**Press Note on Notification on biological resources normally traded as commodities issued under Biological Diversity Act.**

1. Biological diversity, which encompasses the variety of all life on earth, provides humanity with food, medicines, energy and many industrial products. India a mega diverse country, rich in biodiversity and associated traditional knowledge, is a Party to the Convention on Biological Diversity (CBD), one of the agreements adopted during the Rio Earth Summit held in 1992. India is also a Party to the CBD’s Nagoya Protocol on Access and Benefit Sharing (ABS), aimed at providing legal framework for implementation of the third objective of the CBD relating to ABS, as a measure for protection against misappropriation.

2. In pursuance to the CBD, India enacted the Biological Diversity Act in 2002 to provide for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources and associated knowledge, which are the three objectives of the CBD. The Nagoya Protocol is also being implemented in India inter alia through the Biological Diversity Act.

3. The Act Inter alia provides that the users of bioresources seek approval of National Biodiversity Authority (NBA) for obtaining biological resources for research or commercial use. Considering that a number of commodities being traded are technically bioresources, Section 40 of the Act empowers the Central Government to exempt from its purview, any items including biological resources normally traded as commodities (NTACs), in consultation with NBA. The Ministry of Environment, Forest & Climate Change (MOEF&CC) had accordingly issued a notification under Section 40 dated October 26th, 2009 listing 190 biological resources to be exempted from the purview of the Act 2002 provided they are traded as commodities

4. Notification of bioresources as NTACs is a dynamic process. After extensive consultations over a period of more than three years, including through an Expert Committee of NBA with all stakeholders viz., Ministries/Departments, State Biodiversity Boards, industry, experts and public, the list of 190 species notified earlier has been augmented to 385 species to be exempted from the purview of the Act, when traded as commodities, through a Notification issued on 7th April, 2015 in supersession of the earlier notification. The Notification further provides that products derived from listed items that are traded as a matter of common practice are to be treated as NTACs (examples: ketchup from tomato, chips from potato, oil from ground nut, yarn/fabric from cotton). This list has been made more comprehensive in terms of crop plants with information like trade/common name; part used, and sources procurement as cultivated or mixed (cultivated plus wild). A self-declaration form appended to the notification provides for the exporter to declare the source of procurement to keep the implementation of the notification under careful watch and scrutiny.

5. Augmentation of the list of species as NTACs from 190 to 385 species, and inclusion of products derived from these as common practice being exempted from this Act through issue of this Notification is a major step towards a more rational implementation of the Act at the national level.

6. At the international level, as a major step towards operationalisation of the Nagoya Protocol on ABS, India had earlier published the first ever Internationally Recognised Certificate of Compliance (IRCC) under the Protocol’s ABS Clearing House on 1st October, 2015 as evidence that the genetic resources have been accessed legally. Since then, India has recently published 24 more IRCCs, and at present 25 out of the 27 IRCCs published on ABS Clearing House are from India. Government of India’s commitment and leadership towards implementation of Nagoya Protocol by publishing IRCCs has been acknowledged by the CBD Secretariat.