Appendix C

CONCEPTS OF LAW 13,123/2015 and Regulatory Decree 8.772/2016.

Selected terms and definitions of the Brazilian ABS legislation in force.

|  |  |
| --- | --- |
| **TERM** | DEFINITION |
| **Genetic Heritage** | Genetic information from plants, animals, and microbial species, or any other species, including substances originating from the metabolism of these living organisms.  Micro-organisms are considered Brazilian GH if they were isolated from substrata of the national territory, the territorial sea, the exclusive economic zone or the continental shelf (Decree 8.772/2016, Art 1. Para 1). |
| **Associated Traditional Knowledge** | Information or practice of indigenous population, traditional community, or traditional farmers about the properties, or the direct or indirect uses associated with genetic heritage |
| **Traditional Community** | A culturally differentiated group, which recognizes itself as such, has its own social organization and occupies and uses territories and natural resources as a condition for its cultural, social, religious, ancestral, and economic perpetuation, using knowledge, innovations and practices generated from and passed on by tradition |
| **User** | A natural or legal person, that accesses genetic heritage or associated traditional knowledge, or economically explores a finished product or reproductive material originated from access to genetic heritage or associated traditional knowledge |
| **Associated Traditional Knowledge Provider** | Indigenous population, traditional community or traditional farmer who holds and provides associated traditional knowledge |
|  | |
| **Access To Genetic Heritage** | Research or technological development carried out on genetic heritage samples; |
| **Access To Associated Traditional Knowledge** | Research or technological development carried out on traditional knowledge associated to genetic heritage that makes possible or facilitates access to genetic heritage, even if obtained from secondary sources such as: street markets, publications, inventories, films, scientific articles, registries and other forms of systematization and record of associated traditional knowledge |
| **Research** | Experimental or theoretical activity carried out on genetic heritage or associated traditional knowledge with the objective of building new knowledge by means of a systematic process that creates and tests hypothesis, describes and interprets fundamentals of observed phenomena and facts |
| **Technological Development** | Systematic work on genetic heritage or associated traditional knowledge based on existing procedures resulting from research or from practical experience carried out with the objectives of developing new materials, products or devices, or improving or developing new processes, for economic exploitation |
|  | |
| **Reproductive Material** | Plant propagating material or animal reproductive material from any genus, species or crop, coming from sexual or asexual reproduction |
| **Agricultural Activities** | Activities of producing, processing and commercializing food, beverages, fibers, energy and planted forests |
| **Intermediate Product** | A product used in the production chain as input, excipient and raw material, for developing another intermediate or finished product |
| **Finished Product** | A product originating from access to genetic heritage or associated traditional knowledge that does not need any additional processing, in which the genetic heritage or the traditional knowledge component is a key main element of value adding to the product, being it ready for use by the final consumer, whether a natural or a legal person |
|  | |
| **Key Elements of Value Adding to the Product** | Elements whose presence in the finished product is determinant to its functional characteristics or to its marketing appeal |
| **Product Notification** | Declaration document required prior to economic exploitation of a finished product or reproductive material originating from access to genetic heritage or to associated traditional knowledge in which the user declares compliance with the requirements of this Act and indicates the modality of benefit-sharing, when applicable, to be established in the benefit-sharing agreement |
| **Benefit-Sharing Agreement** | A legal document that identifies the parts, object; and terms for benefit-sharing |
| **Benefit-Sharing** | The benefits resulting from economic exploitation of finished product or reproductive material arising from access to genetic heritage of species found in *in situ* conditions or to associated traditional knowledge, even if produced outside the country |
| Only the manufacturer of the finished product or the producer of the reproductive material will be obliged to share benefits, regardless of who has previously carried out access activities |
| **Monetary Benefit-Sharing** | Should represent 1% (one percent) of the annual net revenue obtained from economic exploitation of finished products or reproductive material arising from access to genetic heritage |
| **Non-Monetary Benefit-Sharing** | Should be equivalent to 75% (seventy five percent) of the monetary benefit-sharing amount, in accordance with criteria set by CGen |