

THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD): IMPLICATIONS FOR CULTURE COLLECTION USERS AND DEPOSITORS

INTRODUCTION

The Convention on Biological Diversity entered into force on 29 December 1993, following ratification by many countries, including the UK. It has three main objectives:

1. The conservation of biological diversity
2. The sustainable use of the components of biological diversity
3. The fair and equitable sharing of the benefits arising out of the utilization of genetic resources

It is part of NCIMB's policy on access to genetic resources and benefit sharing to make both depositors and end users of cultures aware of their obligations under the CBD and this document outlines those obligations. A copy of the full NCIMB policy can be made available on request.

OBLIGATIONS FOR CULTURE COLLECTION DEPOSITORS

1. 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. More information about this can be obtained from the appropriate national focal points. Within the UK, The Department for the Environment, Food and Rural Affairs (DEFRA) is the national focal point for access and benefit sharing with respect to UK biodiversity. Information and contact details for the UK and other national focal points can be found on the CBD web site.
2. It is the depositors responsibility to ensure that the microbial genetic resources deposited 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.
3. It 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.

In the absence of any information to the contrary, NCIMB will assume it is free to supply any newly deposited materials to third parties.

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OBLIGATIONS FOR END USERS OF CULTURES

1. Users of organisms purchased from culture collections should be aware that any benefits arising from the commercial exploitation of the cultures may have implications in terms of benefit sharing with the country in which they were isolated (country of origin).
2. NCIMB will make information on benefit sharing available to purchasers if it has been supplied when the culture was deposited. However, 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.
3. 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).
4. If cultures purchased from a culture collection are subsequently passed on to a third party, the purchaser should keep traceability records and 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 customers, or by third parties who subsequently use cultures originating from NCIMB.

NCIMB REQUIREMENTS WITH RESPECT TO THE CBD

1. NCIMB requires that all depositors of organisms in the collection disclose the country of origin of new deposits.
2. Depositors must state:
 - a. whether or not prior informed consent has been obtained for the export of the organism(s) concerned
 - b. whether or not any Material Transfer Agreement has implications for the end user.
3. Failure to provide such information may result in NCIMB refusing such a deposit.

BENEFIT SHARING OPTIONS FOR DEPOSITORS

NCIMB, within the spirit of the CBD, will negotiate benefit sharing options with depositors of organisms for the open collection. These 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).

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