



BRILL | NIJHOFF

ISBN13: 9789004293205  
E-ISBN: 9789004293212  
Publication Date: April 2015  
Copyright Year: 2015  
xxiv, 412 pp.  
ISSN: 2213-493X

## Implementing the Nagoya Protocol

Comparing Access and Benefit-sharing Regimes in Europe

Edited by Brendan Coolhaet, *Université catholique de Louvain*; Fulya Batur, *Université catholique de Louvain*; Arianna Broggiato, *Université catholique de Louvain*; John Pitseys, *Centre de recherche et d'information socio-politiques (CRiSP)*; and Tom Dedeurwaerdere, *Université catholique de Louvain*

The adoption of the Nagoya Protocol on Access and Benefit-sharing to the Convention on Biological Diversity in 2010 is a major landmark for the global governance of genetic resources and traditional knowledge. The way in which it will be translated into practice will however depend on the concrete implementation in national country legislation across the world.

*Implementing the Nagoya Protocol* compares existing ABS regimes in ten European countries, including one non-EU member and one EU candidate country, and critically explores several cross-cutting issues related to the implementation of the Nagoya Protocol in the EU. Gathering some of the most professional and widely acclaimed experts in ABS issues, this book takes a major step towards filling a gap in the vast body of literature on national and regional implementation of global commitments regarding ABS and traditional knowledge.

## **Table of contents**

Contents

List of Contributors iv

Acronyms xi

Preface xiv

Janez Potočnik, European Commissioner for the Environment (2010-2014)

Acknowledgements xv

Introduction. Access and Benefit-sharing & the Nagoya Protocol: The Confluence of Abiding Legal Doctrines

Arianna Broggiato, Tom Dedeurwaerdere, Fulya Batur and Brendan Coolsaet

### **PART I – ACCESS AND BENEFIT-SHARING REGIMES IN EUROPE**

Chapter 1. Genetic Resources in a Multi-layered Institutional Cake: The Regulation of Access and Benefit-sharing in Belgium

John Pitseys, Brendan Coolsaet, Fulya Batur, Tom Dedeurwaerdere and Arianna Broggiato

Chapter 2. The ABS Framework in Denmark

Veit Koester

Chapter 3. Commentary on the ABS Provisions of the Draft Biodiversity Law of France

Claudio Chiarolla

Chapter 4. Access and Benefit-sharing in Germany

Lily O. Rodríguez, Miriam Dross and Karin Holm-Mueller

Chapter 5. Legal Framework in Greece Regarding the ABS Regime, Implementation Gaps and Issues Requiring National and International Attention

Efpraxia-Aithra Maria and Georgia-Panagiota Limniou

Chapter 6. An Analysis of the ABS Regime in the Netherlands

Bert Visser, Bernd van der Meulen and Hanna Schebesta

Chapter 7. Norwegian Experiences with ABS

Morten Walløe Tvedt

Chapter 8. Analysis of the ABS Framework in the United Kingdom 132

Elta Smith

Chapter 9. Implementing the Nagoya Protocol in Spain: Challenges and Perspectives

Luciana Silvestri and Alejandro Lago Candeira

Chapter 10. The Legal Regime of Genetic Resources in Turkey: Opportunities for Access and Benefit-sharing

Fulya Batur

## PART II – IMPLEMENTING THE NAGOYA PROTOCOL IN THE EUROPEAN UNION

Chapter 11. Privateer, Pirate or Ghost Ship? An Inquiry into the Complementarity between Community Law and French Law for the Benefit of the Indigenous People of French Guiana  
Philippe Karpe, Alexis Tiouka, Ivan Boev, Armelle Guignier and Florencine Edouard

Chapter 12. Private Standards and the Implementation of the Nagoya Protocol: Defining and Putting in Practice Due Diligence in the EU Regulation on ABS  
María Julia Oliva

Chapter 13. The Multilevel Implementation of the Nagoya Protocol in the European Union  
Christine Godt

Chapter 14. Collecting Plant Genetic Resources in Europe: A Survey of Legal Requirements and Practical Experiences  
Lorenzo Maggioni, Isabel López Noriega, Isabel Lapeña, Vojtech Holubec and Johannes Engels

Conclusion. Comparing Access and Benefit-sharing in Europe  
Brendan Coolsaet

Bibliography