

**PROPOSALS FOR AMENDMENTS AND ADDITIONS TO  
LEGISLATIVE ACTS OF THE REPUBLIC OF BELARUS TO  
IMPLEMENT THE NAGOYA PROTOCOL SUBMITTED TO THE  
MINISTRY OF NATURAL RESOURCES AND ENVIRONMENTAL  
PROTECTION OF THE REPUBLIC OF BELARUS**

**1. The Law of the Republic of Belarus “On Environmental Protection”**

**1.1. Article 1 shall be supplemented with the following definitions:**

**“Genetic resources”** – genetic material of plant, animal, microbial or other origin, containing functional units of heredity and of actual or potential value;

**“Access to genetic resources and/or traditional knowledge associated with them”** – obtaining genetic resources and/or traditional knowledge associated with them from the country, which enjoys sovereign rights over those resources, for the purpose of their utilization.

**“Utilization/use of genetic resources”** – conducting research and developments related to the genetic and/or biochemical composition of genetic resources, including through the use of any technologies to produce or change products or processes of biological systems, living organisms or their derivatives;

**“Internationally Recognized Certificate of Compliance”** – a document to confirm that the provisions of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity adopted on 29 October 2010, in Nagoya (hereinafter referred to as “the Nagoya Protocol”), have been complied with during the transfer of genetic resources for their utilization;

**“User of genetic resources”** – an individual or a legal person utilizing genetic resources and/or traditional knowledge associated with genetic resources;

**“Permit for Access to Genetic Resources”** – a document to confirm that Nagoya Protocol’s provisions have been complied with issued by the competent authority of the Republic of Belarus;

**“Traditional Knowledge Associated with Genetic Resources”** – a set of accumulated observations of natural phenomena and practical conclusions made on their basis related to the use of the animal and plant world in various spheres of human life and activities and constituting unique information transmitted from generation to generation, developed and updated within the boundaries of local communities, which are interested in it”;

1.2. The definition “natural resources” of Article 1 after the words “natural anthropogenic objects” shall be supplemented with the words “genetic resources”;

1.3. Article 4 “Basic Principles of Environmental Protection”. The phrase “conservation of biological diversity” shall be supplemented with the wording “, including through the state regulation of access to genetic resources with a view of their utilization”;

1.4. Article 5 “Objects of Relation in the area of Environmental Protection”. The wording “the plant and animal world in its species diversity” shall be supplemented with “, genetic resources”;

1.5. Article 7 “Main Directions of the State Environmental Policy of the Republic of Belarus”. The wording “ensuring the conservation of biological and landscape diversity” shall be supplemented with “including through regulated access to genetic resources for the purpose of their utilization”;

1.6. Article 9 “Powers of the Council of Ministers of the Republic of Belarus in the Area of Environmental Protection” shall be supplemented with the wording as follows:

“shall establish a procedure for access to genetic resources and their utilization”;

“shall approve a provision on the National Coordination Centre on Access to Genetic Resources and Benefit-sharing”;

“shall approve a provision on the Checkpoint to monitor the utilization of genetic resources and a procedure to inform on the genetic resources’ utilization”;

1.7. The title of Chapter 4 shall be worded as follows:

“Nature Management. Regulation of Access to Genetic Resources for the Purpose of their Utilization”;

1.8. Chapter 4 shall be supplemented with Article 17-1:

“Article 17-1. Regulation of Access to Genetic Resources for the Purpose of their Utilization.

Utilization/use of genetic resources and/or traditional knowledge associated with genetic resources shall be allowed, provided that access requirements to them established by this Law and other legislation of the Republic of Belarus have been observed.

Access to genetic resources of the animal and plant world of the Republic of Belarus (hereinafter referred to as “genetic resources of the Republic of Belarus”) for the purpose of their utilization shall be allowed on the basis of a permit for access to genetic resources issued according to a procedure stipulated by legislation of the Republic of Belarus.

A permit for access to genetic resources shall be issued on the basis of prior informed consent of the Ministry of Natural Resources and Environmental Protection to accessing genetic resources (hereinafter referred

to as “consent to access”), provided that mutually agreed terms of benefit-sharing have been concluded.

Utilization of the genetic resources of the Republic of Belarus and/or traditional knowledge associated with genetic resources shall be allowed after obtaining of the Internationally Recognized Certificate of Compliance.

Utilization of genetic resources of other States Parties to the Nagoya Protocol and/or traditional knowledge associated with those genetic resources shall be allowed upon availability of the Internationally Recognized Certificate of Compliance and after informing the Checkpoint on genetic resources’ monitoring pursuant to a procedure established by legislation.

A procedure for access to genetic resources and their utilization establishing a procedure to obtain a permit for access to genetic resources, conclude mutually agreed benefit-sharing terms, and obtain the Internationally Recognized Certificate of Compliance shall be established by the Council of Ministers of the Republic of Belarus”.

1.9. Article 74:

Para. 2 of Part 1 after the word “diversity” shall be supplemented with “, genetic resources”;

Part 2 shall be supplemented with the wording “, regulating access to genetic resources for the purpose of their utilization”.

2. Part 2 of the Law of the Republic of Belarus “On the Plant World” shall be supplemented with a new part:

“Relations in the area of access to genetic resources of plant world objects for the purpose of their utilization shall be regulated by legislation of the Republic of Belarus on environmental protection”.

3. Article 2 of the Law of the Republic of Belarus “On the Animal World” shall be supplemented with a new part:

“Relations in the area of access to genetic resources of animal world objects for the purpose of their utilization shall be regulated by legislation of the Republic of Belarus on environmental protection”.

4. Article 2 of the Forest Code of the Republic of Belarus shall be supplemented with a new part:

“Relations in the area of access to genetic resources, the source of which are plant world objects constituting the Forest Fund shall be regulated for the purpose of their utilization by legislation on environmental protection”.

5. Chapter 15 of the Code on Administrative Offenses of the Republic of Belarus Shall be supplemented with a new Article:

“Violation of a Procedure for Access to Genetic Resources for the Purpose of their Utilization.

Violation of a procedure for access to genetic resources for the purpose of their utilization entails a fine in the amount of ten to fifty base values; for

an individual entrepreneur – from thirty to two hundred base values; for a legal person – from one hundred to one thousand base values”.

6. Chapter 26 of the Criminal Code of the Republic of Belarus shall be supplemented with a new Article:

“Violation of a Procedure for Access to Genetic Resources.

Violation of a procedure for access to genetic resources, entailing deliberate or negligently caused damage of a large scale, shall be punished with a fine or correctional labor for up to two years, or with arrest or restriction of liberty for up to five years, or imprisonment for the same period and with the deprived right to occupy certain positions or engage in certain activities or without its deprivation”.