

# GOVERNMENT GAZETTE

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## **Regulation of the Minister for Agriculture of 31 March 2016, No. WJZ/15145152, laying down provisions in implementation of the Nagoya Protocol Implementation Act (Regulation in implementation of the Nagoya Protocol Implementation Act)**

The Minister for Agriculture,

Having regard to Section 2, paragraphs 1 and 2, of the Nagoya Protocol Implementation Act (*Wet implementatie Nagoya Protocol*);

Has decided as follows:

### **Article 1**

The provisions referred to in Section 2, paragraph 1, of the Nagoya Protocol Implementation Act are:

- a. Article 4, paragraphs 1, 2, 3, 5, 6 and 8, Article 7, paragraphs 1 and 2, and Article 8, paragraph 3, of 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 Utilization in the Union (OJ EU 2014, L 150);
- b. Article 3, paragraph 1, second sentence, and Article 4, paragraph 4, of the Implementing Regulation (EU) 2015/1866 of the Commission 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 (OJ EU 2015, L 275).

### **Article 2**

A collection holder will submit a request to the Minister of Economic Affairs for inclusion of his collection in the register of collections in the Union, as referred to in Article 5, paragraph 2, of 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 Utilization in the Union (OJ EU 2014, L 150).

### **Article 3**

This regulation will be cited as: Regulation in implementation of the Nagoya Protocol Implementation Act.

### **Article 4**

This regulation will enter into force on the day after the publication date of the Government Gazette in which it is published.

This regulation with explanatory notes will be published in the Government Gazette.

*The Hague, 31 March 2016*

*The Minister for Agriculture,  
M.H.P. van Dam*

## EXPLANATORY NOTES

### 1. Purpose and occasion

This regulation implements Section 2, paragraphs 1 and 2, of the Nagoya Protocol Implementation Act (hereinafter the Act). This Act lays the foundation for the implementation of the EU regulations on genetic resources. This concerns 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 Utilization in the Union (OJ EU 2014, L 150) (hereinafter the Regulation) and Implementing Regulation (EU) 2015/1866 of the Commission 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 (OJ EU 2015, L 275) (hereinafter the Implementing Regulation).

Article 1 designates the contravention of various paragraphs of Articles 4, 7 and 8 of the Regulation and Article 3, paragraph 1, and Article 4, paragraph 4, of the Implementing Regulation as a criminal offence. These articles comprise the essence of the Protocol, namely the compliance of users of genetic resources with the due diligence declaration and its enforcement. The Economic Offences Act (*Wet op de economische delicten*) is declared applicable here pursuant to Section 8 of the Act. This designates any conduct in contravention of the provisions designated in this regulation as an economic offence.

### 2. Regulatory pressure

This regulation does not cause any regulatory pressure. The regulation designates the articles of the EU regulation and implementing regulation which can be enforced under criminal law. The administrative burdens arising from the Nagoya Protocol are included in the Nagoya Protocol Implementation Act.

### **Costs of implementation**

The annual costs of implementation and enforcement by the Netherlands Food and Consumer Product Safety Authority (NVWA) amount to an estimated 400,000 euros.

### 3. Entry into force

This regulation will enter into force on the day after the publication date of the Government Gazette in which it is published. This is a deviation from the fixed dates for changes (*Vaste Verandermomenten*) as included in the cabinet policy on fixed dates for changes (Parliamentary Papers II 2009/10, 29 515, No. 309). The cabinet policy allows for any deviation from fixed dates for changes which is required for the implementation of European regulations.

*The Minister for Agriculture,  
M.H.P. van Dam*