



Brussels, 14.12.2020  
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ANNEX 1

**ANNEX**

*to the*

**COMMISSION NOTICE**

**Guidance document on the scope of application and core obligations of Regulation (EU) No 511/2014 of the European Parliament and of the Council on the compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation in the Union**

**ANNEX I: OVERVIEW OF CONDITIONS FOR APPLICABILITY OF THE EU ABS REGULATION**

		Within scope (cumulative conditions (*))	Outside of scope
Geographic scope (provenance of GR (**))	<i>Access in ...</i>	Areas within a country's jurisdiction	Areas beyond national jurisdiction or covered by Antarctic Treaty System
	<i>Provider country is ...</i>	Party to the Nagoya Protocol	Not a Party to the Protocol
	<i>Provider country has ...</i>	Applicable access legislation	No applicable access legislation
Temporal scope	<i>Access ...</i>	On or after 12 October 2014	Before 12 October 2014
Material scope	<i>Genetic resources</i>	Not covered by a specialised international ABS instrument	Covered by a specialised international ABS instrument
		Non-human	Human
		Obtained as commodities but subsequently subject to R & D	Used as commodities
	<i>Utilisation</i>	R & D on genetic and/or biochemical composition	No such R & D
Personal scope		Natural or legal persons utilising GR	Persons <i>only</i> transferring GR or commercialising products based on it
Geographic scope (utilisation)	<i>R &amp; D ...</i>	Within the EU	<i>Exclusively</i> outside of the EU

(\*) To be within the scope, *all* conditions must be fulfilled.

(\*\*) GR = genetic resource; to be read as also including 'traditional knowledge associated with genetic resources', where appropriate.