10 steps for compliance with the obligations under Regulation (EU) No 511/2014 for users in Germany

Step	When collecting genetic resources for the purpose of utilisation	When obtaining genetic resources from third parties for the purpose of utilisation
First	**Check that the requirements for applicability of Regulation (EU) No 511/2014 and hence the German Implementing Act are fully met.** *For this to be the case, genetic resources must be used in Germany where* – *access took place on or after 12 October 2014* – *in a country that is a Party to the Nagoya Protocol.* – *Access and benefit sharing (ABS) rules must apply in that country* – *and those rules must relate to the specific genetic resource in question.* – *Utilisation of genetic resources within the meaning of the EU Regulation means to conduct research and/or development on the genetic and/or biochemical composition of genetic resources.* **If all the above requirements are met, work through the following steps:**	
1	**Check whether it is possible to implement in your institution a best practice for which recognition has already been granted (see Article 8 of Regulation (EU) No 511/2014).** *The application of any best practices is taken into account in checks of compliance with the obligation to exercise due diligence*	
2	**Before collecting/acquiring/utilising genetic resources, inform yourself about the legal position and the competent authorities in the provider country.** *Initial information can be found via the ABS Clearing House (https://absch.cbd.int).*	
3	**Contact the competent national authorities with regard to access procedures, benefit sharing rules, restrictions on use, responsibilities, etc.** *The exact legal position is best clarified with the competent authorities.*	
4	**Apply for/negotiate any ABS documentation needed, stating what you plan to do with the resources (e.g. including whether you intend to pass them on to others, or to upload data).** *Collaboration with local partners may simplify the procedure.*	**Require the necessary ABS documentation and information from the third party (trader/collection) providing the genetic resources.** *The documentation and information to be sought are listed in Article 4.3 of Regulation (EU) No 511/2014.*

	It may be necessary to obtain different approvals from different authorities.	*When resources are obtained from a registered collection within the meaning of Article 5 of Regulation (EU) No 511/2014, due diligence is considered to have been exercised.*
5	**Document what you have done in order to demonstrate that you have exercised due diligence.** *The documentation/information required under Regulation (EU) No 511/2014 must be retained for 20 years after the end of the period of utilisation.* *It may be helpful to keep additional relevant information in case of doubt (e.g. email correspondence with authorities).* *Any transfer of resources to others must also be documented.*	
6	**When obtaining research funding from private or public sources, submit a due diligence declaration in accordance with Article 7(1) of Regulation (EU) No 511/2014 on time to BfN (via https://webgate.ec.europa.eu/declare/).** *The declaration must be submitted at the latest by project completion.*	
7	**In the case of a patent application, state the geographical origin of the genetic resource underlying the invention.**	
8	**When developing a product, submit a due diligence declaration in accordance with Article 7(2) of Regulation (EU) No 511/2014 on time to BfN.** Submit via https://webgate.ec.europa.eu/declare/ *at the latest four weeks before the first of the events listed in Implementing Regulation (EU) 2015/1866.*	
9	**Ensure that in utilisation of the genetic resources the obligations and benefit sharing arrangements stipulated in the ABS approvals and contractual agreements have been fulfilled in their entirety.** *If there is a change in use during the course of research and/or development (such as a transition from initially purely scientific to commercial research), any necessary ABS approvals and contractual agreements will have to be renegotiated or amended.*	
10	**If there is any uncertainty about the legality of access and the utilisation of genetic resources, obtain the necessary ABS documentation retrospectively or discontinue the utilisation.**	