



NORWEGIAN MINISTRY OF
THE ENVIRONMENT

Norwegian Nature Diversity Act
Chapter VII Genetic material

Purpose

Section 1

- Protect biological, geological and landscape diversity and ecological processes
- Through conservation and sustainable use
- Human activity, culture, health and well-being
- Now and in the future

Section 57

- The utilisation shall benefit the environment and human beings, both nationally and internationally
- o Emphasis on appropriate sharing of benefits
 - o Safeguard the interests of indigenous peoples and local communities

Management - section 57

- Ownership to genetic material: common resource belonging to Norwegian society as a whole
- The State has management responsibility
- The purpose of the law indicates how the State shall manage the resources

Access and utilisation - section 58

- Possibility to give regulation providing that access to genetic material shall be subject to permit given by the Ministry
- Exeptions:
 - For use in public collections
 - For use and further breeding or cultivation in agriculture or forestry
 - For taxonomic purposes

Access and utilisation - section 58 cont.

Regulation can indicate

- o Conditions for prior informed consent (permit)
- o Information required by the applicant
- o How to ensure the rights of landowner, indigenous peoples and local communities
- o Conditions, for further utilisation, necessary to ensure that the objectives in § 57 is complied with

The original conditions for the prior informed consent apply to subsequent receivers/users

Public collections – section 59

- Public collections shall be managed in accordance with the principles set out in section 57
- Duty to register any genetic material removed from the collection and provide public access to such information
- Refrain from claiming IPR or other rights to the material that would limit its use – unless the material has been modified substantially

Genetic material from other countries – section 60

- Import for utilisation in Norway of genetic material from a state that requires consent for collection or export may only take place in accordance with such consent
- Possibility for the Norwegian State to enforce these conditions in favor of those who have set them – by bringing legal action;

Genetic material from other countries – section 60 cont.

Obligation under Norwegian law to;

- disclose the country of origin and/or the country from where the material is collected
- for users in Norway to comply with the conditions set out in a prior informed consent of the provider country, and mutually agreed terms;

Enforcement and sanctions

- sections 69-75
- Measures to remedy or mitigate the impact of unlawful activities
- Duty to prevent/limit harm – lawful activities
- Direct implementation
- The authorities can impose a coercive fine
- The authorities can impose environment compensation in favor of the State
- Penal measures