



Danish Ministry of the Environment

Implementing the Nagoya Protocol in Denmark

Focus on user-country measures

Background

- We do not require Prior Informed Consent for access to Danish genetic resources
- We will require notification of sampling of Danish GRs for the purpose legal clarity
- Greenland has separate legislation
- We do not have Indigenous or Local Communities



Measures by user country

- Access to genetic resources
- Danish draft legislation prohibits the utilisation of GRs that have been acquired in violation of access regulations in the country, where the GRs were accessed



Measures by user country

- Traditional Knowledge associated with GRs
- Danish draft legislation prohibits the utilisation of GRs when the use is based on Traditional Knowledge acquired in violation of regulation of access to TK in the country where the TK was accessed



Sanctions

- Violation of the prohibitions is sanctioned with fines or in up to 2 years of imprisonment in cases where the violation is committed wilfully or in gross negligence
- The size of the fines should reflect the economic gains obtained



Measures by user country

- Monitoring - check-points
- Checkpoint on source or origin is already established in relation to patent applications - will have to be developed to provide the information on prior informed consent and mutually agreed terms.
- Further checkpoints are under consideration e.g. public funding for research



Measures by user country

- Mutually Agreed Terms
- Under Danish law foreign States as well as persons or legal persons have legal standing and full access to justice on the same basis as Danish legal subjects
- Danish legal assistance programs do not discriminate between Danes and foreigners



Other issues

- Sampling of GRs in Denmark with intensification of utilisation in the sense of the Protocol will require notification to the competent Danish authority
- Proof of the notification will serve to certify the legal status of the GRs
- The notification will contain the necessary data to be uploaded on the CHM and will match data required in countries that require prior informed consent

