

THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD) - *Its implication for culture collection users and depositors*

The Convention on Biological Diversity (CBD) or the "Rio Convention" as it is sometimes known came into force on the 29th December 1993, following ratification by many countries including the UK.

The interpretation of this document and its impact upon both culture collections and members of the scientific community is still the subject of much debate. In addition, many national governments do not yet have legislation in place to regulate access to genetic resources within their borders. For those who do, it is not always easy for someone wishing to obtain advice or information to know where to look. Within the UK, The Department for the Environment, Food and Rural Affairs (DEFRA) will be the national focal point for access and benefit sharing for users wishing to access UK biodiversity. DEFRA will also be responsible for formulating and implementing UK strategies in response to the CBD. This UK focal point is currently under development; but individuals involved, along with information on other national focal points, can be found on the CBD web site (www.biodiv.org).

In the meantime NCIMB has developed its own voluntary policy on **access to genetic resources and benefit sharing**, a copy of which can be supplied upon request. It is part of this policy for NCIMB to make sure both depositors and end users of cultures are made aware of their obligations under the CBD. Of particular relevance is Article 1 of the CBD which is concerned with the conservation of biological diversity, the sustainable use of its components and a fair and equitable sharing arising from the use of these genetic resources. In particular workers who isolate organisms and/or deposit them in a national culture collection should first ensure that they have Prior Informed Consent (PIC) from an authoritative body in the country of origin. (Seek appropriate national focal point for further information). Similarly users of organisms purchased from culture collections should also be aware that any benefits arising from the commercial exploitation of said cultures may have implications in terms of benefit sharing with the country in which they were isolated (country of origin). If culture collections accept materials with benefit sharing implications attached they will inform the recipient, but in many cases no such information is available. In such cases, it is the responsibility of end users to ensure the commercial use of an organism or its product(s) does not infringe national laws and regulations. In brief, **it is ultimately your responsibility as end user or depositor to ensure that the above undertakings are complied with.**

As part of its commitment to the CBD, NCIMB now requires that all depositors of organisms in the collection disclose the country of origin of new deposits. Information is also sought as to whether or not prior informed consent has been obtained for the export of the organism(s) concerned and whether or not any Material Transfer Agreement has implications for the end user. Failure to provide such information may result in NCIMB refusing such a deposit. NCIMB, within the spirit of the CBD, will also negotiate benefit sharing options with depositors of organisms for the open collection.

Benefit sharing options for depositors can include:

- Gratis identification of unnamed isolates for deposit (level of identification at the Curator's discretion)
- 16s r RNA sequencing of organisms and provision of this data to the depositor
- gratis provision of any single culture from the NCIMB catalogue for every strain deposited
- collaboration between NCIMB and the depositors host Institute (e.g. training in isolation, preservation, identification and culture collection management for those depositing large numbers of organisms as part of a formal agreement).

END USER OBLIGATIONS UNDER THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

It is the responsibility of all recipients of NCIMB cultures who reside in **countries that are signatories to the CBD** to ensure that the use of organisms received complies with the general requirements of the CBD and with any regulations drawn up by your own country (and with the country of origin where known). It is also in customer's interests to keep traceability records where NCIMB cultures are subsequently passed on to a third party and to ensure the third party is made aware of its obligations under the Convention. NCIMB Ltd accepts no responsibility for the breach of any requirements relating to the CBD either by its clients, or by third parties who subsequently use cultures originating from NCIMB.

NOTICE TO DEPOSITORS

As a consequence of ratification of the Convention on Biological Diversity (CBD) and as an exporter of ex-situ microbial genetic resources (MGRs) it is your responsibility as depositor to ensure the MGRs were collected with **the prior informed consent (pic) of the country of origin** and that the deposit of the samples in an open collection **does not infringe any national obligations**. In the absence of any information to the contrary, NCIMB will assume it is free to supply any newly deposited materials to third parties.

It is also the obligation of the depositor to inform NCIMB if any Material Transfer Agreement (MTA) negotiated in the country of origin has implications for the end user with respect to access and benefit sharing.

Useful reference material and websites

L Glowka, F B Buhenne-Guilmin, H Syngé; 'A guide to the Convention on Biological Diversity', 1994, IUCN, <http://www.biodiv.org>, <http://www.wcmc.org.uk>

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