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NATIONAL BIODIVERSITY AUTHORITY

PROCEEDINGS OF THE 32nd AUTHORITY MEETING

12th December 2014

Venue

Godavari Hall,
Ministry of Environment, Forests and Climate Change
Indira Paryavaran Bhavan, Jor Bagh Road,
New Delhi – 110 003

Proceedings of the 32nd Authority Meeting of the National Biodiversity Authority

The thirty second meeting of the National Biodiversity Authority (NBA) was held on 12th December, 2014 from 11:00 AM at Godavari Hall, Ministry of Environment, Forests and Climate Change, New Delhi under the chairmanship of Shri. Hem Pande, IAS, Chairman, NBA to consider the agenda items circulated to the Members *vide* email dated 06th December 2014. The list of participants is placed as **Annex-1- pg.no.24**.

2. At the outset, Shri Hem Pande welcomed all the Members and special invitees to the meeting. Shri T. Rabikumar, IFS., Secretary, NBA, also extended a welcome to the Members and special invitees and briefed the activities carried out since the last Authority meeting.

Thereafter, the agenda items were considered and discussed as under:-

32.01: Confirmation of Proceedings of the 31st Authority meeting

Members were informed that the draft proceedings of the 31st Authority meeting of the National Biodiversity Authority held on 27th August, 2014 at New Delhi was circulated to the Members *vide* email dated 29th September 2014. The solitary comments received from Dr.R.S.Rana, Member NBA, were incorporated appropriately and the approved proceedings were placed before the Members for confirmation. The Members confirmed the proceedings.

32.02: Action taken report of the 31st Authority meeting

The Secretary, NBA apprised the Members about the actions taken on the decisions of the 31st Authority meeting. With respect to agenda item no. 31.04 regarding decision on EC on Agro-biodiversity, Dr.R.S.Rana, Member, NBA offered to extend his expertise to the NBA Secretariat in carrying out the revision of terms and on composition of the expert committee on agro-biodiversity. Actions taken on the remaining items were noted by the Members.

Decision:

a) NBA Secretariat with the help of Dr. Rana, Member, NBA may revise the terms and on composition of the EC on agro-biodiversity.

Action: Secretary, NBA

32.03: Compliance of the decisions taken in the 6th, 7th and 8th Authority meetings

The Secretary, NBA informed the Members that in pursuance of the decision in the 16th Authority meeting, detailed matrices elucidating the follow up actions on the decisions of the 6th, 7th and 8th Authority meetings were prepared by the NBA Secretariat and placed for consideration. The Members appreciated the exercise and made the following observations and decisions.

2. With regard to agenda item no. 7.3.13 on purchase of land and construction of building for NBA, the Chairman, NBA suggested that taking the land on lease from the State Government may also be considered and recommended to enquire about the procedures followed by other Central Government agencies in this regard. While discussing the agenda item no. 7.4.7 on the case against D1 Oil Company, the Members advised that the NBA Secretariat to follow-up the case in the Court of Law and update the same to the Authority. The Members also noted various awareness programmes organized /sponsored by the NBA, SBBs, and the notification of threatened species in the 16 States u/s 38 of the Biological Diversity Act, 2002.

Decisions:

a) NBA Secretariat may explore the possibility of acquiring land from the State Government on lease and may also consult other Central Govt. agencies in this regard.

b) Members directed the secretariat to take follow-up actions which are shown as pending in the tabulated matrix and update further progress in the subsequent Authority meetings.

Action: Secretary, NBA

32.04: Status of Guidelines on Access and Benefit Sharing

The Secretary, NBA apprised the Members that the Guidelines on access to biological resources and associated knowledge and benefits sharing regulations, 2014 was notified and published on 21st November, 2014. The Members placed on record their deep sense of appreciation to the various stakeholders involved in

formulating the ABS Regulations including, various Ministries, State Biodiversity Boards, Expert committee on Access and Benefit Sharing, the two Core Expert Groups on ABS guidelines chaired successively by Dr.R.S Rana and Shri.Jitendra Sharma, Seed industries, FICCI, ADMA, AMAM etc. They also placed on record the notification of Regulation, which is a milestone for NBA. Further, the Members suggested that the Secretariat may compile the success stories on Benefit Sharing to showcase the good progress made in this regard.

Decision:

a) NBA Secretariat may come out with a compilation of success stories about Benefit Sharing.

Action: Secretary, NBA

32.05 & 32.26.02: To consider the Proceedings of the 29th and 30th meetings of EC on Access and Benefit Sharing

The Members were informed that the 29th meeting of EC on ABS was held on 2nd September, 2014 at the office of the National Biodiversity Authority, Chennai and the 30th meeting was held on 29th November, 2014 at Hyderabad. The Members considered the 30th meeting proceedings, which were placed as an additional agenda no. 32.26.02, along with the 29th meeting proceedings.

2. The EC considered a total of 55 applications and finalized the guidelines for levying of upfront payment. Three applicants viz,. M/s.Bioseed Research India Ltd., M/s.Panacea Biotec Ltd., and M/s.Bayer Bioscience Pvt. Ltd., made presentations on their applications in person in the 29th meeting and M/s.Brasif S.A made a presentation in the 30th meeting.

3. Shri. Ramesh G. Kalaghatgi, IFS, Chairman EC on ABS, invited as a special invitee to the meeting apprised the Members the basis on which the recommendations were made on the applications. He also elaborated on the guidelines finalized by the EC for determining the quantum of upfront payment which may be levied for Form I applicants for conducting research or biosurvey and bio-utilization for research based on nature of bioresources proposed to be accessed, duration of research and outcome, etc.

4. Members were informed that with respect to processing of the prospective applications relating to red sanders expeditiously, the Chairman, EC on ABS opined that there may not be any need for seeking individual applications from the bidders, place them before EC and again place before NBA and after approval enter into agreement as is the normal procedure. Instead he suggested that a list of successful purchasers should be obtained from the Government of Andhra Pradesh with necessary details of the sale and a notice should be issued to them for payment of ABS. Upon realizing the benefit sharing component, agreements should be entered with them. Such fast track clearance will avoid procedural delay in according permission by NBA. Shri C.A.Reddy, Member, EC on ABS suggested few modifications on the above points in the 30th EC proceedings. The same was circulated to the Members. This issue was considered by the authority under agenda item 32.07.

5. Thereafter, the Members considered and endorsed the recommendations of the EC on the applications. Further the guidelines on upfront payment was approved with minor modifications.

Decisions:

a) Authority approved the guidelines on upfront payment. (Annex-II – pg.no.26)

b) The upfront payment fixed for 15 Form I applications (Annex-III – pg.no.27)

c) Authority approved the recommendations of the EC on the ABS applications (Annex-IV – pg no.38).

Action: Secretary, NBA

32.06: To consider according approval on the applications submitted by Indian researchers/Government Institutions for conducting of non-commercial research or research for emergency purposes outside India

The Members were informed that according to Regulation 13(3) of the guidelines on access to biological resources and associated knowledge and benefits sharing regulations, 2014, NBA has to accord approval within a period of 45 days for Form-B applications received from Indian researcher/ Government institution who intends to carry/ send the biological resources outside India to undertake basic research or carry out certain urgent studies to avert emergencies like epidemics, etc. Whereas according to existing procedure, processing of application takes a period of

3 to 6 months. The matter was submitted for guidance for disposing of the applications under this category.

2. The Members deliberated the issue and keeping the need to accord approval within the stipulated time in the Regulation, the Authority authorized the Chairman, NBA to accord approval or otherwise for Form-B applications without referring to SBB/BMC, and also without placing it in the EC on ABS and later on place it to the Authority for ratification.

Decisions:

a) The Chairman, NBA authorized to accord approval or otherwise for Form- B application, without referring to the SBB and the EC on ABS.
b) The approval or otherwise on the applications accorded shall be placed in the subsequent authority meetings for ratification.

Action: Secretary, NBA

32.07: Requesting guidance for according approval on the applications seeking access to the Red Sanders

The Secretary NBA apprised the members that in the 28th Authority meeting, under agenda item no. 28.05, it was decided that the NBA shall impose a benefit sharing of 5% of the auctioned price of Red Sanders from the successful bidder, who after filling the Form prescribed in the BD Act and Rules / State Biodiversity Rules, as the case may be, has to deposit the benefit sharing component of 5% of the auctioned amount (excluding taxes and other government dues) to NBA/SBB, before lifting the Red Sanders wood from the site. The first phase of auctioning of Red Sanders has already been completed by Govt. of Andhra Pradesh and the successful bidders are expected to submit their application seeking approval of NBA shortly. Since the benefit sharing component has already been fixed, the Authority's guidance was requested on the procedure to be followed in evaluating the said applications. Members also considered the views of Chairman, EC on ABS and Shri C.A.Reddy, Member, EC mentioned at para 5 under agenda item no.32.05. After detailed discussion, the Authority made the following decisions:

2. With respect to submission, evaluation and approval of applications from prospective applicants, the Members advised the NBA Secretariat to obtain the list

of successful bidders along with the amount of auctioned price by each applicant from the Government of Andhra Pradesh. It was suggested that a facilitation desk may be set up at the Hyderabad Liaison office of NBA in association with Andhra Pradesh SBB, in order to assist the prospective applicants to submit their application Forms. The Members also decided that since the benefit sharing was already fixed as 5% of auctioned price of Red Sanders, the applications may be processed at the NBA secretariat and authorized the Chairman, NBA to accord approval to the applications and the same need not be referred to SBB, EC on ABS and Authority for recommendation and approval respectively. Further, it was decided that on receipt of benefit sharing amount from the bidder/ applicant, the approval may be accorded in the form of agreement between NBA and the applicant and the details placed before the Authority in the next meeting.

3. Further, the Members suggested that since a sizeable amount will be realized as benefit sharing from the export of Red Sanders, an expert committee may be formed to develop a comprehensive policy for utilizing the amount received by the NBA/SBB as benefit sharing from the export of Red Sanders.

Decisions:

a) NBA Secretariat may obtain the list of successful bidders along with the respective auctioned price details from the Government of Andhra Pradesh.

b) NBA Secretariat may form a facilitation desk at the liaison office in Hyderabad in association with the AP SBB to assist the prospective applicants to submit their application.

c) Members authorized the Chairman, NBA to accord approvals to such applications without following the normal procedure. On receipt of benefit sharing amount from the bidder/ applicant, the approval may be accorded in the form of agreement between NBA and the applicant.

d) The approvals on the applications shall be placed in the subsequent authority meetings for ratification.

e) An Expert committee may be formed to develop a comprehensive policy for utilizing the amount realised by the NBA/SBB as benefit sharing from the export of Red Sanders.

Action: Secretary, NBA

32.08: To consider the proposal on hearing applicants' plea

The guidance of the Members was sought on the following two issues with regard to hearing of applicants' plea:

Issue - I: The Members were informed that of late, NBA is receiving a number of requests from the applicants for revision of benefit sharing component which has been approved by the Authority. At present, such requests are being placed in the Authority directly for consideration.

Issue – II: It was also informed that as per section 19(3) of the BD Act, while rejecting applications, NBA should give an opportunity to the applicants for being heard. At present, the NBA secretariat has sent such communications to various applicants in this regard.

2. In this connection, the NBA Secretariat proposed that the above cited issues may be examined by the EC on ABS and its recommendations be submitted to the Authority for consideration. The Members discussed the issue and endorsed that the plea for revision of benefit sharing component shall be examined by EC on ABS barring cases in which the benefit sharing component fixed as per the guidelines under Regulation 4 for access to biological resources for commercial utilization, and submit the recommendation to the Authority for consideration. Further, keeping the interest of the applicants in view, the authority authorized EC on ABS to examine the request of applicant on various issues, on a case by case basis and submit its recommendation to the Authority for consideration.

Decisions:

a) Members authorized the EC on ABS to examine the applicants' plea for revision of benefit sharing component and other issues, on a case by case basis barring cases in which the benefit sharing component fixed as per the guidelines under Regulation 4 for access to biological resources for commercial utilization, and submit the recommendation to the Authority for consideration.

b) Members authorized the EC on ABS to examine the response/ reply from the applicants [u/s 19(3)] whose applications are decided for rejection and place them before the Authority for consideration.

Action: Secretary, NBA

32.09: To consider the draft revised guidelines for filling-up of application forms

The Secretary, NBA informed the Members that in the 26th Authority meeting held on 16th January 2013 under item no.26.18.06, the Members approved the guidelines for filling-up of application forms (I, II, III & IV) by the applicant. The same

was put in operation in February 2013 and being followed since then. While submitting the application in the prescribed format and guidelines, few applicants have expressed difficulties in furnishing certain details/documents such as common seal in the case of small firms, common seal and photo of agent, scanned copy of signature of agent/applicant etc. It was, therefore, proposed that seeking such details may be discontinued forthwith.

2. NBA also noted in some cases that the name of the applicant furnished in the application forms submitted to the Patent office and NBA varies. Hence, a note informing the applicants that the above detail should be one and the same in both the applications was added to the guidelines. Further, the existing guidelines provide details required to be submitted by the individuals, entities, Government institutions etc in the same document. This has resulted in delays/difficulties in scrutinizing applications since majority of applicants have incorrectly filled the application forms. In order to provide better clarity to the applicants, the draft guideline was revised separately for individuals and entities. The revised guidelines were placed before the Authority for consideration.

3. Following detailed deliberation, the Members approved the draft guidelines for filling-up of application forms with certain modifications. The Authority also authorized the Chairman, NBA to approve the modifications/ changes to the guidelines, if any, in future. Further, the Members also advised that keeping in view the experience gained by the NBA Secretariat over the years in processing of ABS applications, NBA may move for amendments in the Biological Diversity Rules, 2004 with regard to the ABS application forms.

Decisions:

a) The Members approved the guidelines for filling-up of application forms with certain modifications.

b) The Members authorized the Chairman, NBA to approve the modifications/ changes to the guidelines, if any, in future.

c) The Members advised the NBA Secretariat to draft proposals for amendments to the application forms provided under the Biological Diversity Rules, 2004.

Action: Secretary, NBA

32.10: Compliance to Nagoya Protocol relating to Internationally Recognised Certificate of Compliance (IRCC)

The Members were informed that in the 30th Authority (special) meeting under agenda item 30.03, the Members approved two draft orders viz., designation of NBA as Competent National Authority and Internationally Recognised Certificate of Compliance (IRCC) for the implementation of the Nagoya protocol. The MoEFCC communicated that the format developed by the NBA shall not constitute IRCC, rather the access permit granted by NBA when made available to ABS-CH in the common format, shall constitute IRCC. The Protocol came into force on 12th October, 2014. Keeping in view of confidentiality issues in the agreement entered into between NBA and applicant, the secretariat proposed to upload the information in the IRCC common format barring confidential matters, as mentioned by the applicant.

2. In this regard, the NBA secretariat displayed the ABS-CH website before the Members and briefed the uploaded documents such as BD Act, Rules, notifications, and orders including recently notified ABS Regulations. Members appreciated the efforts of the Secretariat in this matter. Further, the Secretary informed the Members that the details of the applications approved by the Authority are uploaded in the IRCC common format as draft. Members directed the Secretariat to upload/provide the details of the application, barring those specified as confidential by the applicant.

Decision:

a) Authority directed the NBA secretariat to upload the details in the IRCC, barring those specified as confidential by the applicant in the IRCC common format. In order to ascertain the confidential details from the applicant, it was decided to forward a copy of IRCC format along with the model agreement to the applicant.

Action: Secretary, NBA

32.11: To consider the Proceedings of the consultation meeting with SBBs on the revised draft guidelines on Access and Benefit Sharing

The Secretary, NBA apprised the Members that the consultation meeting with the State Biodiversity Boards on the draft guidelines on Access and Benefit Sharing was held on 13th May, 2014 at New Delhi. The meeting was attended by the

Chairpersons and Member Secretaries of SBBs, Members of Authority, representatives of Ministries and other experts from various fields who discussed the draft ABS guidelines and deliberated the functions of NBA/SBBs/BMCs as contained in the draft guidelines. Issues such as exemption under the BD Act, processing of applications, ABS mechanism and template on benefit sharing formula were discussed in detail.

2. While considering the Proceedings, the Members decided that all the SBBs may follow the Guidelines on access to biological resources and associated knowledge and benefits sharing regulations, 2014 developed by the NBA and there is no need to develop separate guidelines on benefit sharing component for each State considering the need to have uniform benefit sharing component.

Decision:

a) Authority considered the proposal of formulating individual guidelines on benefit sharing component for each SBB which was not agreed to, considering the need to maintain the uniformity on fixing benefit sharing by the SBBs to the Indian legal / natural person.

Action: Secretary, NBA

32.12: To consider the minutes of the joint meeting between NBA and CSIR held on 17th September 2014 at MoEFCC, New Delhi

The Members were informed that the joint meeting between the National Biodiversity Authority and the Council of Scientific and Industrial Research (CSIR) regarding finalization of access and benefit sharing agreements was held on 17th September, 2014 at MoEFCC, New Delhi under the Chairmanship of Shri. Hem Pande, Chairman, NBA. In the meeting, issues such as changes in the clauses of the agreement, benefit sharing component and withdrawal of 76 applications were discussed.

2. Dr.Anjana Baruah, Chief Scientist & Head, CSIR-IPU, who was invited as a special invitee to discuss this agenda item, made the following suggestions: (i) under para/ clause no. 2.2, the term "*filing patent outside India*" may be revised as "*obtaining patent outside India*" (ii) para/ clause no. 9.7, may be deleted since CSIR does not have any production unit.

3. The Members agreed to the proposed modifications and the minutes of the meeting were approved by the Authority. The Authority directed the Secretariat to use the same agreement format in the case of all Government institutions such as ICAR, ZSI, BSI, ICFRE, ICMR, DST, DRDO and NIO.

4. Further, the Members felt that the existing agreement format being revised by the EC under the Chairmanship of Dr.R.S.Rana may be further fine-tuned in the light of recent developments such as ABS Regulation and entry of Nagoya Protocol in to force. Also, the authority directed the Secretariat to form a small committee to revise the agreement formats under the chairmanship of Dr.R.S.Rana and the indicative list of members are Dr.M.K Ramesh, Dr.Sudhir Krishnaswamy, Dr.Bojwani and Shri.Sugara, IFS.

Decisions:

a) Incorporate the modifications suggested in the minutes of the joint meeting between NBA and CSIR, as mentioned at sl.no. 2 above.

b) The agreement format approved for CSIR may be followed in the case of all Government institutions such as ICAR, ZSI, BSI, ICFRE, ICMR, DBT, DST, DRDO and NIO.

c) Members directed the Secretariat to form a small committee under the Chairmanship of Dr.R.S.Rana, Member, NBA to revise the agreement formats.

Action: Secretary, NBA

32.13: To consider the report on effect of seaweed (*Kappaphycus alverezii*) in the Southern coastal districts of Tamil Nadu

The Members were apprised that NBA is processing applications related to the export of cultivated seaweed from the districts of Ramanathapuram and Tuticorin in Tamil Nadu by Indian and Non-Indian entities. In 2011, there were reports in the media about the adverse effects of the seaweed on coral reefs, thereby posing a threat to ecosystem. The Authority, in its 22nd Meeting held on 22nd November 2011, considered the issue under agenda item no.22.08 and suggested that NBA should elicit opinions of experts in the field and communicate the report to MoEF for further action.

2. Accordingly, NBA sought the opinion of Zoological Survey of India, Central Marine Fisheries Research Institute, Central Salt and Marine Chemicals Research Institute, Chief Wildlife Warden, Tamil Nadu Forest Department, Department of

Fisheries, Tamil Nadu and Wildlife Institute of India. NBA received response with diverse opinion from five of the six experts addressed. NBA forwarded the views of these institutions to the Tamil Nadu Biodiversity Board (TNSBB) with a request to study them and provide a comprehensive opinion. The TNSBB provided their final comments vide letter dated 24th January, 2014. A consolidated report of the views of these institutions and TNSBB's comments were placed for consideration.

3. In view of the diverse opinions received, the Members agreed that the matter may be referred to the Ministry of Earth Sciences. In the meantime, it was suggested that the NBA secretariat may continue processing applications pertaining to seaweeds.

Decision:

a) Members directed the Secretariat to forward the communications received from different agencies related to harmful effect of cultivated seaweed to the Ministry of Earth Sciences for opinion.

Action: Secretary, NBA

32.14: To consider designation of National Repository u/s 39 of BD Act, 2002

The Secretary, NBA informed the Members that the MoEFCC in consultation with the NBA has designated 15 National Institutions/Organisations as repositories vide notifications No.26-15/2007-CSC dated 28.08.2008, No.26-15/2007-CSC dated 12.09.2012 and No.26-15/2007-CSC dated 08.07.2013 and conveyed that NBA has received proposals from two more institutes seeking to be designated as National repositories u/s 39 of the BD Act.

2. The Members opined that the Government institutions/ organisations may be given priority for being designated as National Repositories, since many such institutions/ organisation have already been designated as National repositories. Further notifications may be considered as and when need arises.

Decisions:

a) Members not approved the proposal of designating the Gujarat Biodiversity Gene Bank (BioGene) and Agharkar Herbarium at Maharashtra Association for the Cultivation of Science,

as national repositories u/s 39 of the BD Act, since many such institutions/organizations have already been designated.

b) Members decided that a Core Expert Group on Designated National Repositories, chaired by Dr.R.S Rana may be constituted to review functioning of the existing national repositories and to develop their specific mandates as well as working guidelines.

Action: Secretary, NBA

32.15: To consider the draft notification to establish Biodiversity Council in the Union Territory of Andaman & Nicobar Islands and Lakshadweep

The Members were informed that the NBA had explored the possibility of establishing Biodiversity Council in the Union Territory of Andaman & Nicobar Islands and Lakshadweep in accordance to subsection (2) of Section 22 of the Biological Diversity Act, 2002. In this regard, draft notifications for A&N Islands and Lakshadweep, prepared in consultation with the stakeholders were placed for consideration.

2. The Members after detailed discussion, decided that the draft notifications require modifications, since the terms and composition of the members are not compatible. Therefore, the draft notifications were not approved. In this regard, it was decided that as a pilot phase, the NBA may write to the Chief Secretaries of Delhi and A&N islands to form a group of officials i.e., eleven members comprising of a Chairman who is an eminent person having adequate knowledge and experience in the conservation and sustainable use of biological diversity, five ex-officio members from concerned departments and five members to be appointed by the UT/NCT amongst experts, to carry out certain provisions of the BD Act, particularly constituting BMCs, preparing PBRs, providing consent or otherwise to the application referred by NBA for accessing biological resources and / or associated knowledge requested by different stakeholders.

Decision:

a) The draft notification to establish Biodiversity Councils in the Union Territories of Andaman & Nicobar Islands and Lakshadweep were not approved since terms and composition of members are not compatible. However, Members advised that the Chairman, NBA may send a communication to the Chief Secretaries of Delhi and A&N islands to form a group of officials as detailed in para 2 above.

Action: Secretary, NBA

32.16: Report on 8th and 9th meetings of State Biodiversity Boards

The Secretary, NBA informed the Members that as per the decision of the 13th Authority Meeting the publications may be approved at the level of Chairman, NBA. The reports of the Eighth National Meeting of State Biodiversity Boards and Ninth National Meeting of State Biodiversity Boards and Guidelines for operationalization of BMCs were printed. Copies of the reports were circulated to the Members for information.

32.17: Major head of expenditure of NBA for the period April – October, 2014

The detailed expenditure incurred under various heads of accounts from April, 2014 to October, 2014 by NBA was placed before the Authority for ratification and the same was ratified.

32.18: Audit on the accounts of NBA for the Year 2013-2014

The audit on the accounts of NBA (Certification of Annual Accounts) for the year 2013 – 14 was conducted by O/o the Principal Director of Audit (Scientific Departments) from 17.06.2014 to 26.06.2014. The Audit report was placed before the Authority for information and Authority took note of it.

32.19: Activities of UNEP-GEF-MoEF project on ABS

The Members were updated on the activities of UNEP-GEF-MoEF project on ABS and the various knowledge products developed by the project, which were distributed to the Members. The Members were informed that as per the project document on UNEP-GEF-MoEF on ABS the projects implemented by the government agencies need to be audited by the CAG. Accordingly the CAG, Chennai office audited the project accounts between 30th July and 5th August, 2014 at NBA, Chennai and the final audit certificate was received from the Principal Director of Audit (Scientific Departments).

2. It was apprised that the Project Steering Committee held during the month of January, 2014 has taken a decision to seek the project extension for a period of one year until June 2015. Accordingly a request was made to the UNEP GEF and the same was acceded to. Further, the 3rd Project Steering Committee held during the month of June 2014, decided to replicate the project activities in another five States and two Union Territories. The States and UTs chosen for the replication are Goa, Karnataka, Odisha, Tripura, Telangana (Due to Re-organization of Andhra Pradesh State Act 2014), Delhi and Andaman and Nicobar Islands.

32.20: UNEP-GEF-MoEF Direct Access Project on strengthening the enabling environment for biodiversity conservation and management in India (May 2012- Oct 2014)

The Secretary, NBA updated the Members on the UNEP-GEF-MoEF Direct Access Project on strengthening the enabling environment for biodiversity conservation and management in India The objective of the project is to provide assistance in meeting the national reporting requirements to the CBD by India which includes:

a) Preparation of Fifth National Report for Biodiversity.
b) Revision of National Biodiversity Strategy and Action Plan.
c) Setting up of National Clearing House Mechanism (CHM).

2. The Fifth National Report (NR5) provides an important source of information for the implementation of the Strategic Plan for Biodiversity 2011-2020 and progress towards the Aichi Biodiversity Targets. The preparation of NR5 was assigned to Wildlife Institute of India. The report was completed and released by the Hon'ble Minister of Environment, Forests and Climate Change during the World Environment Day Celebration on 5th June, 2014 at New Delhi and the same was also made available in the CBD website. A copy of the report was distributed to the Members.

3. India's National Biodiversity Action Plan (NBAP) was prepared through a comprehensive inter-ministerial process and approved by the Union Cabinet in

2008, this report was developed prior to CBD's Strategic Plan for Biodiversity 2011–2020 and the Aichi Biodiversity Targets. India has developed her own National Biodiversity Targets through an extensive consultative process. A copy of the same was distributed to the Members.

4. Under the project, NBA has developed a National Clearing-House Mechanism website to disseminate information on the national implementation of the CBD, national targets, action plan programmes and provide adequate links to the ministries, institutions and research organisations working on biodiversity related issues.

32.21: Project on Centre for Biodiversity Policy and Law (CEBPOL)

The Members were apprised on the activities of the project on Centre for Biodiversity Policy and Law (CEBPOL) which was established as a joint centre under the Indo-Norwegian cooperation in the field of Biodiversity Policy and Law. The NBA, MoEFCC, Norwegian Embassy and Norwegian Directorate for Nature launched the CEBPOL at Chennai on 24th April, 2012. The main objectives of the Centre is to provide professional support, advice and expertise to the Government of India and Norway on a sustained basis on matters relating to biodiversity policies and laws at the national level, as well as in international negotiations relating to biodiversity in multilateral forums, to develop professional expertise in biodiversity related policies and laws, *inter alia* through encouragement of research, development and training in matters relating to Convention on Biological Diversity, as well as its interface with other multilateral environment agreements and United Nations bodies.

2. The Members were informed that the project has started functioning in the NBA secretariat by recruiting project staff, viz., Consultant (policy), Consultant (capacity building), Administrative executive, Finance executive and IT executive. Similarly, recruitment of three fellows on the following thematic areas viz., access and benefit sharing, multilateral environment agreements, and invasive alien species is at an advanced stage. The Members took note of the progress of the project.

32.22: To consider the augmented list of Normally Traded Commodities

It was informed that in the 29th Authority meeting under agenda item 29.13, it was decided that the reconstituted Expert Committee on Normally Traded Commodities under the chairmanship of Shri.D.K.Ved IFS (Retd.) may augment the list of NTCs. Accordingly, the EC met on 26th & 27th May, 2014 and 13th November, 2014 and recommended a set of 227 species/ biological resources/ items for notification as NTCs u/s 40 of the BD Act and the same was placed before the Authority for consideration. The Members made the following observations and recommendations.

2. Dr.Rana, Member, NBA suggested that current distinction of the source of biological resource as wild or cultivated may be revised into three categories viz., cultivated, cultivated and abundantly available in wild, and abundantly available in wild. The Members deliberated the suggestion and decided that a final decision may be taken in consultation with Shri D.K.Ved, Chairman, EC on NTC.

3. Dr.Sujata Arora, MoEFCC suggested that the first para of the notification may be modified by including the wordings *in supersession of the earlier notification* and opined that there was no requirement for the self-declaration form. Further, members suggested that the bill of lading or shipping bill of Customs may be referred from the Directorate General of Foreign Trade (DGFT) or other departments viz-a-viz with self-declaration form developed with the draft notification, particularly the possibilities of incorporating a provision indicating "source of procurement of biological resources" in the above document.

Decisions:

a) Modification in the categories of the source of the biological resource may be considered in consultation with Shri Ved, Chair, EC.

b) First para on the draft notification may be modified by incorporating the phrase "*in supersession of the earlier notification".*

c) Members directed the Secretariat to forward a revised version of NTC notification to MoEFCC after consulting Shri Ved, on the issue referred at sl.no.a, and also the discussion held in this Authority.

Action: Secretary, NBA

32.23: To consider the proposals received by NBA seeking financial assistance

The Secretary NBA presented to the Members four project proposals received by NBA seeking financial assistance. The Members reiterated the importance of developing guidelines for according financial assistance to the projects and recommended to refer the guidelines developed by the MoEFCC. Thereafter, the Members considered the proposals and made the following decision.

Sl. no.	Proponent	Proposal	Financial assistance	Decision of the Authority
1	Uttarakhand Open University	Establishing 'Bio-cultural diversity park and ecological museum'	Rs.3.42 crores	Not approved.
2	Kerala SBB	conducting awareness and familiarization of PBRs	Rs.25.00 lakhs	Not approved
3	Kerala SBB	Second National Biodiversity Congress	Rs.50.00 lakhs	Not approved
4	CPR Environmental Education Centre	Third Indian Biodiversity Congress (IBC) and Expo	Rs.20.00 lakhs	Not approved

Decisions:

a) Guidelines for according financial assistance to projects may be developed by the NBA secretariat referring MoEFCC guidelines in this regard.

b) Members did not approve the proposals received from all the proponents.

Action: Secretary, NBA

32.24: Participation of NBA in the Indian Science Congress - 2015

The Members were informed that the 102nd Indian Science Congress is scheduled to be held from 3rd to 7th January, 2015 at the University of Mumbai, Kalina campus. In this regard, the Members decided that Dr. S. Subramaniyan, Member, NBA may act as a Member convener in the events related to NBA.

Decision:

a) Dr.S. Subramaniyan, Member, NBA may act as a Member Convenor in the 102nd Indian Science Congress for the NBA session.

Action: Secretary, NBA

32.25: Resubmission of Draft NBA Annual Report 2012-13

The Secretary, NBA informed the Members that the draft annual report for the year 2012-13 was placed in the 27th Authority meeting under item no. 27.16 wherein it was suggested to add more details on the roles of SBBs/BMCs and functions of NBA. With these comments, the Authority approved the draft. However, due to change in the top management at NBA secretariat, finalization of ABS guidelines, finalization of the draft notification/ orders to implement Nagoya Protocol and other administrative reasons, considerable time was taken to revise the draft and the same was placed before the Authority for approval.

2. The Members noted certain inconsistencies in the draft annual report and directed the Secretariat to rectify the same. Barring these modifications, the draft annual report was approved.

Decision:

a) The Members approved the annual report 2012-13 and directed the Secretariat to rectify certain inconsistencies in the draft.

Action: Secretary, NBA

32.26.01: To consider the recommendation of the 2nd meeting of Core Expert Group (CEG) held on 8th December, 2014

The Secretary, NBA informed the Members that pursuant to the decisions of the 30th Authority meeting under agenda item no. 30.03, the Second meeting of the Core Expert Group (CEG) to fine tune the draft orders /notifications to implement Nagoya Protocol on ABS was held on 8th December, 2014 at MoEFCC, New Delhi under the chairmanship of Dr. R.S. Rana, Member, NBA. The CEG considered two draft orders/ notifications viz., Designation of check points and User country measures, and also considered the proposal received from the DAC for exempting Annex-I crops of ITPGRFA from Section 6 of the BD Act, in addition to Sections 3 and 4. Further, as directed by the 31st Authority meeting under agenda item no. 30.01, the issues raised by DBT on the deposition of Indian bioresource in foreign repositories by Indian researchers for non-commercial purposes was also discussed by the CEG. The recommendations of the meeting were placed before the Authority for consideration. The observations and decisions of the Authority are given below.

2. The Members deliberated the two draft notifications viz., designation of check points and User country measures. Taking into consideration the proposal by the CEG, it was decided that for the present, the notification on check points may partly include some measures for users of biological resources and associated traditional knowledge, since issues relating to non-compliance by users require further detailed deliberations. Further, the Members deliberated the issue of designating central check point and decided that the Patent office may be designated as a single check point for the present. Further, the Authority decided that an executive order may be issued by the Ministry of Environment, Forests and Climate Change in this regard. Thereafter, the Authority approved the same with few modifications.

3. With regard to the proposal received from DAC for exempting Annex-I crops of ITPGRFA from Section 6 of the BD Act, the Authority decided that exemption will be granted only under Sections 3 and 4 and exemption under Section 6 will not be considered due to certain legal consequences, monitoring the patent related matters etc. The CEG also considered two issues raised by DBT and based on the CEG recommendations the Members discussed and made the following observations:

(i) With regard to deposition of cultures in International Repositories by Indian scientists for publishing papers is a requirement under the Budapest Treaty. It was agreed that the Form-B annexed in ABS Regulations notified recently, may be used for said purpose.

(ii) As regards the issue to permit designated repositories to supply accession from their collection to foreign researcher, as per the CEG's recommendations it was decided to seek justification from DBT for developing the special form.

4. With regard to the deposition of biological resources abroad, the Authority considered the recommendation and directed the secretariat to revise the Form-B through EC on ABS to suit the requirement for deposition of biological resources viz a viz with the Budapest Treaty.

Decisions:

a) The merged draft notification/ order on designation of check points and user country measures was approved with a few modifications, placed as Annex-V – pg.no.48.
b) Members did not approve the proposal from DAC for exempting Annex-I crops of ITPGRFA from Section 6 of the BD Act, placed as Annex-VI- pg.no.51.
c) With regard to the deposition of biological resources abroad, the Authority considered the recommendation and directed the secretariat to revise the Form-B through EC on ABS to suit the requirement for deposition of biological resources viz-a-viz with the Budapest Treaty.

d) The Authority directed the secretariat to obtain justification from DBT for developing the special form for permitting designated repositories to supply accession.

Action: Secretary, NBA

32.26.03: Proposed amendments to the Biological Diversity Act, 2002

The Secretary, NBA informed the Members of the additional agenda received from Dr.S. Subramaniyan, Member, NBA regarding amendments to the BD Act, 2002. Proposal was suggested under the following headings: (i) Restructuring of existing State Biodiversity Boards, (ii) Delineation of activities relating to existing Biodiversity Management Committees (BMCs) (at Village / Block levels) with reference to geo location, including terrain conditions, climate, nature and concentration of biodiversity and (iii) Inclusion of District Level Biodiversity Boards (DBBs) for better organic linkage with the rural people - integrating activities of extension, capacity building and ABS of NBA.

2. The Members considered the proposal mooted by the member and suggested that the Secretariat may examine the proposal at appropriate fora.

Decision:

a) The proposal of the Member may be examined by the Secretariat at appropriate fora.

Action: Secretary, NBA

Annex-I

List of Participants

Official Members who participated			
1	Shri Hem Pande, IAS, Additional Secretary, Ministry of Environment, Forests and Climate Change, and Chairman, NBA Indira Paryavaran Bhawan Vayu Block, Fifth Floor, Jor Bagh Road, New Delhi	2	Shri. Subhash Chandra, IFS DIG Forests, Forest Policy, Ministry of Environment, Forests and Climate Change, New Delhi. *(Represented Shri S.S Negi, IFS)*
3	Shri. Sunil Dutt Research Officer, National Medicinal Plant Board, Department of AYUSH, Ministry of Health & Family Welfare, 3rd Floor, AYUSH Bhawan, B Block, G.P.O. Complex, I.N.A., New Delhi *(Represented Shri. Jitendra Sharma, IFS)*	4	Dr. R.K Singh, IAS., Joint Secretary (Seeds), Dept. of Agriculture and Cooperation, Room no. 244, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi -110 001.
5	Dr .Swapan Kumar Datta Deputy Director General(Crop Science), ICAR, Krishi Bhawan, New Delhi - 100 001	6.	Dr.Manoj Kumar Modi Scientist C, Department of Biotechnology, CGO Complex, Block No. 2, Lodhi Road, New Delhi. *(Represented Dr.Renu Swarup)*
7	Dr. R. Kirubagaran Scientist G, National Institute of Ocean Technology, Chennai, Ministry of Earth Sciences, Velachery-Thambaram Main Road, Narayanapuram, Pallikaranai, Chennai – 600 100	8	Shri T. Rabikumar, IFS., Secretary to Authority
Official Members did not participated			
1	Shri S.S.Negi, IFS Addl. Director General of Forests, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi - 110 003 *(Represented by Shri. Subhash Chandra, IFS)*	2	Shri. Jitendra Sharma, IFS Chief Executive Officer, National Medicinal Plant Board, Department of AYUSH, Ministry of Health & Family Welfare, 3rd Floor, AYUSH Bhawan, B Block, G.P.O. Complex, I.N.A., New Delhi *(Represented by Shri. Sunil Dutt)*
3	Shri. Anil Sant, IAS, Joint Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi - 110 003	4	Dr.Renu Swarup Advisor, Department of Biotechnology, CGO Complex, Block No. 2, Lodhi Road, New Delhi. *(Represented by Dr. Manoj Kumar Modi)*
5	Dr. B.K Shukla Scientist G & Head Planning, coordination & Performance Management Department of Science & Technology, Technology Bhavan, New Mehrauli Road, New Delhi – 110 016.	6	Smt. Nivedita IOFS Director, Ministry of Tribal Affairs, Shastri Bhavan, Dr.Rajendra Prasad Road, New Delhi
Non-Official Members who participated			
1	Dr.R.S.Rana Chairman, Bio-Link, D-43, Indraprastha Apartments, Sector 14, Rohini, New Delhi	2	Dr. S. Subramaniyan 54, VGP, Golden Sea View, Part-II, 2nd Main Road, 5th Cross Street, Palavakkam, Chennai.

3	Prof.M.K.Ramesh Professor of Law, National Law School, Nagarbhavi, Bangalore	4	Dr.Biswajit Dhar Professor of Economics, Jawaharlal Nehru University, I Block, 1796A,Chittaranjan Park, New Delhi.
Special Invitees			
1	Dr.Sujata Arora, Director, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi – 110 012	2	Shri Ramesh G. Kalaghatgi, IFS Additional Principal Chief Conservator of Forests, & Chairman, EC on ABS Government of Andhra Pradesh "AranyaBhavan", Saifabad, Hyderabad
3.	Dr.Anjana Baruah, Head, IPU, CSIR, New Delhi		

Annex-II

Guidelines for Upfront Payment

Amount of Upfront Payment for Access to Biological Resources for research or bio-survey and bio-utilization leading to commercial utilization					
Purpose	1. Quantity of biological resource for one species upto 5 Kg of biomass per site; 2. Upto 500 gm or 500 ml for soil, water (microorganisms) respectively per site				Traditional knowledge associated with biological resource
	Biological resources				
	From natural habitat	From cultivated source/ institution / market	From Industrial effluent and waste	Threatened species from natural habitat*	
1	2	3	4	5	6
Nutraceutical or Agricultural	Rs.10,000	Rs.3,000	Rs 1,000	Rs.15,000	30% more than the normal rate
Pharmaceutical, Chemical and Diagnostic	Rs.15,000	Rs.5,000	Rs 1,000	Rs.20,000	30% more than the normal rate
Cosmetics and Luxury products	Rs.20,000	Rs.7,000	Rs 1,000	Rs.30,000	30% more than the normal rate
Environmental bio-remediation or waste conversion/ recycling	Rs.2,000	Rs.1,000	Rs 1,000	Rs.4,000	---
Other Research	Rs.5,000	Rs.2,000	Rs 1,000	Rs.10,000	30% more than the normal rate

* *quantity of biological resources will be decided by the NBA on case by case basis.*

Calculation of Payment:

a) aggregate of each species multiplied by quantity and multiplied by number of sites;
b) wherever the soil/water is being accessed the basis of assessment for this purpose shall be in terms of ml/mg, as the case may be, & multiplied by number of sites.

Note: 1.The accrued amount will be shared as per the provisions given in the ABS Regulations, 2014
2. Above rates may be revised from time to time.

Annex-III

Details of Upfront Payment fixed to the Following Applications

Sl. No.	Appl. No	Name of the applicant	Form	Type of biological resources and quantity	Upfront amount per site	Quantity of species / soil/water	Number of sites	Upfront amount payable
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i) f x g x h = (i)
1	601	M/s. Reliance Industries Ltd	I	Water samples	Rs. 10,000 (neutracitical or Agriculture)	500 ml	59	**5,90,000**

500 ml of sea water from about 10 feet below the ocean surface and 500 meters away from the coast.

Sl. No.	Place	Taluka	District
	Gujarat		
1.	Gagwa	Jamnagar	Jamnagar
2.	MTF- Sikka	Jamnagar	Jamnagar
3.	Sikka port	Jamnagar	Jamnagar
4.	Jamnagar	Jamnagar	Jamnagar
5.	Dahej	Vagra	Bharuch
6.	Somnath	Veraval	Veraval
	Maharashtra		
7.	Bhayandar	Thane	Thane
8.	Naigaon	Vasai	Thane
9.	Patalganga	Khalapur	Raigad
10.	Alibag	Alibag	Raigad
11.	Kashid	Alibag	Raigad
12.	Barashiv	Alibag	Raigad
13.	Thal	Alibag	Raigad

14.	Vargaon	Alibag	Raigad		
15.	Sarve	Alibag	Raigad		
16.	Murud	Murud	Raigad		
17.	Jakat Naka	Vashi	Navimumbai		
18.	Gipapsa	Thane	Thane		
19.	Arnala	Vasai	Thane		
20.	Nalasopara	Nalasopara	Thane		
21.	Vasai	Vasai	Thane		
22.	Naigaon	Vasai	Thane		
23.	Harne beach	Dapoli	Ratnagiri		
24.	Anjarle beach	Dapoli	Ratnagiri		
25.	Murud	Dapoli	Ratnagiri		
26.	Dhabhol	Dapoli	Ratnagiri		
27.	Shirgaon	Guhagar	Ratnagiri		
28.	Satpati	Guhagar	Ratnagiri		
29.	Nandgaon	Guhagar	Ratnagiri		
30.	Malewadi	Guhagar	Ratnagiri		
31.	Veldur	Guhagar	Ratnagiri		
32.	Anjanvel	Guhagar	Ratnagiri		
33.	Katalvadi	Guhagar	Ratnagiri		
34.	Guhagar	Guhagar	Ratnagiri		
35.	Jaigad	Ganpatipule	Ratnagiri		
36.	Hedvi	Guhagar	Ratnagiri		
37.	Velnsnwar	Guhagar	Ratnagiri		
38.	Palshet	Guhagar	Ratnagiri		
39.	Aravali	Sangameshwar	Ratnagiri		
40.	Rajvadi	Sangameshwar	Ratnagiri		
41.	Sandkhol	Ganpatipule	Ratnagiri		

42.	Undi	Ganpatipule	Ratnagiri
43.	Aare	Ratnagiri	Ratnagiri
44.	Vare	Ratnagiri	Ratnagiri
45.	Miriyabandar	Ratnagiri	Ratnagiri
46.	Haji Ali (Mumbai)	Mumbai	Mumbai
47.	Lotus (Mumbai)	Mumbai	Mumbai
48.	Varli (Mumbai)	Mumbai	Mumbai
49.	Varli fort (Mumbai)	Mumbai	Mumbai
50.	Bandra (Mumbai)	Mumbai	Mumbai
51.	Chatale	Palghar	Thane
52.	Advan	Palghar	Thane
53.	Usereni	Palghar	Thane
54.	Janjira Fort	Murud	Rajgad
55.	Murdha	Thane	Thane
56.	Unnat	Thane	Thane
	GOA		
57.	Anjuna	Bardez	Goa
58.	Donapaula	Tiswadi	Goa
	DIU		
59.	Diu	Diu	Diu

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i) f x g x h = (i)
2	670	M/s TATA Chemical Ltd	I	Soil and effluent water sample	Rs.15,000 & Rs. 1000	500gm/ 500 ml	---	**1,54,000/-**
		Collection of soil, industry effluent and water sample for the bio-survey and bio-utilization of useful microorganisms (Bacteria, Fungi, Actinomycetes, Yeast and Molds) and their identification. 1. 500 gm soil x 15000 x 8 = Rs.1,20,000/- 2. 500 ml effluent water x 1000 x 3 = Rs.3,000/- 3. 500 ml water x 15,000 x 2 = Rs. 30,000/- 4. Barley grains waste x 1000 x 1 = Rs.1,000/-						
3	679	M/s TATA Chemical Ltd	I	Biomass of Sugarcane baggasse and corn cob bio mass	Rs 3000 (nutritional)	100 kg	1	**1,20,000**
		100 kg of sugarcane baggase biomass = 20x 3000 = 60,000 and 100 kg of corn cob. = 20 x 3000 = 60,000						
4	680	M/s TATA Chemical Ltd	I	Soil and industry effluent waste	Rs. 10,000 & Rs.1,000 (nutrition)	100 gms	1	**11,000**
		100 gms of the soil = 10,000 x 1 = 10,000 100 gms of effluent waste = 1000 x 1 = 1000						
5	681	M/s TATA Chemical Ltd	I	100 gm of Soil and barley grain waste	Rs.10,000 Rs.1,000	100 gms	1	**Rs.11,000**
6	682	M/s TATA Chemical Ltd	I	Soil and effluent waste samples	Rs.10,000 Rs.1,000	100 gms	1	**Rs.11,000**
7	122-A1	M/s. Unilever Industries Pvt. Ltd (UIPL)	I	Plant species (11)	Rs.3000 & Rs.7000	Less than 5 kg	--	**Rs.57,000**
		1. *Allium sativum* – Developing new functional foods = 3000 x 1 (< 5kg) = 3000 2. *Amaranthus sp*. – Skin health = 7000 x 1 (< 5kg) = 7000 3. *Azadirachta indica* – Skin texture = 7000 x 1 (< 5kg) = 7000						

4. *Boerrhavia diffusa* – Skin texture = 7000 x 1 (< 5kg) = 7000
5. *Coriandrum sativum* – Skin health = 7000 x 1 (< 5kg) = 7000
6. *Cyperus rotundus* – Skin health = 7000 x 1 (< 5kg) = 7000
7. *Foeniculum vulgare* – Skin health = 7000 x 1 (< 5kg) = 7000
8. *Morus alba* – Developing new food formats = 3000 x 1 (< 5kg) = 3000
9. *Piper nigurm* – Development of new food formats = 3000 x 1 (< 5kg) = 3000
10. *Cinnamomum zeylanicum* – Developing functional foods 3000 x 1 (< 5kg) = 3000
11. *Ferula asafoetida* – Development of new food formats = 3000 x 1 (< 5kg) = 3000

8	122-A2	M/s. Unilever Industries Pvt. Ltd (UIPL)	I	Plant species (8)	Rs.7000	Less than 5 kg	--	**Rs.56,000**

Sl. No.	Name of the bioresources	Research output envisaged in	Calculation
1.	*Eclipta prostrata*	Skin health	= 7000 x 1 (< 5kg) = 7000
2.	*Foeniculum vulgare*	Skin health	= 7000 x 1 (< 5kg) = 7000
3.	*Hibiscus rosa-sinensis*	Hair cleansing and dandruff control	= 7000 x 1 (< 5kg) = 7000
4.	*Momordica charantia*	Skin health	= 7000 x 1 (< 5kg) = 7000
5.	*Myristica fragans*	Skin health	= 7000 x 1 (< 5kg) = 7000
6.	*Ocimum basilicum*	Skin health	= 7000 x 1 (< 5kg) = 7000
7.	*Pongamia pinnata*	Skin health	= 7000 x 1 (< 5kg) = 7000
8.	*Terminalia chebula*	Skin health	= 7000 x 1 (< 5kg) = 7000

9	122-A3	M/s. Unilever Industries Pvt. Ltd (UIPL)	I	Plant species (9)	Rs.3000 & Rs.7000	Less than 5 kg	--	**Rs.39,000**

Sl. No.	Name of the bioresources	Research output envisaged in	Calculation
1.	*Asparagus racemosus*	Developing new food formats	= 3000 x 1 (< 5kg) = 3000
2.	*Bacopa monnieri*	Developing functional foods	= 3000 x 1 (< 5kg) = 3000
3.	*Centella asiatica*	Skin health	= 7000 x 1 (< 5kg) = 7000
4.	*Convolvulus microphyllus*	Developing functional foods	= 3000 x 1 (< 5kg) = 3000
5.	*Curcuma longa*	Skin health	= 7000 x 1 (< 5kg) = 7000

		6.	*Evolvulus alsinoides*	Developing new food formats	= 3000 x 1 (< 5kg) = 3000				
		7.	*Inula racemosus*	Developing new food formats	= 3000 x 1 (< 5kg) = 3000				
		8.	*Phyllanthus amarus*	Developing new food formats	= 3000 x 1 (< 5kg) = 3000				
		9.	*Phyllanthus Embilca*	Skin health	= 7000 x 1 (< 5kg) = 7000				
10	122-A4	M/s. Hindustan Lever Research Centre		I	Plant species (11)	Rs.3000 & Rs.7000	Less than 5 kg	--	**Rs.57,000**

S No	Name of the Bio-resource	Research Output Envisaged in	Calculation
1.	*Allium sativum*	Developing new functional foods	= 3000 x 1 (< 5kg) = 3000
2.	*Amaranthus sp.*	Skin health	= 7000 x 1 (< 5kg) = 7000
3.	*Azadirachta indica*	Skin texture	= 7000 x 1 (< 5kg) = 7000
4.	*Boerrhavia diffusa*	Skin texture	= 7000 x 1 (< 5kg) = 7000
5.	*Coriandrum sativum*	Skin health	= 7000 x 1 (< 5kg) = 7000
6.	*Cyperus rotundus*	Skin health	= 7000 x 1 (< 5kg) = 7000
7.	*Foeniculum vulgare*	Skin health	= 7000 x 1 (< 5kg) = 7000
8.	*Morus alba*	Developing new food formats	= 3000 x 1 (< 5kg) = 3000
9.	*Piper nigrum*	Development of new food formats	= 3000 x 1 (< 5kg) = 3000
10.	*Cinnamomum zeylanicum*	Developing functional foods	= 3000 x 1 (< 5kg) = 3000
11.	Ferula asafoetida	Development of new food formats	= 3000 x 1 (< 5kg) = 3000

11	122-A5	M/s. Hindustan Lever Research Centre		I	Plant species (8)	Rs.7000	Less than 5 kg	--	**Rs.56,000**

S No	Name of the Bio-resource	Research Output Envisaged in	Calculation
1.	Eclipta prostrata	Skin health	= 7000 x 1 (< 5kg) = 7000
2.	Foeniculum vulgare	Skin health	= 7000 x 1 (< 5kg) = 7000
3.	Hibiscus rosa-sinensis	Hair cleansing and dandruff control	= 7000 x 1 (< 5kg) = 7000
4.	Momordica charantia	Skin health	= 7000 x 1 (< 5kg) = 7000
5.	Myristica fragans	Skin health	= 7000 x 1 (< 5kg) = 7000
6.	Ocimum basilicum	Skin health	= 7000 x 1 (< 5kg) = 7000
7.	Pongamia pinnata	Skin health	= 7000 x 1 (< 5kg) = 7000

		8.	Terminalia chebula	Skin health	= 7000 x 1 (< 5kg) = 7000			
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i) f x g x h = (i)
12	122-A6	M/s. Hindustan Lever Research Centre	I	Plant species (9)	Rs.3000 & Rs.7000	Less than 5 kg	--	**Rs.39,000**

S No	Name of the Bio-	Research Output Envisaged in	Calculation
1.	*Asparagus racemosus*	Developing new food formats	= 3000 x 1 (< 5kg) = 3000
2.	*Bacopa monnieri*	Developing functional foods	= 3000 x 1 (< 5kg) = 3000
3.	*Centella asiatica*	Skin health	= 7000 x 1 (< 5kg) = 7000
4.	*Convolvulus microphyllus*	Developing functional foods	= 3000 x 1 (< 5kg) = 3000
5.	*Curcuma longa*	Developing functional foods	= 3000 x 1 (< 5kg) = 3000
6.	*Evolvulus alsinoides*	Developing new food formats	= 3000 x 1 (< 5kg) = 3000
7.	*Inula racemosus*	Developing new food formats	= 3000 x 1 (< 5kg) = 3000
8.	*Phyllanthus amarus*	Skin health	= 7000 x 1 (< 5kg) = 7000
9.	*Phyllanthus Emblica*	Skin health	= 7000 x 1 (< 5kg) = 7000

13	582	M/s. L'Oreal India Pvt. Ltd	I	Plant Parts-300 Kg of each plant part & <u>5 Kg of plant extract</u> [300/5 =60 +1 (5 kg.plant extract)]	Rs.7000	15	--	Rs.88,81,600

Sl.No.	Scientific Name	Common Name & Plant part used	Calculate
1.	*Azadirachta indica*	Neem - Leaves	= 61 x 7000= 4, 27,000 +128100 (tk)
2.	*Acacia concinna*	Shikhakai – Fruit pods	= 61 x 7000= 4, 27,000 +128100
3.	*Sapindus mukorossi*	Reetha – Soap nuts	= 61 x 7000= 4, 27,000 +128100
4.	*Hibiscus rosasinensis*	Jaswadh - Flowers	= 61 x 7000= 4, 27,000 +128100

		5.	*Aloe barbadensis*	Aloe - Leaves	= 61 x 7000= 4, 27,000 +128100			
		6.	*Trigonella foenum-graecum*	Methi -Seeds	= 61 x 7000= 4, 27,000 +128100			
		7.	*Butea monosperma*	Palasha - Leaves	= 61 x 7000= 4, 27,000 +128100			
		8.	*Eclipta alba*	Bhringraj - Leaves	= 61 x 7000= 4, 27,000 +128100			
		9.	*Bacopa monieri*	Brahmi - Leaves	= 61 x 7000= 4, 27,000 +128100			
		10.	*Emblica officinalis*	Amla - Fruits	= 61 x 7000= 4, 27,000 +128100			
		11.	*Sesamum indicum*	Til – Seeds	= 61 x 7000= 4, 27,000 +128100			
		12.	*Cassia acutifolia*	Indian senna - Leaves	= 61 x 7000= 4, 27,000 +128100			
		13.	*Bauhinia variegata*	Mountain ebony – Seeds & Bark	= 61 x 2 x 7000= 8,54,000 + 2,56,200 = 11,10,200			
		14.	*Rosmarinus officinalis*	Rosemary – Leaves	= 61 x 7000= 4, 27,000 +1,28,100			
		15.	*Cyperus scariosus*	Nagarmotha - tubers	= 61 x 7000= 4, 27,000 +128100			
14	583	M/s. L'Oreal India Pvt. Ltd	I	Plant Parts-300 Kg of each plant part & <u>5 Kg of plant extract</u> [300/5 =60 +1 (5 kg. plant extract)]	Rs.7000	37	---	**Rs.2,33,14,200**

S.No.	Scientific Name	Common Name & Plant part used	Calculation
1.	*Alpinia galanga*	Kulanjan - roots	= 61 x 7000= 4, 27,000 +1,28,100
2.	*Kaempferia galanga*	Galangal – roots	= 61 x 7000= 4, 27,000 +1,28,100
3.	*Glycyrrhiza glabra*	Mulethi - roots	= 61 x 7000= 4, 27,000 +1,28,100
4.	*Punica granatum*	Pomegranate – fruits rind & seeds	= 61 x 2 x 7000= 8,54,000 + 2,56,200 = 11,10,200
5.	*Psidium gujava*	Guava - leaves	= 61 x 7000= 4, 27,000 +1,28,100
6.	*Brassica campestris*	Mustard - seeds	= 61 x 7000= 4, 27,000 +1,28,100
7.	*Centella asiatica*	Gotukola – leaves	= 61 x 7000= 4, 27,000 +1,28,100
8.	*Mangifera indica*	Mango – seed kernels	= 61 x 7000= 4, 27,000 +1,28,100
9.	*Ocimum sp.*	Tulsi – leaves	= 61 x 7000= 4, 27,000 +1,28,100
10.	*Syzygium aromaticum*	Clove – flower bud	= 61 x 7000= 4, 27,000 +1,28,100
11.	*Althaea officinalis*	Marsh mellow (roots & seeds)	=61 x 2 x 7000= 8,54,000 + 2,56,200 = 11,10,200
12.	*Boswellia serrata*	Indian frankincense (stem & roots)	=61 x 2 x 7000= 8,54,000 + 2,56,200 = 11,10,200
13.	*Vetiveria zizanioides*	Khus khus - roots	= 61 x 7000= 4, 27,000 +1,28,100
14.	*Litchi chinensis*	Litchi - fruits	= 61 x 7000= 4, 27,000 +1,28,100
15.	*Curcuma longa*	Turmeric – rhizomes	= 61 x 7000= 4, 27,000 +1,28,100

		16.	*Chlorophytum borivilianum*	Safeed Musli – roots	= 61 x 7000= 4, 27,000 +1,28,100	
		17.	*Tinospora cordifolia*	Guduchi	= 61 x 7000= 4, 27,000 +1,28,100	
		18.	*Berberis aristata*	Indian Barberry	= 61 x 7000= 4, 27,000 +1,28,100	
		19.	*Acacia catechu*	Khair	= 61 x 7000= 4, 27,000 +1,28,100	
		20.	*Asparagus racemosus*	Shatavari - tubers	= 61 x 7000= 4, 27,000 +1,28,100	
		21.	*Terminalia chebula*	Haritaki - fruits	= 61 x 7000= 4, 27,000 +1,28,100	
		22.	*Nelumbo nucifera*	Lotus – leaves	= 61 x 7000= 4, 27,000 +1,28,100	
		23.	*Vitex negundo*	Cheste Tree - leaves	= 61 x 7000= 4, 27,000 +1,28,100	
		24.	*Plantago ovata*	Desert Indian wheat – leaves	= 61 x 7000= 4, 27,000 +1,28,100	
		25.	*Phoenix dactylifera*	Food source as a dietary fibre (fruits)	= 61 x 7000= 4, 27,000 +1,28,100	
		26.	*Vitis vinifera*	Grapes - fruit & seeds	= 61 x 2 x 7000= 8,54,000 + 2,56,200 = 11,10,200	
		27.	*Citrus lemon*	Lemon – peels	= 61 x 7000= 4, 27,000 +1,28,100	
		28.	*Acorus calamus*	Sweet flag – rhizomes & leaves	= 61 x 2 x 7000= 8,54,000 + 2,56,200 = 11,10,200	
		29.	*Withania somnifera*	Ashwagandha – roots	= 61 x 7000= 4, 27,000 +1,28,100	
		30.	*Rheum emodi*	Rhubarb – roots	= 61 x 7000= 4, 27,000 +1,28,100	
		31.	*Phyllanthus niruri*	Keelanelli – leaves	= 61 x 7000= 4, 27,000 +1,28,100	
		32.	*Coffea arabica*	Coffee – seeds	= 61 x 7000= 4, 27,000 +1,28,100	

		33. *Symplocos racemosa*	Lodhra- bark of the tree	= 61 x 7000= 4, 27,000 +1,28,100				
		34. *Curcuma zedoaria*	Kachura- rhizome	= 61 x 7000= 4, 27,000 +1,28,100				
		35. *Azadirachta indica*	Nimba - leaves	= 61 x 7000= 4, 27,000 +1,28,100				
		36. *Rosa centifolia*	Gulabarka- petals	= 61 x 7000= 4, 27,000 +1,28,100				
		37. *Limonia acidissima*	Thanaka	= 61 x 7000= 4, 27,000 +1,28,100				
15	584	M/s. L'Oreal India Pvt. Ltd	I	Plant Parts	Rs.7000	2	--	**10,92,000**
		1. *Lawsonia inermis* – Henna – Leaves = 300 kg = 60 x 7000 = 42,00,00 + 12,60,00 (tk) = 5,46,000 2. *Indigofera tinctoria* – Indigo – Leaves = 300 kg = 60 x 7000 = 42,00,00 + 12,60,00 (tk) = 5,46,000						

Annex-IV

Applications placed in the 29th meeting of EC on ABS held on 2nd September 2014						
Sl. No	**Agenda No.**	**Appl. No.**	**Applicant's Name**	**Form No.**	**Recommendation of EC**	**Decisions of the 32nd Authority**
1	29.01	605	Dr. Virendra K. Dua	III	EC recommends for closure of the application, since the applicant has not responded despite giving adequate time.	Approved for closure
2	29.02	643	M/s. Crop Design N.V	III	Since the biological resource used in the invention is not obtained from India, the EC recommends to issue NOC to the applicant with a copy to Patent Office, subject to submission of a self-attested proof as well as Notarized affidavit that the extract of biological resource used in the invention is a non–Indian biological resource and/or associated knowledge, and purchased from Indian/International market.	Approved the recommendations of the EC.
3	29.03	651	CSIR	III	EC recommends for closure, as the applicant has requested for withdrawal of application to NBA, since the Patent application is abandoned.	Approved for closure
4	29.04	662	Miss. Harpreet Matey et al	III	Recommended for approval with BS Component	Approved the recommendation of the EC.
5	29.05	683	Mr. A. Thangaraj	III	Recommended for approval with BS Component	Approved the recommendation of the EC.

6	29.06	701	Mr. Ramaswamy Rajendran & Mrs. Kamala Rajendran	III	Recommended for approval with BS Component	Approved the recommendation of the EC.
7	29.07	700	Mr. Christopher John Thorpe – Dixon	I	EC recommends for approval, subject to the condition that the applicant shall carry out the research work, restricting the quantum of sample size of the target animal species, in consultation with and with the knowledge of the Zoological Survey of India (ZSI) and ensure that the material in any form should not be taken outside India.	Approved the recommendation of the EC.
8	29.08	461	Dr. Adam price	I	EC recommends for the closure of the application, considering the request of the applicant to cancel the application, due to the fact that he is unable to reach any agreement with the Indian counterpart.	Approved for closure
9	29.09	634	M/s. Bioseed Research India Ltd	I	EC recommends that the applicant can be permitted to access bioresource only after TNAU applies under Form-II for transfer of research results along with MTA, within 60 days of intimation, failing which this application should be deemed to be closed.	Approved the recommendation of the EC.
10	29.10	589	M/s. Panacea Biotec Ltd	III	EC does not recommend the application as the access of biological resources is in	Approved the recommendation of the EC. This case is in contravention of the provisions of the BD Act.

					contravention of Section 3 of the BD Act, 2002. Further, EC recommends NBA to take appropriate action.	
11	29.11	630	M/s. Panacea Biotec Ltd	III	EC does not recommend the application as the access of biological resources is in contravention of Section 3 of the BD Act, 2002. Further, EC recommends NBA to take appropriate action.	Approved the recommendation of the EC. This case is in contravention of the provisions of the BD Act.
12	29.12	510	M/s. Bayer Biosciences Pvt. Ltd.	IV	On the basis of the documents produced and statement made during the presentation that "*the seeds do not involve any crossing or steps that could introduce germplasm or genetic material of the Indian origin or any other Indian bioresources*", the EC is of the view that this application does not fall under the purview of the BD Act, 2002.	Approved the recommendation of the EC.
13	29.13	615	M/s. Bayer Biosciences Pvt. Ltd.	IV	Applicant had contravened the provisions of the BD Act. The EC recommends NBA to take appropriate action.	Approved the recommendation of the EC. This case is in contravention of the provisions of the BD Act.
14	29.14	616	M/s. Bayer Biosciences Pvt. Ltd	IV	Applicant had contravened the provisions of the BD Act. The EC recommends NBA to take appropriate action.	Approved the recommendation of the EC. This case is in contravention of the provisions of the BD Act.
15	29.15	625	M/s. Bayer Biosciences Pvt. Ltd	IV	The EC recommends that the request for	Approved for closure with the conditions imposed by the EC.

					closure may be considered on receipt of the information sought for by the Secretariat on 04.03.2014.	
16	29.16	626	M/s. Bayer Biosciences Pvt. Ltd	IV	EC is of the view that this application does not fall under the purview of the BD Act, 2002.	Approved the recommendation of the EC.
17	29.17	515	M/s. Bayer Biosciences Pvt. Ltd	IV	EC does not recommend the request of the applicant for closure of the Form - IV application, since the applicant has contravened the Section 3 of the BD Act, 2002, EC recommends NBA to take appropriate action	Approved the recommendation of the EC. This case is in contravention of the provisions of the BD Act.
18	29.19	104	Dr. Dilip Bhauraoji Bhusari	III	EC observed that the applicant has not properly replied to the notice issued by NBA and has also not executed the agreement, in spite of the fact that the patent has been granted during 2009.Therefore, the EC recommends that NBA may seek legal opinion on request of applicant for closure of application considering all relevant implications. This application may be resubmitted with legal opinion in the next sitting.	Approved the recommendation of the EC.
19	29.20	447	M/s. Tata Steel Limited,	III	Since the bioresources have been accessed for research prior to the enactment of the	Authority directed the secretariat to obtain legal opinion and place them before EC for examination.

					Biological Diversity Act, 2002 and Biological Diversity Rules, 2004, the EC is of the opinion that the matter may be decided by the Secretariat in consultation with the legal consultants	
20	29.21	448	M/s. Tata Steel Limited,	III	Since the bioresources have been accessed for research prior to the enactment of the Biological Diversity Act, 2002 and Biological Diversity Rules, 2004, the EC is of the opinion that the matter may be decided by the Secretariat in consultation with the legal consultants	Authority directed the secretariat to obtain legal opinion and place them before EC for examination.

Applications placed before the 30th meeting of the EC on ABS held on 29th Nov 2014						
Sl. No.	**Agenda No.**	**Appl. No.**	**Applicant's Name**	**Form No.**	**Recommendation of the EC**	**Decisions of the 32nd Authority**
1.	30.01	528	Shri. Rabar Devkaranbhai et al.	III	EC recommends for closure as applicant has not furnished the required documents, despite repeated reminders.	Approved for closure
2.	30.02	604	CCS Haryana Agriculture University	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
3.	30.03	608	Shri Ashok Prabhakar Gade	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
4.	30.04	660	Council of Scientific and Industrial Research	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
5.	30.05	694	Mr. Alex Gerald Rebello	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
6.	30.06	695	Mr. Katragada Bhaskara Rao & Mr. Babu P.	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.

			Vadlamudi			
7.	30.07	696	Mr. Alex Gerald Rebello	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
8.	30.08	697	Mr. Ramaswamy Rajendran	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
9.	30.09	708	Mr. C. M. Sivaraman	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
10.	30.10	709	Ms. Siva Spurthi Gummadala	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
11.	30.11	710	Dr. Namasivayam Vasudevan & Ms. Ramalingam Kanimozhi,	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
12.	30.12	713	Dr. Nandita Prakash Shetgiri	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
13.	30.13	716	Council of Scientific and Industrial Research	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
14.	30.14	717	Indian Council of Agricultural Research (ICAR)	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
15.	30.15	719	Directorate of Oilseeds Research (ICAR)	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
16.	30.16	720	Defence Research & Development Organisation	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
17.	30.17	728	Council of Scientific and Industrial Research	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
18.	30.18	714	Directorate of Oilseeds Research (ICAR)	II	EC deferred the application and directed the secretariat to place this application along with Form-I application (no.739) submitted by the M/s. Ganga Kaveri Seeds Pvt Ltd. who intends to access the bioresources	Approved the recommendation of EC.

					from Directorate of Oil Seeds Research	
19.	30.19	741	Mr. Sudipta Sankar Bora	II	EC recommends for closure as applicant has not furnished the required documents.	Approved for closure
20.	30.20	627	M/s. Bayer Biosciences Pvt. Ltd.	IV	EC observed that this application does not fall under the purview of the BD Act, since the proposed biological resources were obtained outside India (Belgium) and also based on the declaration given by the applicant that no Indian biological resources and knowledge were used. EC recommended for closure	Approved the recommendation of the EC.
21.	30.21	599	Mrs.Ramandeep Kaur	I	EC does not recommend the application as the access of biological resources is in contravention of the BD Act, 2002. Further, EC recommends NBA to take appropriate action.	Approved the recommendation of the EC. This case is in contravention of the provisions of the BD Act.
22.	30.22	306	Prof. David. J. Mabberley	IV	EC recommends for closure subject to the confirmation from BSI that the applicant has not accessed the biological resources	Approved for closure with conditions as recommended by EC.
23.	30.23	439	BP Alternative Energy International Limited and Gujarat University	III	EC does not recommend this application as the access of biological resources and transfer of research results are in contravention of the BD Act, 2002. Further, EC recommends NBA to	Approved the recommendation of the EC. This case is in contravention of the provisions of the BD Act.

					take appropriate action	
24.	30.24	558	Shaptharishi Research and Medical Foundation	III	EC recommends for closure since the applicant has not responded despite giving adequate time	Approved for closure
25.	30.25	559	M/s. Brasif S.A.,	I	As proposed by NBA and agreed to by the Chairman of EC on ABS, five representatives (Mr. Carlos A Zanenga, Mr. Cesar A.V. Bonamigo, Dr. Thiago, Mr. Pradip Sagwadi, Mr. Subhash Mehtani) from M/s Brasif S.A, presented before the EC in connection with discussion on Import of the biological resource (4000 embryos – *Bos indicus* – *Ongole, Gir and Kankrej*) from India. After hearing the presentation, the matter was discussed and it was decided to seek consent or otherwise of Gujarat SBB on the issue. The applicant was requested to clarify the following points in writing: a) How many embryos are required for each breed (*Bos indicus* – Ongole, Gir and Kankrej). b) Further, to specify the embryos of each breed, male and female-wise.	Approved the recommendation of the EC.

					c) Exact commercial value of 4000 embryos (Ongole, Gir and Kankrej; male/female) d) Whether M/s. Sagwadi Trust is registered as a recognized breeder/supplier in India, if so accreditation details be given. e) Copy of the NOC from Gujarat Animal Husbandry, DGFT and Department of Animal Husbandry, New Delhi or from any other agency for import done, since 2002. f) The details for last two consignments with their sale value (copy of the shipment bill) and any other documents for earlier transactions. g) Are the 4000 embryos proposed for collection will be from the Sagwadi Trust farm alone or from any other agency/ farmers from the country, if so details thereof.	
26.	30.27	703	Mr. Chengalath Gopinathan	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
27.	30.28	721	Indian Council of Agricultural Research	III	Recommended for approval with fixed the BS Component	Approved the recommendation of the EC.
28.	30.29	725	M/s. Almet Healthcare Private Limited	III	Recommended for approval with fixed	Approved the recommendation of

					the BS Component	the EC.
29.	30.3	621	M/s. Bioseed Research India Private Limited	IV	EC does not recommend the application as the access of biological resources is in contravention of the BD Act, 2002. Further, EC recommends NBA to take appropriate action	Approved the recommendation of the EC. This case is in contravention of the provisions of the BD Act.
30.	30.31	718	Tamil Nadu Agricultural University	III	EC does not recommend this application as it contravened the Section 6 of the BD Act, 2002. Further, EC recommends NBA to take appropriate action	Approved the recommendation of the EC. This case is in contravention of the provisions of the BD Act.
31.	30.32	565	M/s. Jindal Crop Sciences	IV	EC noted the closure of application	Approved for closure
32.	30.33	567	Dr. T. S. Keshava Prasad	IV	EC noted the closure of application	Approved for closure
33.	30.34	305	Prof. David J. Mabberley	I	EC recommends for closure subject to the confirmation with BSI that the applicant has not accessed the biological resources	Approved for closure with conditions as recommended by the EC.
34.	30.35	253	Dr. Timothy J. Motley and Mr. Suman Neupane	I	EC recommends for closure as the applicant and BSI entered into collaborative research project.	Approved for closure
35.	30.36	505	Mr. Ashley Egan	I	EC recommends for approval where SBBs consent received.	Approved the recommendation of the EC.

Annex-IV

Government of India
Ministry of Environment, Forests and Climate Change

ORDER

New Delhi, the December, 2014

Whereas, India is a party to the Convention on Biological Diversity (CBD) having signed and ratified the said Convention in 1994;

Whereas the objectives of the CBD are conservation and sustainable use of biological diversity, and fair and equitable sharing of benefits arising from the utilization of genetic resources;

Whereas 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, entered into force on the 12th October, 2014, is the instrument for implementation of access and benefit sharing provisions of the Convention on Biological Diversity;

Whereas articles 15 and 16 of the said Nagoya Protocol provides that Parties to establish appropriate, effective and proportionate legislative, administrative or policy measures to provide that genetic resources and traditional knowledge associated with genetic resources utilised in their jurisdiction have been accessed in accordance with prior informed consent or approval and involvement of indigenous and local communities and that mutually agreed terms for access and benefit sharing have been established as required by the domestic access and benefit sharing legislation or regulatory requirements of the other Party;

Whereas the Nagoya Protocol, under Article 17, also requires the parties to designate the checkpoints to monitor and enhance transparency about the utilization of genetic resources from the provider countries in accordance with the domestic legislations;

And whereas the Biological Diversity Act, 2002 and the Biological Diversity Rules, 2004 in India regulate access to biological resources and associated knowledge and grants approval ensuring fair and equitable sharing of benefits arising out of their utilisation, in pursuance of the Nagoya Protocol.

Now, therefore, in exercise of the powers conferred by Section 62, the Ministry of Environment, Forests and Climate Change designate the following organization as a check point for the activities envisaged under the Article 17 of the Nagoya Protocol and also hereby issues the obligations of users to meet the requirements of the Nagoya Protocol.

1. Designated check point.—

1. The Controller General of Patents, Designs & Trade Marks

2. Obligations of Users of genetic resource and/ or associated traditional knowledge.—

(1) Any person in India who accessed any genetic resource and/ or associated traditional knowledge from any country for research and development leading to commercialisation in India, hereinafter called "the Users", shall exercise due diligence to ascertain that genetic resources and associated traditional knowledge which they utilise have been accessed in accordance with applicable access and benefit-sharing legislation or regulatory requirements of the country, otherwise called Provider country, from where they have been accessed.

(2) If the provider country is a country other than the country of origin of the genetic resource and/ or associated traditional knowledge, and if national legislation in the country of origin requires consent for the access to genetic resources and/ or associated traditional knowledge the users shall obtain the same.

(3) Users shall declare and provide evidence of access to any genetic resource and/ or associated traditional knowledge such as PIC, MAT or IRCC or any other documents from any country for the above purposes, to designated check point.

(4) On completion of the period of utilisation of genetic resources and / or associated knowledge or date of expiry of the patent granted, users shall keep the information relevant to access and benefit-sharing for a period of ten years.

3. Obligation of the Check points and its duties thereof.—

(1) The checkpoint shall authorize or appoint appropriate officers to deal with the approvals or permits or clearance involving genetic resources and associated knowledge within the scope of their jurisdiction.

(2) The check point shall check whether users comply with their obligations, as mentioned above and obtained prior informed consent (PIC) and have established mutually agreed terms (MAT).

(3) The checkpoint shall collect or receive relevant information, *inter alia,* at any stage of research or development or commerlization, from the users.

(4) The checkpoint shall not allow or grant approvals, permits, export, import, grant any intellectual property rights, registrations for utilization of genetic resources and associated traditional knowledge in any manner if the user fails to comply with the requirements under this order.

4. Measures to address the situations of non-compliance:-

(1) In case of failure on the part of any person who accessed genetic resource and associated traditional knowledge from any other country or the person who has control over the same, the National Biodiversity Authority may take all or any of the following actions:

a) instruct the defaulter to stop all the research or any further activities relating to such genetic resource and associated traditional knowledge;

b) instruct the defaulter to comply with the domestic regulatory requirements of the provider country and /or country of origin of the genetic resource and / or associated knowledge within a period of 60 days and notify the same to the National Biodiversity Authority as well as check point.

File No. ----------

The Joint Secretary to the Government of India

Annex-VI

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii)]

Government of India
Ministry of Environment, Forests and Climate Change

Notification

Dated the , 2014

S.O. (E).- Whereas, India is a party to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) having signed and ratified the said treaty on 10th June 2002; and

Whereas, the objectives of the ITPGRFA are conservation and sustainable use of plant genetic resources for food and agriculture and fair and equitable sharing of the benefits arising out of their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security; and

Whereas article 12 of the ITPGRFA provides for facilitated access to plant genetic resources for food and agriculture under the Multilateral System by the contracting parties; and

Whereas 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 dated the 29th October, 2010 is the instrument for implementation of access for benefit sharing provisions of the Convention on Biological Diversity; and

Whereas article 4 of the said Nagoya protocol provides that the protocol does not apply for the party or parties to the specialized instrument in respect of the specific genetic resource covered by and for the purpose of the specialized instrument; and

Whereas section 40 of the Biological Diversity Act, 2002 (18 of 2003) empowers the Central Government to exempt certain biological resources from the provisions of the said Act.

Now, therefore, in exercise of the powers conferred by section 40 of the Biological Diversity Act, 2002 (hereinafter referred to as the said Act), and in fulfilment of the obligations of the Government of India to the ITPGRFA for providing facilitated access to the plant genetic resources for food and agriculture, the Central Government, in consultation with the National Biodiversity Authority, hereby declares that the Department of Agriculture and Cooperation may, from time to time specify such crops as it considers necessary from amongst the crops listed in the Annex I of the ITPGRFA, being food crops and forages covered under the Multilateral System thereof, and accordingly exempts them from sections 3 and 4 of the said Act, for the purpose of utilization and conservation for research, breeding and training for food and agriculture:

Provided that such purposes shall not include chemical, pharmaceutical and/or other non-food or feed industrial uses.

2. The Department of Agriculture and Cooperation shall keep the National Biodiversity Authority informed of all crops as may be specified by it from time to time, for providing access to plant genetic resources for food and agriculture under the ITPGRFA for the purposes aforesaid.

File No. ----------

The Joint Secretary to the Government of India