Targeted survey for users

The COP-MOP, in its decision NP-5/5, decided to carry out the second assessment and review of the effectiveness of Nagoya Protocol (NP) in accordance with Article 31 of the NP, for consideration by COP-MOP 6. For this purpose, information will be drawn from various sources.

Parties have been invited to complete their first national report on the implementation of the Nagoya Protocol by 28 February 2026 (notification 2024-074). The national report of CBD on implementation of KMGBF, including Goal C and Target 13, is also for submission by Parties by 28 February 2026 (notification 2025-074).

In addition, the COP-MOP has requested the Executive Secretary to commission a scoping study and to carry out a targeted survey of ABS National Focal Points, competent national authorities and users and providers of GR and/or ATK, as follows:

- To identify challenges related to implementation of the Protocol (decision NP-3/1, par. 18 (a)
- To determine the possible reasons and underlying root causes for the challenges to effective implementation and compliance of the Nagoya Protocol (decision NP-5/5, par. 7 (b))
- To identify possible ways to enhance its implementation (decision NP/5/5, par. 7 (b)

Against this background, this targeted survey is meant to complement the information provided by Parties and to gather information from users of genetic resources (GR) and associated traditional knowledge (ATK).

The provisions of the Nagoya Protocol impose obligations on Parties to adopt national/domestic measures for access, benefit-sharing and compliance, among others. In turn, users must respect/comply with these national ABS requirements in order to obtain access to GR and/or ATK for their utilisation.

In light of the above, a targeted survey was developed to collect information from users with respect to the challenges related to the implementation of the Nagoya Protocol, to determine the possible reasons and root causes for these challenges and compliance, as well as to identify possible ways to enhance implementation.

The results of this survey should contribute to a better understanding of the challenges encountered by users in ABS implementation and possible ways to enhance implementation of national ABS frameworks established by countries as providers and users of GR and ATK.

The survey should take approximately 30 minutes to complete and will be open until **15 December 2025.** Survey results will be presented in an aggregated manner, therefore information provided will not be linked to specific organisations.

General information

1.Name
2.Country
3.Institution/Organisation/Company

4.Please indicate which category you fall under

- Scientific community
- Business community

5.Select the sector(s) most relevant to your work (if applicable)

- Agriculture
- Botanicals
- Food and beverage
- Personal care and cosmetics
- Pharmaceutical
- Collection
- Research institutions
- University

6.Please indicate the size of your organization (number of employees):

- 1 to 19
- 20 to 49
- 50 to 199
- 200 to 499
- 500 to 1999
- above 2000

General context

7.On a scale of 1 (Not aware at all) to 5 (Fully aware), are users in your sector generally aware of the need to respect and comply with ABS requirements of countries in which they access genetic resources (GR) and/or associated traditional knowledge (ATK) for R&D purposes?

8.What has contributed to increased awareness of ABS issues amongst users of genetic resources (GR)?

- Adoption and implementation of the Nagoya Protocol
- Government led awareness-raising campaigns
- User associations
- National or regional legal ABS requirements imposing obligations on users to respect ABS requirements of provider countries (e.g. EU regulations)
- Other

Access to genetic resources

9.Please indicate where you generally find information regarding the ABS requirements of countries by selecting the relevant option:

- ABS Clearing-House
- ABS National Focal Points (NFPs)
- National ABS website
- User groups/third parties (please specify)
- Personal contacts
- Other

10.Please indicate the top 3 challenges related to access to genetic resources (GR) or associated traditional knowledge (ATK) by selecting the relevant options:

Please select 3 options.

- Information on national ABS authorities and/or national ABS requirements is not always available or unclear on ABSCH
- ABS NFPs or CNAs are not responsive or difficult to reach
- Diversity of national approaches to ABS requirements and procedures creates uncertainty or complexity
- Scope of ABS requirements varies significantly between countries (e.g. type of GR covered, types of activities regulated)
- Lengthy or unpredictable process for obtaining PIC (including a permit) and establishing MAT
- Absence of clear timelines or procedural guidance for ABS applications
- Lack of clarity whether ABS applies to DSI or other non-physical forms of GR
- Limited understanding of whether and how national laws apply to academic or non-commercial research
- Other

11.Please describe any specific experiences or case studies that illustrate the challenges you selected.

Enter your answer

12.Have these challenges affected your ability to initiate or complete research or development activities? If yes, please explain.

Enter your answer

13.What are key features of ABS requirements and procedures that facilitate access to genetic resources (GR) and/or associated traditional knowledge (ATK)? Please select the relevant option(s).

- Clear and transparent ABS legal requirements are publicly available.
- Step-by-step guidance materials are available on laws and regulations (e.g. handbooks, flowcharts, FAQs, guides).
- Defined timelines for processing ABS applications are provided and respected.
- Responsive and supportive ABS National Focal Points (NFPs) and Competent National Authorities (CNAs).
- National inventories and databases of GR and/or ATK are accessible and well-maintained.
- Online application systems or digital platforms for ABS procedures.
- Recognition of non-commercial or academic research pathways with simplified procedures.
- Availability of model contracts or templates for Mutually Agreed Terms (MAT).
- Support for community engagement and guidance.
- Other

14.What makes access to genetic resources (GR) easier in some countries than others? Please explain.

Enter your answer

15.On a scale of 1 (much more difficult) to 5 (much easier), would you say that it has become easier to comply with ABS requirements over time, as further information becomes available and lessons are learned?

Please explain.

16.Are the ABS approaches established by other international agreements dealing with ABS issues (e.g. ITPGRFA, PIP Framework) more adapted to your sector of activity?

- Yes
- No
- Not applicable

17.Please explain.

Enter your answer

Mutually agreed terms, including benefit-sharing

18.Please select the top 3 challenges you have encountered in the establishment of MAT/ABS agreements, including benefit-sharing.

Please select 3 options.

- Absence of clear process and timelines for negotiating and finalising MAT/ABS agreements
- Lengthy or unpredictable negotiation process
- Involvement of multiple parties (e.g. government, IPLCs, institutions) complicates coordination
- Differences in expectations between users and providers regarding benefit-sharing terms
- Absence of a level playing field (e.g. power asymmetries, lack of negotiation capacity)
- Difficulty of determining potential monetary benefits at the time of access
- Risks associated with determining benefits only after commercialisation or product development
- Lack of model contracts or templates to guide MAT negotiations
- Limited legal or technical capacity among providers to negotiate or enforce MAT
- Other

19.Please describe any relevant experience to illustrate one or more of the challenges you encountered.

Enter your answer

20.Are there particular reasons or underlying causes that may explain these challenges?

Enter your answer

21.What elements have facilitated the establishment of MAT/ABS agreements, including benefit-sharing, from your perspective as a user? Please select all that apply.

- Availability of templates or model contracts for MAT and benefit-sharing
- List of possible monetary/non-monetary benefits provided by national authorities or stakeholders
- Clear timeline established for each step of the ABS process
- Defined parameters or guidelines for benefit-sharing (e.g. percentage ranges, types of benefits)

- A two-step benefit-sharing process (e.g. initial at the time of access and additional benefits upon commercialisation)
- Support from ABS NFP and CNAs during negotiation
- Recognition of customary laws and community protocols in MAT negotiations
- Availability of legal or technical advisory services for users and providers.
- Digital platforms or online tools for submitting and tracking applications
- Other

22.What is your view of the role of confidentiality clauses in MAT/ABS agreements, particularly regarding their impact on monitoring and reporting the flow of benefits? Please select the relevant option:

- They are necessary and do not hinder monitoring.
- They are sometimes necessary but can limit transparency.
- They often hinder effective monitoring and reporting.
- They should be limited or structured to allow public reporting.
- I am not sure / I have not encountered confidentiality clauses.
- Other

23.If confidentiality clauses have posed challenges, please describe the nature of these challenges and suggest how they could be addressed.

Enter your answer

24.What are possible ways to enhance benefit-sharing from your perspective?

Enter your answer

25.What type of mechanisms could be established to support the establishment of ABS partnerships between users and providers? Please describe.

Enter your answer

Contribution to conservation and sustainable use

26.In the ABS agreement(s) you were a party to, was the contribution of benefits to conservation and sustainable use addressed?

- Yes
- No
- I do not know
- Not applicable

27.Do you consider it important that benefits shared through MAT contribute to conservation and sustainable use of biodiversity? Please explain.

Enter your answer

28.What challenges have you encountered in ensuring that benefits shared through MAT contribute meaningfully to conservation and sustainable use?

Enter your answer

29.In your opinion, what are the underlying root causes of these challenges?

Enter your answer

30.In your opinion, how do you think benefit-sharing under ABS agreements can better support conservation and sustainable use? Please share examples of ABS partnerships or initiatives where benefits have contributed to these objectives.

Enter your answer

Relationship with IPLCs as providers of GR and/or AK

31.In your experience, were clear procedures established for accessing genetic resources (GR) found on IPLC territories or for accessing associated traditional knowledge (ATK)?

- Yes
- Yes, to some extent
- No
- Not applicable

32.Which of the following elements were involved in the access process? Please select all that apply.

- ABS procedures detailing steps to follow
- Information published in the ABS Clearing-House
- The competent national authority acting as an intermediary
- Engagement with IPLCs during negotiations
- Recognition of customary laws
- Use of community protocols
- Minimum requirements for Mutually Agreed Terms (MAT)
- Model contractual clauses for benefit-sharing
- Other

33.Were these processes or tools useful in facilitating access and benefit-sharing? Please explain.

Enter your answer

34.Have you encountered any challenges in your relationship with IPLCs regarding ABS implementation?

Yes or No

35.If yes, please describe the challenges encountered

Enter your answer

36.If applicable, what do you believe are the underlying root causes of these challenges?

Enter your answer

37.Do you have any recommendations to enhance ABS implementation when users seek access to GR found on IPLC territories or ATK? Please share specific suggestions or examples.

Enter your answer

Compliance

38.Have national requirements been established in your country to ensure that users respect ABS requirements of provider countries when accessing genetic resources (GR) and/or associated traditional knowledge (ATK)?

- Yes
- Yes, to some extent
- No
- Not sure

39.Have you encountered any challenges in meeting these compliance requirements?

- Yes
- No

40.*If yes,* please explain.

Enter your answer

41.Do you have any recommendations to improve the implementation of compliance measures for users accessing genetic resources (GR) and/or associated traditional knowledge (ATK) from other countries?

Enter your answer

Support towards ABS implementation for users

42.What activities or tools have been most useful in raising awareness, building capacity and supporting compliance with ABS requirements for users?

Please select all that apply.

- Trainings or workshops
- Guidelines, codes of conduct, or best practices
- Standards or certification schemes
- Tools to assist users in navigating and monitoring national ABS requirements
- Advisory services or legal support services
- Online platforms or e-learning modules
- Sector-specific guidance (e.g. for academia, industry)
- Other

43.Have you applied knowledge or used tools gained through these activities in your work (e.g. developing internal ABS procedures, due diligence systems, documentation protocols, etc.)?

- Yes
- No
- Not yet, but planning to

44.If yes, please describe briefly how.

Enter your answer

45.Have these tools contributed to enhancing ABS implementation in your context?

- Yes
- Yes, to some extent
- No

46.Please explain and provide specific examples of the mechanisms or tools you found most useful.

Enter your answer

47.In your opinion, what are remaining challenges related to compliance with national ABS requirements?

Enter your answer

48.In your opinion, what are the most effective approaches to support ABS implementation and compliance by users?

Enter your answer

ABS Clearing-House

49.Do you use the ABS Clearing House (ABSCH)?

- Yes
- No

50.Does the ABSCH provide the information you need when seeking access and eventual utilisation of genetic resources (GR) or associated traditional knowledge (ATK) in another country?

- Yes
- Yes, to some extent
- No

51.What challenges have you encountered when using the ABSCH?

Enter your answer

52.What do you believe are the underlying root causes of these challenges?

Enter your answer

53.How could the ABSCH be improved to better support ABS implementation and user compliance?

Enter your answer

Challenges to ABS implementation, possible reasons and underlying root causes

54.Are there any additional challenges to ABS implementation from your perspective as a user that you would like to share? Are these specific to your sector or relevant across sectors?

Enter your answer

55.Are you aware of any possible reasons or underlying root causes that may explain these challenges?

Enter your answer

Possible ways to enhance implementation

56.Do you have any additional suggestions for improving ABS implementation from a user perspective?

Enter your answer

57.Please share any examples of successful ABS cases you have been involved in and highlight the factors that contributed to this success.

Enter your answer