ENVIRONMENT

CLIENT ALERT

APRIL/2020

ENVIRONMENT – BIODIVERSITY: NON-MONETARY MODALITY OF THE BENEFIT-SHARING RESULTED FROM THE ACCESS TO GENETIC RESOURCES

In March, Ordinance No. 81/2020 ("Ordinance") was published regulating the proceeding and requirements of the benefits sharing agreement derived from economic exploration of products and reproductive materials from genetic resources access in the non-monetary field.

The Ordinance published the draft of the Non-Monetary Agreement of Benefit-Sharing ("ARB-NM"), whose terms are mandatory. The user of genetic resources may only request to include clauses, provided that such clauses are in accordance with the general terms of the ARB-NM and with applicable rules in force. The new clauses will be subject to Biodiversity Secretary's approval.

Furthermore, the Ordinance provides that:

- the deadline for executing the ARB-NM proposal must be at most of 5 years;
- the user must submit periodic reports and a final report;
- the benefit-sharing amount might be applied in one or more projects provided in the Form of Proposal Submission of Non-Monetary Benefit-Sharing - FRBNM.

The user that performed the Product Notification within the National System of Management of Genetic Resources and Traditional Knowledge Associated – SISGEM in the non-monetary modality before the publication of the Ordinance must submit the ARB-NM in 365 days.

Veirano's environmental team is highly experienced on the subject and is available to provide further clarification.

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