents

Draft is on line at:

http://www.cbd.int/abs/submissions/icnp-3/EU-Taxonomic-practices.pdf

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