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**25 NOV 2020**

**DECISION No. \_\_\_\_\_ /MINEPDED OF \_\_\_\_\_**

**To lay down the terms and conditions governing Access to Genetic Resources, their Derivatives, Associated Traditional Knowledge and the Fair and Equitable Sharing of Benefits arising from their utilization.**

**THE MINISTER OF ENVIRONMENT, PROTECTION OF NATURE AND SUSTAINABLE DEVELOPMENT,**

- Mindful** of the Constitution;
- Mindful** of the Convention on Biological Diversity adopted on 22 May 1992 and ratified on 17 January 1995 together with its Nagoya Protocol adopted on 29 October 2010 and ratified on 30 November 2016;
- Mindful** of Law No.94/01 of 20 January 1994 to lay down Forestry, Wildlife and Fisheries Regulations;
- Mindful** of Law No.64/LF/23 of 13 November 1964 on Public Health Protection;
- Mindful** of Law No.°96/12 of 5th August 1996 relating to Environmental Management and its subsequent instruments;
- Mindful** of Law No.2000/017 of 19 December 2000 to regulate Veterinary Health Inspection;
- Mindful** of Law No.2003/003 of 21 April 2003 on Phytosanitary Protection;
- Mindful** of Law No. 2003/006 of 21 April 2003 to lay down safety regulations governing Modern Biotechnology in Cameroon and its subsequent instruments;
- Mindful** of Decree No.2011/408 of 9 December 2011 to organize the Government, as amended and supplemented by Decree No.2018/190 of 2 March 2018;
- Mindful** Decree No.2018/9387/CAB/PM of 30 November 2018 to lay down conditions for the creation, organisation and functioning of Inter-ministerial and Ministerial Committees and Working Groups;
- Mindful** of Decree No.2019/001 of 4 January 2019 to appoint the Prime Minister, Head of Government,

Considering the necessity of services,

**HEREBY DECIDES AS FOLLOWS:**

## **CHAPTER I**

### **GENERAL PROVISIONS**

**Article 1:** This Decision lays down the terms and conditions governing Access to Genetic Resources, their Derivatives, Associated Traditional Knowledge and the Fair and Equitable Sharing of Benefits arising from their utilization.

**Article 2:** Provisions of this Decision shall apply to the following aspects:

- access to genetic resources of plant, animal and microbial origin or any other genetic resources containing functional units of heredity within the national territory;
- access to associated traditional knowledge, including that is held by individuals or indigenous and local communities;
- the transfer of genetic resources, associated traditional knowledge and research findings to third parties for development or commercial purposes;
- obtaining intellectual property rights on the use of genetic resources, their derivatives and/or associated traditional knowledge;
- international co-operation and cross-border aspects relating to genetic resources;
- the current use of previously acquired genetic resources and/or traditional knowledge;
- the conservation of natural resources.

**Article 3:** The following shall be excluded from the scope of this Decision:

- biological resources, the use of which is not for the purpose of exploiting genetic resources;
- biological resources and associated traditional knowledge used or exchanged among indigenous and local communities for traditional, cultural, spiritual or customary purposes.

## **CHAPTER II**

### **THE ABS NATIONAL COMMITTEE**

**Article 4: (1)** A National ABS Committee is hereby established as an advisory body to provide advice on access to genetic resources and their derivatives, associated traditional knowledge and the fair and equitable sharing of benefits arising from their utilization.

**(2)** The organisation and functioning of the National ABS Committee shall be determined by Decision of the Minister of Environment.

**CHAPTER III:**  
**CONDITIONS FOR ACCESS**

**Article 5: (1)** Any natural or legal person may undertake activities relating to the use of genetic resources, their derivatives and/or associated traditional knowledge in the national, public or private domain, and have access thereto under the conditions provided for in this Order.

**(2)** Activities referred to in paragraph (1) above may relate to:

- fundamental research;
- bioprospecting;
- research and development;
- commercialization;
- the use of genetic information;
- intellectual property issues;
- education;
- inventory of genetic resources.

**Article 6: (1)** Access to genetic resources for the uses referred to in Article 5 above shall be subject to obtaining Prior Informed Consent.

**(2)** The Prior Informed Consent referred to in paragraph **(1)** above, shall be required by a stamped application at the rate in force, addressed to the Minister of Environment and shall include the following documents:

- a duly filled and completed application form;
- a receipt of payment of the study fees to the National Environmental and Sustainable Development Fund in the amount of FCFA 100,000 (one hundred thousand) for natural persons, FCFA 300,000 (three hundred thousand) for legal persons, FCFA 500,000 (five hundred thousand) for foreign natural persons and FCFA 1,000,000 (one million) for foreign legal persons, FCFA 500,000 (five hundred thousand) for intellectual property rights, for the transfer of genetic material FCFA 500,000 (five hundred thousand) for natural persons and FCFA 1,000,000 (one million) for legal persons.

**(3)** The application form referred to in paragraph **(2)** above shall be attached to this Decision.

**(4)** The Administration in charge of environment shall have a sixty-day period to provide a response to the request referred to in paragraph **(2)** above.

**(5)** The Prior Informed Consent shall authorize its holder, where applicable, to enter into negotiations with the local communities.

**Article 7: (1)** Under the supervision of the administration in charge of environment, the holder of the Prior Informed Consent shall negotiate with the local communities with a view to concluding Mutually Agreed Terms.

**(2)** **(2)** The Mutually Agreed Terms shall be recorded in a document signed by each party and transmitted to the Administration in charge of environment.

**Article 8:** The use of traditional knowledge associated with biological and genetic resources shall be subject to the establishment of Mutually Agreed Terms between the applicant/user and the holder of the associated traditional knowledge.

**Article 9:** Any holder of the Prior Informed Consent and the Mutually Agreed Terms shall require, upon request, the issuance of an ABS permit by the administration in charge of environment.

**Article 10: (1)** Fundamental research as well as research and development carried out exclusively within the national research and innovation system shall be excluded from the provisions of Article 6 above and subject to the reporting system at the administration in charge of environment.

**(2)** Provisions of paragraph **(1)** above shall not apply to the export of biological resources for research purposes.

**Article 11:** The reporting system referred to in Article 10 above shall be specified in collaboration agreements between the Minister in charge of Environment and national research institutions as well as the mechanisms for monitoring and controlling the use of genetic resources.

**Article 12: (1)** The plant genetic resources listed in the Annex to the International Treaty on Plant Genetic Resources for Agriculture and Food when used in accordance with the provisions of the Treaty shall also be excluded from the provisions of Article 6 above.

**Article 13: (1)** Access to genetic resources, their derivatives and associated traditional knowledge shall be facilitated in the event of present or imminent emergencies that threaten or adversely affect human, animal or plant health, as declared by the competent authority.

**(2)** The administration in charge of environment, for the situations referred to in paragraph **(1)** above, shall take appropriate measures to accelerate access to genetic resources and their derivatives and/or associated traditional knowledge.

**(3)** Access shall be granted by the administration in charge of environment pursuant to paragraph **(1)** above upon presentation of any support document of the emergency situation.

## **CHAPTER IV**

### **ARRANGEMENTS FOR FAIR AND EQUITABLE BENEFIT-SHARING**

**Article 14:** Benefits arising from the utilization of a genetic resource, its derivatives and/or associated traditional knowledge may be monetary or non-monetary.

**Article 15:** Monetary benefits include, inter alia, access rights/rights per sample collected or otherwise acquired, up-front payments, milestone payments and research funding.

**Article 16:** Non-monetary benefits include the transfer of techniques/technology, training, sharing of information, provision of goods and services or otherwise.

## **CHAPTER V**

### **MISCELLANEOUS AND FINAL PROVISIONS**

**Article 17:** Any illegal access and/or exploitation of genetic resources and/or associated traditional knowledge shall expose the user to sanctions provided for in the law in force.

**Article 18:** Any person (natural or legal) using genetic resources, their derivatives and associated traditional knowledge, in accordance with this Decision, previously acquired, shall have a twelve-month period to comply with the provisions of this Decision.

**Article 19:** This Decision shall be registered and published according to the procedure of urgency and inserted in the Official Gazette in English and in French.

Done in Yaoundé, 25 NOV 2020

**THE MINISTER OF ENVIRONMENT,  
PROTECTION OF NATURE AND  
SUSTAINABLE DEVELOPMENT**



*HELE Pierre*