Consortium of European Taxonomic Facilities (CETAF)

ANNEXE 3 to the Code of Conduct on ABS

GLOSSARY

Access – The acquisition of Genetic Resources or of Traditional Knowledge associated with Genetic Resources from a Providing Country. Note that this term has not been defined in the Convention on Biological Diversity or the Nagoya Protocol, and may be used differently by some countries or organisations. The EU Regulation defines access as "the acquisition of genetic resources or of traditional knowledge associated with genetic resources in a Party to the Nagoya Protocol".

Access and Benefit Sharing Clearing House – Information sharing mechanism developed under the Convention on Biological Diversity to make information available on national contacts, national legislation and other matters relevant to Access and Benefits-Sharing generally and the Nagoya Protocol in particular. It is on the internet at https://absch.cbd.int/.

Accession – The addition of specimens and samples to a collection, by which process they pass under the ownership or custodianship of the Institution, including long-term loans and material held in trust. See also *Object Entry*.

Benefits arising from the use of genetic resources – Benefits may be monetary or non-monetary. They may include: (1) Monetary benefits when research and developments leads to a commercial product (e.g. royalties, milestone payments, licensing fees); (2) Non-monetary benefits (e.g. technology transfer, enhancement of research skills, sharing research results, research partnerships, Access to scientific information relevant to conservation and sustainable use of biological diversity, including biological inventories and taxonomic studies, etc.). Examples are given in the Annex to the Nagoya Protocol (attached in Annex 4 to this document).

Biological material – All specimens and samples of or subsamples from living or dead organisms, regardless if they contain 'functional units of heredity' or not. See also 'Genetic material' and 'specimen'.

Biorepository – A repository that collects, processes, stores, and distributes biological specimens to support future scientific investigation. See also *Collection.*

Biotechnology – Any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use (definition from Nagoya Protocol, repeated from Article 2 of the Convention on Biological Diversity).

Collection – A group of specimens or samples that can be seen, studied, and kept together. They are generally associated through sharing some feature, e.g. being of the same taxon (e.g. mammals, insects, sharks), from the same general locality or ecosystem, or collected by the same collector or on the same expedition. Collections are maintained by collection-holding institutions. The term *biorepository* or *biobank* may also be used, to include specimens which are not necessarily of whole organisms.

Commercialisation and *Commercialise* – Applying for, obtaining or transferring intellectual property rights or other tangible or intangible rights by sale or licence or in any other manner, commencement of product development, conducting market research, and seeking pre-market approval and/or the sale of any resulting product based on utilisation of the original genetic resource. Handling fees (e.g. for providing DNA samples), entrance charges etc., fall under the scope of management and/or administration of public research facilities, do not involve the utilisation of Genetic Resources, and are not considered as a commercialization of research activity on Genetic Resources.

Competent National Authority – The body or individual in a country authorised to sign ABS agreements.

Data – Unless otherwise stated, information, including locality and other collecting information, permits and other agreements, and any other information provided by the supplier with the material.

EU Regulation – Where used in this document, this refers to Regulation (EU) No 511/2014 of the European Parliament and of the Council of 16 April 2014 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 Utilisation in the Union, which entered into force for Europe on 6 Jun 2014.

Exchange – Also '*Transfer*', and '*Permanent supply*'. Permanent transfer of specimens to a Third Party to the original agreement; note that 'exchange' implies a receipt of items in return for providing or transferring items. This is somewhat different from a straight transfer.

Genetic material – Any material of plant, animal, microbial or other origin containing functional units of heredity (definition from Nagoya Protocol, repeated from Article 2 of the Convention on Biological Diversity).

Genetic Resources (GR) – Genetic material of actual or potential value (definition from Nagoya Protocol, repeated from Article 2 of the Convention on Biological Diversity).

Implementing Act – Where used in this document, this refers to Commission Implementing Regulation (EU) 2015/1866 of 13 October 2015 laying down detailed rules for the implementation of Regulation (EU) No 511/2014 of the European Parliament and of the Council as regards the register of collections, monitoring user compliance and best practices.

Internationally Recognised Certificate of Compliance – A record generated when the Competent National Authority of a Providing Country publishes a permit or equivalent (e.g. PIC and MAT) on the ABS Clearing House. This is given a unique identifier by the Clearing House and provides legal surety of the genetic resources covered. It may also be used to simplify reporting.

Material Transfer Agreement (MTA) – An agreement between two institutions stipulating the terms and conditions for transferring specimens or samples, including genetic material.

Memorandum of Cooperation (MoC) – An agreement between two or more institutions to cooperate. In the context of the CETAF Code of Conduct and Best Practice this will include reference to ABS.

Mutually Agreed Terms (MAT) – An agreement reached between the Providers of genetic resources and users on the conditions of access and use and the benefits to be shared between both parties.

Object Entry – The point at which a specimen, sample or collection enters the institution, whether temporarily as a loan or being carried by a visitor for study, or with the intention of it coming into ownership or custodianship of the institution. At this point decisions based on ABS compliance and responsibilities may be taken. See also *Accession*.

Participating Institution – A member of CETAF which has signed the CETAF Code of Conduct and agreed to follow CETAF Best Practice.

Prior Informed Consent (PIC) – The permission given by the Competent National Authority of a Providing Country to a user prior to accessing genetic resources, in line with an appropriate national legal and institutional framework; i.e. what a user can and cannot do with the material.

Providing Country – The country supplying genetic resources collected from *in situ* sources, including populations of both wild and domesticated species, or taken from *ex situ* sources, which may or may not have originated in that country (definition from Article 2 of the Convention on Biological Diversity).

Research – The systematic investigation into and study of materials and sources in order to establish facts and reach new conclusions[1] (OED). This does not include any development of commercial applications.

Specimen – This includes any type of biological material.

Traditional Knowledge (TK) – There is currently no generally accepted definition of TK at an international level. WIPO defines it as "knowledge, know-how, skills and practices that are developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity." It also notes that "TK in the narrow sense refers to knowledge as such, in particular the knowledge resulting from intellectual activity in a traditional context, and includes know-how, practices, skills, and innovations."[2] The Nagoya Protocol and EU Regulation cover TK associated with Genetic Resources (TKaGR), not TK as a separate element.

Use – The purposes to which samples and specimens (biological and genetic material) are put, including but not limited to 'utilisation' in the sense of the Nagoya Protocol (See Annex 2 "Statement of Use").

User – Person or institution that uses or mandates uses of samples, specimens and MATERIAL including but not limited to 'utilisation' in the sense of the Nagoya Protocol.

Utilisation (of GR) – 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 (definition from the Nagoya Protocol).

[1] Definition from Oxford English Dictionary
[2] http://www.wipo.int/tk/en/tk/