

## **MIRRI-ERIC Policy on Biological Diversity and the Nagoya Protocol**

The aim of the policy statement is to outline the principles the MIRRI-mBRCs are expected to adhere to with regard to the utilization of the genetic resources and traditional knowledge associated with these genetic resources over which countries of origin have sovereign rights. It will also assist the mBRCs to implement institutional Access and Benefit Sharing (ABS) management policies governing daily practices for accession, research and transfer of material by all staff. MIRRI aims for a light general policy, leaving the details of the mechanisms of compliance to the discretion of individual MIRRI-mBRCs.

The policy statement applies to all mBRC holdings and other biological materials, in public and non-public collections including, but not limited to, living cultures, dried herbarium specimens, dead wet samples, DNA samples and other derivatives of biological material, as well as traditional knowledge and scientific data that are associated with these resources.

### **MIRRI-ERIC Policy Statement on ABS**

1. The MIRRI-mBRCs remain committed to support by all means possible the main objectives of the CBD, which are the conservation of biological biodiversity, the sustainable use of its components and the fair and equitable sharing of benefits resulting from the utilization of genetic resources and traditional knowledge associated with genetic resources.

*More specifically, the MIRRI-mBRCs are committed to:*

2. contribute to the conservation of biological diversity through the preservation and study of ex situ microbial materials and genetic resources thereof, or the encouragement and promotion of such study by others, in accordance with Art. 9 of the CBD;
3. deliver, in compliance with the CBD, the Nagoya Protocol and all applicable legislation and regulatory requirements, well-identified, authentic and high-quality materials that are preserved in the public collections of the mBRCs

to third parties for research and development, education and biotechnology, and data associated with these resources, to the benefit of public health, food security, and social and economic development. In doing so, the mBRCs also contribute to the Nagoya Protocol's wider objective of supporting the conservation and sustainable use of biological diversity;

4. present clarity on permitted use to recipients of ex situ microbial genetic resources, considering that these resources are the essential raw materials that drive the bio-economy, and while fully recognizing the sovereign rights of the countries of origin over their genetic resources, to refrain from posing unnecessary restrictions upon the use of these resources in research with commercial intent, while reminding users of applicable benefit sharing obligations through transfer agreements;
5. cooperate with relevant associations of users and other interested parties in the EU and globally to develop procedures, tools or mechanisms that can facilitate the implementation of the Nagoya Protocol, stimulate the use of ex situ microbial genetic resources, and lead to an increase in transparency and legal certainty or a reduction in costs for both provider mBRCs and the users of the microbial genetic resources;
6. design a practical and transparent legal framework that includes transfer agreements with model clauses, and best practice under which all MIRRI-mBRCs can operate as far as is permitted under applicable national law;
7. respect, where appropriate, the confidential nature of user information, documentation and administration associated with the transfer of microbial genetic resources;
8. put institutional policies or other measures in place which assure that the mBRC staff act with due diligence and in full compliance with applicable national and international ABS law and regulatory requirements, in all collection management activities, when collecting new biological materials during field work, or conducting research;
9. inform stakeholders in general about their rights and obligations concerning ABS, where appropriate;

10. share benefits arising from the utilization of the genetic resources by the mBRCs themselves, with the country of origin and other rightful stakeholders, in accordance with the provisions of the Nagoya Protocol and applicable legislation or regulatory requirements, where appropriate, and including, but not limited to,
  - a. adding value by generating new information on the characteristics of the genetic resources preserved in the mBRC's collections, and where appropriate make this information publicly available through scientific and popular publications and by adding information to open access data repositories;
  - b. providing support to initiatives for the establishment of new ex situ collections in developing countries through collaborative research programs, training and other means of sharing expertise.