

Publishing legislative, administrative or policy measures on access and benefit sharing (MSR)

Introduction to the ABSCH

The Access and Benefit-Sharing Clearing-House (ABSCH) (<http://absch.cbd.int>) has been developed as a tool to support the implementation of the Nagoya Protocol. It serves as a means for sharing of information related to access and benefit-sharing arising out of the utilization of genetic resources. In particular, it provides access to information made available by each Party relevant to the implementation of the Nagoya Protocol.

Minimum Requirements

- ABSCH works best with the latest versions of popular internet browsers such as: Chrome, or Firefox and Internet Explorer.
- Access to a valid email is required to get a CBD Account.
- Please ensure you are following the latest version of this guide by checking <https://absch.cbd.int/guides>

Records can be published in one or more of the six official UN languages. In the online submission form, you will see a blue language selection button to modify the languages of your submission. An additional text box for each selected language will appear for each field in the submission form.

Getting help

Help using the ABS Clearing-House is always available. The Secretariat is happy to provide technical support or answer any questions, and receive feedback on the use the ABS Clearing-House. Contact us by email at absch@cbd.int.

A live chat help desk service has been installed on the website that allows immediate interaction with Secretariat staff for technical support and guidance. Please note that live support is only provided during CBD Secretariat office hours, from 9am to 5pm EST (Montreal time).

For additional information you are invited to read “About the ABSCH” (absch.cbd.int/about) section on the ABSCH website.

Introduction to legislative, administrative or policy measures on access and benefit sharing (MSR)

Article 14 paragraph 2 (a) of the Nagoya Protocol provides that Parties are to make available information on legislative, administrative and policy measures on access and benefit-sharing (ABS measures) to the ABS Clearing-House. ABS measures may include national or regional strategies, policies, legislation, regulations and administrative measures. They may also include measures undertaken at the subnational or community level. ABS measures and related information published through the ABS Clearing-House will help users of genetic resources and associated traditional knowledge to understand the national systems for accessing those resources and knowledge and sharing the benefits derived from their use. Each ABS measure available within your jurisdiction should be published as separate record.

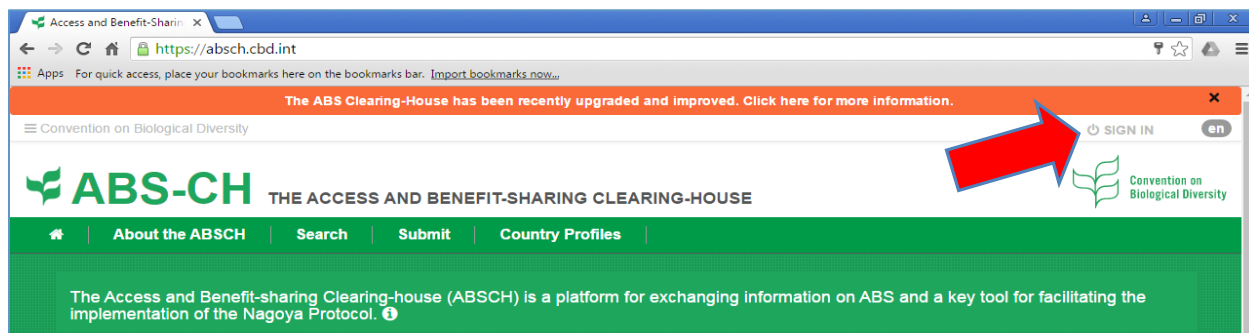
Information provided on your ABS measure should be as clear, concise and complete as possible. Please bear in mind the goal is to provide as much certainty and clarity possible to potential users and guide them to comply with your countries legislation.

Including a courtesy translation of the information, as well as, explanatory information, such as, flow charts, or step-by-step guides on how to apply for prior informed consent are very useful for helping user of genetic resources and the associated traditional knowledge understand and be aware of the domestic requirements for access and benefit-sharing.

Step 1: Sign in to the ABSCH

To sign in, click the **“SIGN IN”** link located at the very the top right corner of any page, and enter your email and password.

Note: If you don't have a CBD account, you can sign up for one at: accounts.cbd.int. For help creating your account please refer to the guide: [Creating and managing your CBD Account](#).



Step 2: Go to your dashboard

Once you are signed in, click on **“Submit”** (<https://absch.cbd.int/register/>) in the main navigation bar and you will be taken to your Dashboard. The Dashboard provides an overview of the national records for your country.

Dashboard

Welcome **Archi Rastogi**

Name: Archi Rastogi
 Primary email: archirastogi@gmail.com
 Country: [Redacted]

Role(s): ABS National Focal Point, National Publishing Authority (PA), National Authorized User (NAU) and Regular User

Update profile: <accounts.cbd.int/profile>
 Update password: <accounts.cbd.int/password>

Record overview

	Published	Drafts	Requests
Contacts (People)			
+ Contacts (CON)	5	0	0
National records			
+ Competent National Authority (CNA)	1	0	0
+ Legislative, administrative or policy measures on access and benefit-sharing (MSR)	7	5	2
+ National Website or Database (NDB)	0	0	0
+ Permit or its equivalent constituting an internationally recognized certificate of compliance (IRCC)	0	0	0
+ Checkpoint (CP)	1	0	0
+ Information for the Checkpoint Communiqué (CPC)	1	0	0
+ Interim National Report on the Implementation of the Nagoya Protocol (NR)	0	0	0
Reference records			
+ Virtual Library Record (VLR) - Reference material, literature and capacity-building resources	2	8	2
+ Capacity-building Initiatives (CBI)	0	0	0
+ Model Contractual Clauses, Codes of Conduct, Guidelines, Best Practices and/or Standards (A19A20)	0	1	0
+ Community protocols and procedures and customary laws (CPP)	0	0	0

Step 3: List of your ABS measures

From the dashboard click on “**Legislative, administrative or policy measures on access and benefit sharing (MSR)**” link to load the list page. The list page displays all drafts, pending publishing requests and published ABS measures records for your country.

Legislative, administrative or policy measures on access and benefit-sharing (MSR)

Add new

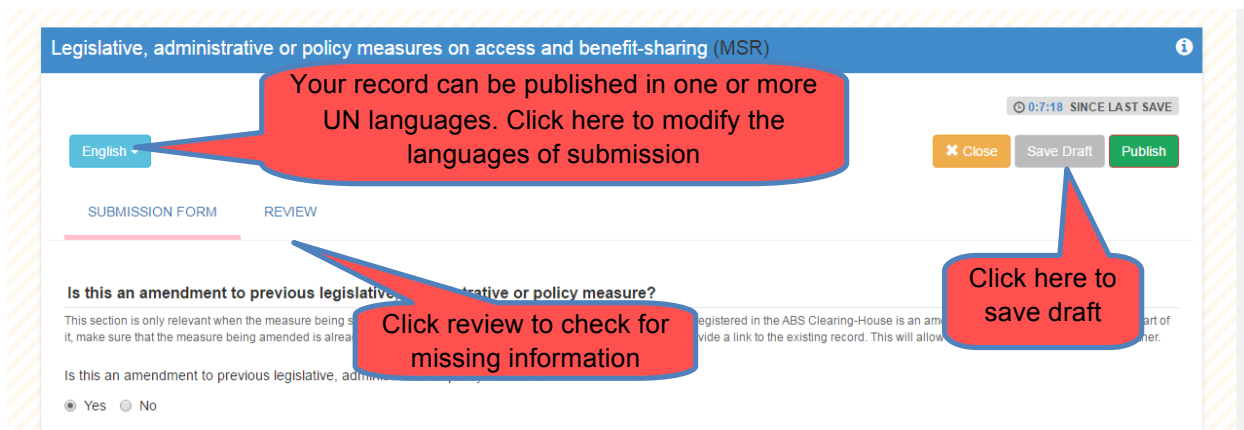
All 1 Requests 0 Published 1 Drafts 0

Title	Last published	Last updated	Status	1 Record(s)
The National Environment Access to Genetic Resources and Benefit Sharing Regulations (Statutory Instruments 2005 no.30) ABSCHTRG-MSR-UG-207186-1	All Benryane 13 May 2016 10:54	All Benryane 13 May 2016 10:54	Published	<input type="button" value="Duplicate"/> <input type="button" value="Edit"/> <input type="button" value="Delete"/>

Duplicate, edit and delete buttons

Step 3: Filling out the form

To add a new record, click on the “**Add New**” button near the top right of the panel. This will open a new submission form. To edit an existing record click the edit icon associated with that record. Fields that are mandatory are marked with an asterisk (*).



The first question addresses the issue of how amendments are reflected to previous published ABS measures. There are three possible cases to consider when answering this question:

1. In some legal systems, when a measure is amended, a revised version of the same measure is issued reflecting the changes made. If this is the case, you do not need to add a new record, open the existing record and select “no” to this question and continue to update the record as necessary.
2. In other legal systems amendments are adopted, as a new measures, distinct from the one being amended. If this is case, select “yes” and complete the section on amendments by linking the measure and providing a short summary of the amendments. This is in order to help users understand how the measures relate to each other.
3. If this is a completely new measure, select “no” to skip the section on amendments.

In the next part of the form please provide the following mandatory information: title, and current legal status. For current legal status, if you select ‘not legally binding’, ‘legally binding’, or ‘retired’, you will be asked to indicate the dates during which the measure is, or was, in force.

Title of the legislative administrative or policy measures on access and benefit-sharing *

 EN

Legal status of the measure *

Examples of non-legally binding ABS measures are national strategies, policy documents, guidelines, etc. For non-legally binding ABS measure, the date of adoption is to be provided. A measure is legally binding when it creates obligations and rights which are legally enforceable. In this case, the date of entry into force of the ABS measure is to be provided. Measures in draft form can also be included in the ABS Clearing-House with a view to sharing information on progress towards implementation. Once the draft measure is adopted or entered into force, the status of the measure can be updated without needing to register the existing information again. Sometimes measures have a limited applicability in time. If you are introducing this type of measure, you are required to include the expiry date. Including retired measures can be useful for providing legal certainty about genetic resources and associated traditional knowledge accessed under a previous legal framework. If a measure already registered in the ABS Clearing-House is retired or is no longer applicable, you only need to edit the measure and change its status to retired, indicating the date from which the measure was no longer applicable.

Legally binding ▼

Please provide the date of entry into force *

 🗑️

Indicate the date the measure is no longer in force if the measure has a limited application in time

 🗑️

Next, select the option that best describes the type of measure you are submitting.

Type of document/measure *

Choose the option that best describes the type of measure

- Law
A law is usually legislation (a statute).
- Regulatory or Administrative Measures
A regulatory or administrative measure is usually an act or process of controlling by rule or restriction, having legal force, issued by an administrative agency or a local government.
- Guidelines
Guidelines are usually a document by which to determine a course of action, sometimes aims to streamline particular processes according to a set routine or sound practice.
- Strategy / Action Plan
A strategy and/or action plan provides direction for future activities.
- Policy Document
Other types of policy measures might include a set of principles, research subsidies and incentives, voluntary agreements, etc.
- Explanatory Information
Explanatory information may include explanatory memoranda, flow charts that describe national ABS processes, or summary of the national framework in place or being developed in a country.
- Other
Other

Next, you can identify the area of jurisdiction applicable to the measure. Note: In order to avoid duplication when publishing a regional or multilateral measure it is recommended that one country agrees to publish the measure on behalf of the regional organization or the group of countries that are to share the measure. Please contact the Secretariat(absch@cbd.int) to obtain the authorization required prior to publish a regional or multilateral measure.

Area of jurisdiction *

Please specify the geographical area of application of the ABS measure. The measure could apply at regional or multilateral, national or federal, subnational or community levels. For multilateral or regional measures, please indicate which countries are covered by the measure by selecting from the drop down menu the relevant geographical or political/economic group. The list is extensive; therefore it is likely that the specific group to which the measure applies is already listed. However, if the measure applies to a group of countries that is not covered by any of the existing groups, select each of the countries concerned by the measure separately from the drop down menu.

Select area of jurisdiction... ▼

Select the area of jurisdiction

Regional / Multilateral	Document including objective and scope (max. 300 characters)
National / Federal	Document including objective and scope is meant to serve as a short summary of the measure. This information will be displayed in the summary of the record, so it is important that the
Sub-national	<input type="button" value="↶"/> <input type="button" value="⊗"/>
Community	
Other	

The next part of the form you will be asked to provide a brief description of the measure, including its objective and scope.

Some measures have model contractual clauses as annexes or included in the measure. Answer the next question by indicating whether this measure contains a model contractual clause.

Brief description of the document including objective and scope (max. 300 words)
 The brief description of the document including objective and scope is meant to serve as a short summary of the measure. This information will be displayed in the summary of the record, so it is important that the description is clear and concise.

B I [List Icons] [Undo] [Redo] [Clear]

Brief description of the document including objective

EN

Does the measure contain model contractual clauses?
 Yes No

Indicate whether the measure contains model contractual clauses

Please provide further information

EN

The next section relates to the document details. Under “document text”, you can provide the text of the measure by attaching either a link or by uploading a file (doc or pdf). It is preferable to upload the file to avoid problems with broken links when the linked web pages change or are re-designed.

Here, it is also possible to provide translations of the document text in the official UN languages. Providing information in several languages can be helpful to reach out to many different users and help them understand and comply with your ABS requirements.

Document details

Document text (in its original language) *

Add link Add file



File attachments are preferred to web links, while providing document details

Translation in one of the official UN languages

Add link Add file

The ABSCH includes the possibility of linking two measures when they have a specific relationship. For example, if the measure being submitted is implementing an existing law you can link the measures and provide a description of their relationship.

Relationship with other measures
 Please indicate if there is any relationship between this document/measure and other measures. For example, if the measure being submitted is implementing an existing law. This information will assist in displaying information on related measures in case they are related, for example if the measure being submitted is implementing an existing law. The two measures will be linked together in the record.

Add record(s) *No records have been linked.*

Please describe the relationship

B I [List Icons] [Undo] [Redo] [Clear]

It is possible to link to other ABS measures and describe the relationship

You will be asked to provide contact information for the institution that may be approached in case a user of the ABSCH may have questions about the ABS measure. In the case, a desired contact is not in the list, you will first have to publish the national contact. To do this please **save your draft** and come

back to it after publishing the national contact. For assistance with publishing national contacts, you may wish to refer to another guide in this series on **Publishing National Contacts**.

Regulatory contact information

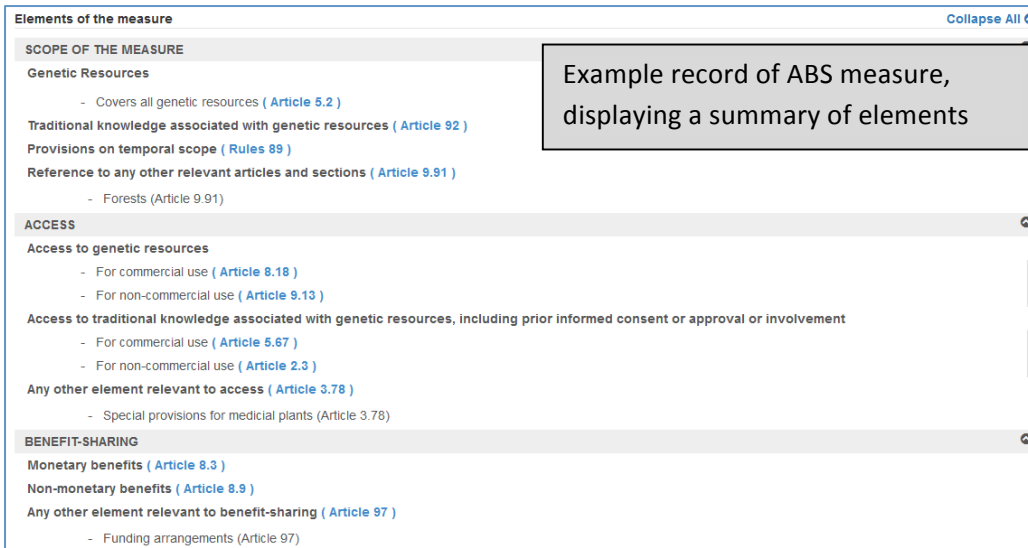
Contact Institution *

Select a new or existing contact institution that will assist or help with any questions that may arise about this ABS measure.

[+ Add an institution »](#)

Elements of the measure

The next part relates to elements of the measure. When the ABS measure is published, this information will help others to understand your measure by displaying a summary of the key elements and the references to where each element is found in the text or provisions of the measure.



Elements of the measure Collapse All

SCOPE OF THE MEASURE

- Genetic Resources
 - Covers all genetic resources ([Article 5.2](#))
- Traditional knowledge associated with genetic resources ([Article 9.2](#))
- Provisions on temporal scope ([Rules 8.9](#))
- Reference to any other relevant articles and sections ([Article 9.91](#))
 - Forests (Article 9.91)

ACCESS

Access to genetic resources

- For commercial use ([Article 8.18](#))
- For non-commercial use ([Article 9.13](#))

Access to traditional knowledge associated with genetic resources, including prior informed consent or approval or involvement

- For commercial use ([Article 5.67](#))
- For non-commercial use ([Article 2.3](#))

Any other element relevant to access ([Article 3.78](#))

- Special provisions for medicinal plants (Article 3.78)

BENEFIT-SHARING

Monetary benefits ([Article 8.3](#))

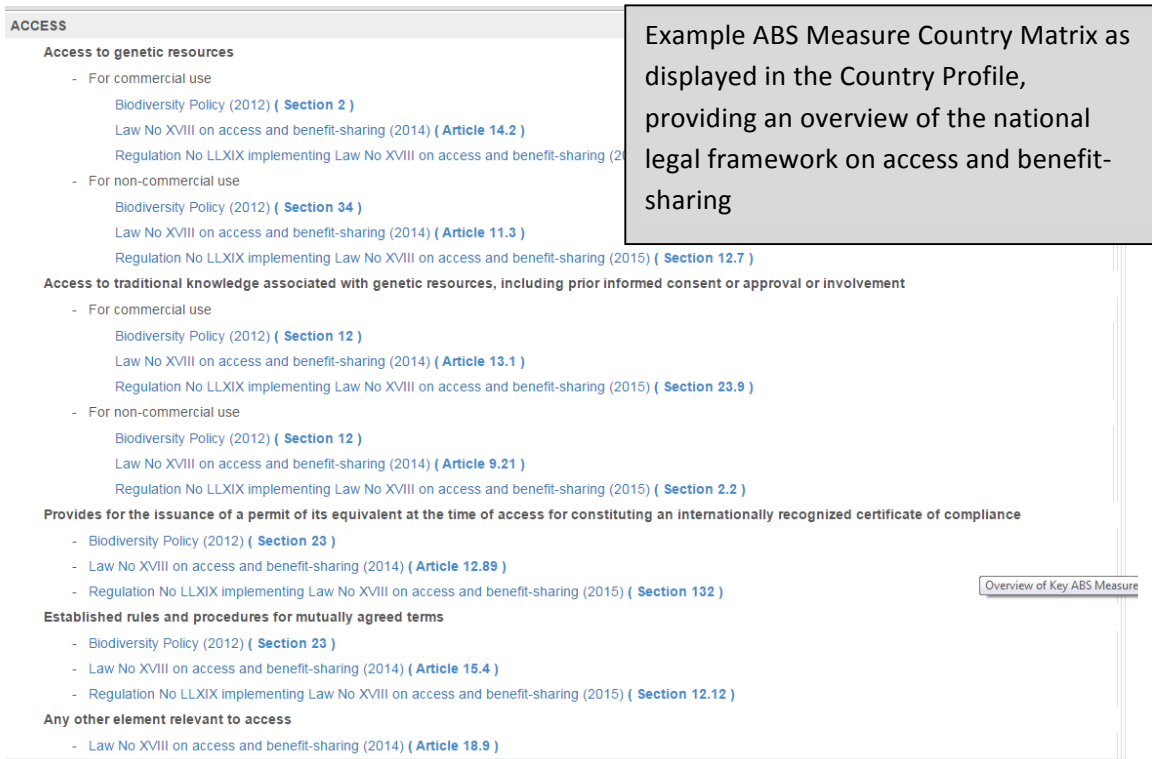
Non-monetary benefits ([Article 8.9](#))

Any other element relevant to benefit-sharing ([Article 97](#))

- Funding arrangements (Article 97)

Example record of ABS measure, displaying a summary of elements

In addition, all the information gathered from all the measures published by your country is displayed together in an ABS measures matrix. This matrix will be available in the country profile on the ABS Clearing House and aims to provide an overview of the ABS national legal framework.



ACCESS

Access to genetic resources

- For commercial use
 - Biodiversity Policy (2012) ([Section 2](#))
 - Law No XVIII on access and benefit-sharing (2014) ([Article 14.2](#))
 - Regulation No LLXIX implementing Law No XVIII on access and benefit-sharing (2015) ([Section 12.7](#))
- For non-commercial use
 - Biodiversity Policy (2012) ([Section 34](#))
 - Law No XVIII on access and benefit-sharing (2014) ([Article 11.3](#))
 - Regulation No LLXIX implementing Law No XVIII on access and benefit-sharing (2015) ([Section 12.7](#))

Access to traditional knowledge associated with genetic resources, including prior informed consent or approval or involvement

- For commercial use
 - Biodiversity Policy (2012) ([Section 12](#))
 - Law No XVIII on access and benefit-sharing (2014) ([Article 13.1](#))
 - Regulation No LLXIX implementing Law No XVIII on access and benefit-sharing (2015) ([Section 23.9](#))
- For non-commercial use
 - Biodiversity Policy (2012) ([Section 12](#))
 - Law No XVIII on access and benefit-sharing (2014) ([Article 9.21](#))
 - Regulation No LLXIX implementing Law No XVIII on access and benefit-sharing (2015) ([Section 2.2](#))

Provides for the issuance of a permit of its equivalent at the time of access for constituting an internationally recognized certificate of compliance

- Biodiversity Policy (2012) ([Section 23](#))
- Law No XVIII on access and benefit-sharing (2014) ([Article 12.89](#))
- Regulation No LLXIX implementing Law No XVIII on access and benefit-sharing (2015) ([Section 132](#))

Established rules and procedures for mutually agreed terms

- Biodiversity Policy (2012) ([Section 23](#))
- Law No XVIII on access and benefit-sharing (2014) ([Article 15.4](#))
- Regulation No LLXIX implementing Law No XVIII on access and benefit-sharing (2015) ([Section 12.12](#))

Any other element relevant to access

- Law No XVIII on access and benefit-sharing (2014) ([Article 18.9](#))

Overview of Key ABS Measure

Example ABS Measure Country Matrix as displayed in the Country Profile, providing an overview of the national legal framework on access and benefit-sharing

If elements are not applicable for the measure you are currently publishing, you can select the relevant check box and you will not have to fill the table of elements. If the elements are applicable, you can use the check the boxes that apply, and identify the relevant sections of the measure.

Answer yes/no to questions related to elements possibly addressed by the measure

example: Article 14.2 EN

Does the measure cover access? *

Does it cover access to genetic resources? *

Access / Access to genetic resources

Provide reference to relevant articles and sections covering this element of the measure

Information entered in this section will contribute to the overview of your national legal framework on ABS (ABS measures matrix) and it is important that each measure’s elements are entered accurately and completely. In this section you will see specific questions pertaining to:

Scope. Measures may include articles or sections that generally identify or describe the extent of the application and coverage of the measure. For instance, this could include whether the measure covers genetic resources, or whether it applies to traditional knowledge associated with genetic resources or ex-situ collections.

In the first question you can whether the measure covers any genetic resources and from which areas, by selecting from the drop-down lists, and enter references to relevant articles and sections.

Elements of the measure

☐ Elements are not applicable for this measure

Please select which elements are included in the national legal framework on access, benefit-sharing and/or compliance requirements of your country. Some elements may be not applicable. Please indicate this by clicking the checkbox above.

Scope of application of the measure

☐ Yes ☐ No Does it cover genetic resources? *

Please select elements from the list below. Add. Please add as many elements as necessary.

Please select genetic resource types - found in Please select areas of access - Add

All types of genetic resources

Animals

Plants

Fungi

Microorganism

This could include, among others, archaea, bacteria, fungi, chromista, protozoa and viruses

Domesticated species and/or cultivated species

Wild species

found in in-situ e.g.: Article 14.2 or Section EN

Select relevant genetic resources from drop-down list

Add references to articles and sections

In the subsequent questions, you can provide information that can help users understand how your measure addresses traditional knowledge associated with genetic resources, temporal scope, and any other relevant elements. You can also use the question on 'relevant elements' in case there are exclusion from the scope, *viz.*, elements to which the scope does not apply.

Access. ABS measures may have provisions establishing rules and procedures on how to access genetic resources and/or traditional knowledge associated with genetic resources. Different rules or conditions could apply when the resource is accessed for commercial or non-commercial purposes. The measure may also include rules and procedures for establishing mutually agreed terms.

There may be other important provisions related to access not covered by the list of elements in the common format. You can add additional elements that will help others to understand the main components of your ABS measure, including issues related to the scope of the access provisions of the measure or special considerations for access. For instance, if the measure does not apply to certain species or areas, you can enter them under 'other', and add reference to the articles or sections.

Benefit-sharing. ABS measures may include provisions relating to benefit-sharing. Benefit-sharing provisions may be different if the genetic resources or associated traditional knowledge was accessed for commercial use, or for non-commercial use. Provisions could also distinguish between monetary and non-monetary benefits.

There may be other important provisions related to benefit-sharing not covered by the list of elements in the common format. You can add, for instance, additional information on the scope of the benefit-sharing provisions of the measure, establishment of benefit-sharing funds or other benefit-sharing arrangements.

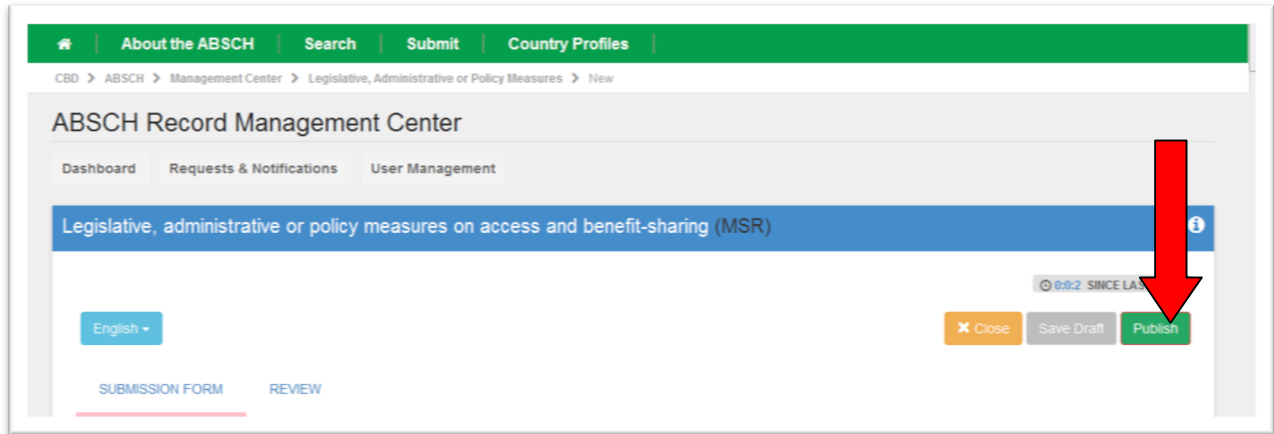
Compliance. ABS measures may include provisions relating to compliance, including compliance with domestic legislation or regulatory requirements of the other Party (Article 15 and 16 of the Protocol); monitoring the utilization of genetic resources (Article 17 of the Protocol), including information on checkpoints or reporting requirements; and compliance with mutually agreed terms (Article 18).

There may be other important provisions related to compliance not covered by the list of elements in the common format. You can add, for instance, additional information on the scope of the compliance provisions of the measure, or other relevant compliance provisions.

Relationship with other international instruments. Here you can specify the provisions on how the ABS measures relates to other international instruments, such as the International Treaty on Plant Genetic Resources for Food and Agriculture, or the WHO Pandemic Influenza Preparedness Framework.

Other. In this section you can identify provisions related to: competent national authority/ies, awareness-raising, transboundary cooperation, capacity-building, and others. You can also include any additional elements that will help others to understand the important components of your ABS measure that have not been covered elsewhere.

Once you have completed the form, if you are a national authorized user, you can click **“Request Publication”**. This will send a request to the publishing authority of your country to verify and approve the record for publication. If you are the publishing authority, you can directly **“Publish”** the record.



Once your record is published, you will receive an email confirming that your record has been published and made publicly available on the ABS Clearing-House.

Title	Created by	Last updated	Status	11 Record(s)
Test MSR - Community protocol and procedures	Archi Rastogi 15 Apr 2016 04:31	Archi Rastogi 18 Apr 2016 08:48	Draft	[Icons]
Test MSR - Customary law	Archi Rastogi 15 Apr 2016 04:23	Archi Rastogi 18 Apr 2016 03:40	Draft	[Icons]
Test MSR - National guidelines ABSCHDEV-MSR-VA-206909-4	Archi Rastogi 14 Apr 2016 03:19	Archi Rastogi 15 Apr 2016 04:30	Published	[Icons]
Test MSR - Policy/Strategy/Action plan ABSCHDEV-MSR-VA-206914-2	Archi Rastogi 15 Apr 2016 03:48	Archi Rastogi 15 Apr 2016 04:27	Published	[Icons]
Test MSR - Regulatory or administrative measure ABSCHDEV-MSR-VA-206913-3	Archi Rastogi 14 Apr 2016 08:54	Archi Rastogi 15 Apr 2016 04:24	Published	[Icons]
Test MSR - Explanatory information ABSCHDEV-MSR-VA-206912-5	Archi Rastogi 14 Apr 2016 08:19	Archi Rastogi 15 Apr 2016 03:40	Published Draft	[Icons]

Note: if you are in the process of updating a previously published record, the ABSCH will retain two versions of the record and the status will be displayed as both published and draft. This indicates that while the draft version is being updated, the previously published version remains publicly accessible on the ABSCH. The published version is replaced with the draft version once it is published.

