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**NATIONAL ENVIRONMENTAL STANDARDS AND
REGULATIONS ENFORCEMENT AGENCY (ESTABLISHMENT)
ACT, 2007**

**NATIONAL ENVIRONMENTAL (ACCESS TO GENETIC
RESOURCES AND BENEFIT SHARING) REGULATIONS, 2009**



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S. I. 30 of 2009

**NATIONAL ENVIRONMENTAL (ACCESS TO GENETIC
RESOURCES AND BENEFIT SHARING) REGULATIONS, 2009.**

[30th September, 2009] Commence
ment.

In exercise of the powers conferred on me by Section 34 of the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007 and all other powers enabling me in that behalf, I, JOHN ODEY, Minister of Environment hereby make the following regulations :

PART I – CONSERVATION MONITORING

1. A person shall not engage in any activity that may :

- (a) have an adverse impact on any ecosystem ;
- (b) lead to the introduction of any exotic species ; and
- (c) lead to unsustainable use of natural resources ; without an Environmental Impact Statement.

Environmental
Impact
Statement.

2.—(1) The Agency shall, in consultation with the relevant agencies, impose bans, restrictions or similar measures on the access and use of any threatened species in order to ensure its regeneration and sustainable management.

Conservation
of threatened
species.

(2) Without prejudice to the generality of the foregoing, the Agency shall, in consultation with relevant Agencies :

- (a) issue licenses for the establishment and maintenance of facilities for the recovery and rehabilitation of threatened species ;
- (b) determine full recovery and rehabilitation measures of threatened species to ensure its restoration into its natural habitat.

3.—(1) Within twenty-four months from commencement of these Regulations, the Agency shall, in consultation with the lead agencies, identify and prepare an inventory of the status of biological diversity of Nigeria.

Inventory of
biological
diversity.

(2) The inventory shall include threatened, endangered, endemic and rare species.

(3) The inventory shall be maintained and updated every year by the Agency.

(4) The inventory shall be a public record of the Agency and shall be accessible in a prescribed manner, to any person on application to the Agency.

4. The Agency shall, in consultation with the lead agencies, monitor the status and the components of biological diversity in Nigeria and take necessary measures to prevent and control their depletion.

Monitoring
of Status.

PART II—ACCESS TO GENETIC RESOURCES

Application for Access Permit.	5. Any person who intends to access genetic resources in Nigeria shall apply to the Agency for an access permit in the form set out in the First Schedule to these Regulations and such application shall be accompanied by the fees as shall be prescribed by the Agency.
Prior informed consent.	6. The application shall be accompanied by evidence of Prior Informed Consent, as prescribed in the Second Schedule to these Regulations, from interested persons, including local communities and other stakeholders and relevant agencies as well as a research clearance certificate from relevant agencies.
Material Transfer Agreement.	7. Notwithstanding any provision contained in these Regulations, no person shall transfer any genetic resources outside Nigeria unless such person has executed a Material Transfer Agreement, as prescribed in the Third Schedule to these Regulations.
Notification of application.	8. The Agency shall, upon receipt of the application, give notice thereof by publication in at least two newspapers with nationwide circulation or in such other manner as the Agency may consider appropriate specifying : <ul style="list-style-type: none"> (a) the name and other particulars of the applicant ; (b) the activity to be undertaken for which the access permit is required ; (c) location or site of genetic material ; (d) country of destination of genetic material ; and (e) the time within which representations or objections in respect of the proposed access permit may be made to the Agency.
Examination of documents materials, etc.	9. The applicant shall submit to the Agency all the information, documents or materials requested by the Agency for the purpose of technical examination, failing which shall cause the application to be rejected.
Determination of application.	10.—(1) The Agency shall, on receipt of representations or objections to the proposed access permit from the public, review the application and if satisfied that the activity to be carried out, shall facilitate the sustainable management and utilization of genetic resources for the benefit of the people of Nigeria issue an access permit to the applicant.

(2) Where the Agency has reasonable grounds for refusing to issue an access permit, it shall inform the applicant of the reasons for such refusal in writing.

11. The Form in which an Access Permit is issued shall be as prescribed in the Fourth Schedule to these Regulations.

Access
permit
Form.

12. The Agency shall, within sixty days of receipt of an application for an access permit, determine the application and communicate its decision in writing to the applicant.

Communi-
cation of
decision.

13.—(1) An Access Permit shall expire one year from the date of issuance (that is at the end of the twelfth calendar month following the grant thereof) and shall not be transferable.

Validity and
renewal of
access
permit.

(2) Upon expiry, an access permit may be renewed yearly upon payment of fee and compliance with such terms and conditions as the Agency may deem necessary to impose and upon application in the Form as prescribed in the Fifth Schedule to these Regulations.

14. (1) An access permit shall contain such terms and conditions as the Agency may deem necessary to impose.

Terms and
conditions
of an access
permit, etc.

(2) In addition to such terms and conditions as may be contained in an access permit, the following conditions shall be implied in every access permit :

(a) duplicates and holotypes of all genetic resources collected shall be deposited with the relevant agency ;

(b) records of all intangible components of plant genetic material collected shall be deposited with the Agency ;

(c) reasonable access to all genetic resources collected shall be guaranteed to all Nigerian citizens whether such genetic resources and intangible components are held locally or abroad ;

(d) all agreements entered into with respect to access to genetic resources shall be strictly for the purposes for which they were entered into ;

(e) the furnishing of quarterly reports to the Agency on the status of research, including all discoveries from research involving genetic resources or intangible components thereof ;

(f) the holder of an access permit shall inform the Agency of all discoveries made during the exercise of the right of access granted under the access permit ;

(g) the holder of an access permit shall provide the following reports :

(i) a semi-annual status report on the environmental impacts of any ongoing collection of genetic resources or intangible components thereof ; and

(ii) a final status report on the environmental impacts of collection of genetic resources or intangible components thereof, in the event that the collection is of duration of three months or less ; and

(h) the holder of an access permit shall abide by the laws of Nigeria.

(3) The Agency may, on its own volition or on the application by an access permit holder, vary the terms and conditions of an access permit.

Suspension,
cancellation,
etc of access
permit.

15.—(1) The Agency may suspend, cancel or revoke any access permit issued under these Regulations where the holder thereof is in contravention of any of the conditions imposed on the access permit or those implied under these Regulations or of the agreements made pursuant to its grant.

(2) The Agency shall, before suspending, canceling or revoking an access permit, give a written notice of its intention to suspend, cancel or revoke the permit to the holder thereof and shall accordingly invite the holder to make representations within thirty days from the date of such notice.

(3) Where the Agency suspends, cancels or revokes a permit, it shall publish the order suspending, canceling or revoking the permit in at least two newspapers with nationwide circulation and enter same into the Register of Access Permits.

(4) The provisions of regulation 13 to these Regulations shall also apply to the suspension, cancellation or revocation of an access permit.

Register of
Access
Permit.

16. The Agency shall keep, manage and update as appropriate a Register of Access Permits it has granted and the register shall be a public record of the Agency obtainable upon application and payment of such fees as prescribed by the Agency.

PART III—BENEFIT SHARING

Application
of Part.

17. This Part shall apply to all parties seeking access to genetic resources without prejudice to any other law in force in Nigeria.

Benefits
sharing.

18.—(1) Without prejudice to the generality of the foregoing, the Agency shall ensure that the holder of an access permit facilitates the active involvement of Nigerian citizens and institutions in the execution of the activities under the permit.

(2) The facilitation by the holder of an access permit shall include the enjoyment of negotiated monetary and non-monetary benefits arising from

the right of access granted and the use of genetic resources and traditional knowledge in accordance with the guidelines on monetary and non-monetary benefits for Material Transfer Agreement specified in the Third Schedule to these Regulations.

19. The holder of an access permit shall at all times respect traditional and community rights over ownership and custody of genetic resources, including the collective rights to benefits accruing from knowledge, innovations, discoveries, uses and practices acquired overtime and for the conservation and sustainable use of the genetic resources.

Traditional
and Commu-
nity Rights.

PART IV—MISCELLANEOUS

20.—(1) On the request of an applicant of an access permit, the Agency may hold some information relating to access to genetic resources as confidential.

Confiden-
tial.

(2) Where an access permit is granted, information held as confidential under sub-regulation (1) of this regulation with respect to the relevant applicant, shall not be accessible to a person inspecting the register of access permits in accordance with regulation 16 to these Regulations.

21. Any person carrying out any activity involving access to genetic resources prior to the coming into force of these Regulations, shall within six months from the coming into force thereof, take all necessary measures to ensure full compliance with these Regulations

Transition.

22. A contravention or failure to comply with any of the matters provided in these Regulations shall constitute an offence.

Offences.

23.—(1) Any person convicted of an offence under these Regulations shall be liable to a fine of not less than ₦1,000,000:00 but not exceeding ₦10,000,000:00 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment and an additional fine of ₦100,000:00 for every day the offence subsists.

Penalties

(2) Where the offence is committed by a body corporate, it shall on conviction, be liable to a fine not less than ₦10,000,000:00 and not exceeding ₦100,000,000:00 and an additional fine of ₦1,000,000:00 for every day the offence subsists.

PART V—GENERAL

24. These Regulations shall not apply to :

(a) the exchange of genetic resources, their derivative products, or the intangible components associated with them, carried out by members of any

Application
or Exemp-
tion.

Nigerian indigenous community amongst themselves and for their own consumption and medicinal purposes ;

(b) access to genetic resources derived from plant breeders in accordance with any other Act in force in Nigeria ;

(c) human genetic resources ; and

(d) approved research activities intended for educational purposes within recognized Nigerian academic and research institutions.

Interpreta-
tion

25. In these Regulations, unless the context otherwise requires—

“*Act*” means National Environmental Standards And Regulations Enforcement Agency (Establishment) Act, 2007

“*access*” means obtaining, possessing and using genetic resources conserved, whether derived products and where applicable, intangible components, for purposes of research, bio-prospecting, conservation, industrial application or commercial use ;

“*access permit*” means a permit that allows a person to access genetic resources issued under Part II to these Regulations ;

“*Agency*” means the National Environmental Standards and Regulations Enforcement Agency established under section 1 of the Act ;

“*applicant*” means any person who has applied or filed an application for the grant of an access permit ;

“*benefit sharing*” means the sharing of benefits that accrue from the utilization of genetic resources ;

“*biological diversity*” means the variability among living organisms from all sources of ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems ;

“*collector*” means any individual or person(s) or group or corporate body or institution or any one or more of them engaged or involved in the collection of biological resources whether as a business or howsoever otherwise ;

“*community*” means a group of people having a long standing social organization that binds them together whether in a defined area or howsoever otherwise and shall include indigenous peoples, local populations and shall where appropriate also include any organization duly registered under the law of Nigeria to represent the interest of such group ;

“*endangered species*” means any species which is in danger of extinction throughout all or a significant portion of its range (due to man-made or natural changes in the environment), or is critically endangered or

vulnerable, and its very existence is insecure and or under threat of extinction from natural and or anthropogenic factors ;

“*exotic species*” means any species of plant or animal or micro-organism (life form) whose natural range does not, or did not in the past, exist in a specific part of, or the whole of Nigeria ;

“*genetic material*” means any genetic material of plant, animal, microbial or other origin containing functional units of heredity ;

“*genetic resources*” means genetic materials of actual or potential value ;

“*habitat*” means the place or type of site where an organism or population naturally occurs and includes areas colonized by introduced organisms ;

“*holder*” means the holder of an access permit ;

“*holotype*” means the single specimen chosen from the designation of the species ;

“*intangible components*” means any information held by any person that is associated with or regarding genetic resources within the jurisdiction of Nigeria.

“*inventory*” means a detailed list, report or record of resources, or the process of making such a list, report or record ;

“*lead agency*” means any government institution, ministry, department, university, etc, whose duties and responsibilities directly relate to the collection, custody and research into the specific genetic resources or in the execution of the activities covered under the Access Permit, or a collaborating research institute or university ;

“*Material Transfer Agreement*” means an agreement negotiated between the holder of an access permit and a relevant agency or community on access to genetic resources and benefit sharing ;

“*person*” means a natural or juridical person ;

“*Prior Informed Consent*” means the consent given to the applicant for access permit by the academic or research institute or relevant agency or the concerned local community based on an access application containing a complete and accurate access information to a person seeking access to a specified genetic resource or traditional knowledge;

“*threatened species*” means any species of plant or animal which is likely to become an endangered species within the foreseeable future throughout all or significant portion of its range ;

“*traditional*” means a body of pattern of behaviour, practices and beliefs that are valued by a traditional or indigenous community from generation to generation.

Citation.

26. These regulations may be cited as the National Environmental (Access to Genetic Resources and Benefit Sharing) Regulations, 2009.

Regulation 5

FIRST SCHEDULE

FORM AND CONTENTS OF AN APPLICATION FOR AN ACCESS PERMIT

Applicants applying as individuals should fill Part I.

Applicants applying as corporate organizations should fill Part II.

All applicants must fill Part III.

All applicants must submit ten (10) copies and one (1) soft copy of this application to the Agency.

PART I—FOR APPLICANTS WHO ARE INDIVIDUALS

Purpose for the Access Permit.....

(a) *Name of Applicant*.....

(b) *National Identification No. or International Passport No.*

(c) *Postal Address*.....

(d) *Permanent Residential Address*.....

(e) *Qualifications (Curriculum vitae to be attached)*.....

(f) *Country of Residence*.....

(g) *Nationality*.....

(h) *Tel. No.*

(i) *Fax No.*

(j) *Email*.....

PART II—FOR APPLICANTS WHO ARE CORPORATE ORGANIZATIONS

Purpose for the Access Permit

- (a) *Name of Organization*.....

 (b) *Permanent Address*.....

 (c) *Registered Address*.....

 (d) *Registration No. (Attach copy of certificate of registration)*.....
 (e) *Object of Business*.....

 (f) *Names and Addresses of Directors*
 (g) *Qualifications of individuals or persons in the project*
(Curriculum vitae to be attached).....
 (h) *Details (if any) of :*
 (i) *Holding and subsidiary institutions ;*
 (ii) *Individuals connected to the project*.....
 (i) *Name of the contact person in regard to this application and the*
*position held in the organization and authorization ****.....
 (j) *Country of Residence of the contact person*.....
 (k) *Nationality of the contact person*
 (l) *Tel. No.*
 (m) *Fax No.*
 (n) *Email No.*
 (o) *Web sit*.....

PART III—FOR ALL APPLICANTS

1.0 *Financial Details*

(a) *Sources:*

- (i) *The total budget of the project*
 (ii) *Details of any corporate or individual sponsors of the project*.....

 (b) *Proof of payment of application fee.*

2.0 Technical Particulars

(a) Give details of previous collection or research (if any) conducted in any country.

(b) Provide the following information with regard to genetic resources for which access is sought :

(i) scientific names of taxa (latin and common name) ;

(ii) specific sites in which access will be undertaken ;

(iii) possible location ;

(iv) parts of the genetic resources to be collected (tissues, cells, seeds, leaves, microbes, etc) ;

(v) products or derivatives ;

(vi) quantities to be collected ;

(vii) any known or potential uses of the genetic resources ;

(viii) in case of genetic resources held ex-situ, details of the relevant depository institution(s).

(c) Provide the following information on the planned collecting mission—

(i) identification of the provider(s) of the genetic resources for which access is sought.

(ii) collection methods to be used ;

(iii) if there are Nigerian nationals or institutions to be used, their particulars ;

(iv) expected date of commencement and completion of the activity ;

(v) information regarding immigration status in Nigeria of foreign individuals that will visit Nigeria.

(d) State in details the proposed use of genetic resources

(i) form of use to which the genetic resources will be put ;

(ii) expected research results ;

(iii) geographical location or sites in which each element of the research programme will take place.

(e) State whether the applicant will require assistance to identify and access the genetic resources described in this application? Yes or No If yes, give details of the assistance that will be required. If no, justify your competence to identify and collect specimens

(f) Attach a copy of the Prior Informed Consent document signed by the relevant parties (relevant agencies, local community, etc) as applicable.

(g) Attach a copy of the Material Transfer Agreement signed by the relevant parties (stakeholders, local community and relevant agency, etc.) as applicable.

(h) Attach a copy of research clearance document from relevant agency or institution.

(i) Provide any other information in the possession of the applicant which might be useful to enable the National Environmental Standards and Regulations Enforcement Agency to make an informed decision in granting the access permit.

All applicants are forewarned that it is an offence under the National Environmental (Access to Genetic Resources and Benefit Sharing) Regulations 2009 to give false information to the National Environmental Standards and Regulations Enforcement Agency

I or we undertake to provide progress and full reports as required under these Regulations.

I or we declare that to the best of my or our knowledge the information given in respect of this application is true.

For individual applicants:

(a) *Name of Applicant*.....

(b) *Signature*.....

(c) *Date*.....

For Companies or Institutions—

(Affix company seal)

In the presence of:

(a) *Name of Director*.....

(b) *Signature*.....

(c) *Director or Company Secretary*.....

(d) *Signature*.....

(e) *Date*.....

FOR OFFICIAL PURPOSE

Fees paid :

Receipt No.

Date :

B 1134

Received by:

Name.....

Signature.....

Designation.....

Date.....

***** FORM OF AUTHORIZATION**

We.....*of*.....
hereby authorize*of*.....
to (state purpose).....

We hereby revoke all other authorization issued before now.

For Individuals.....

Name of person.....

Address.....

Signature.....

Witnessed by.....

Name.....

Address.....

Occupation.....

Signature.....

For Companies or Institutions—

(Affix company seal)

In the presence of :

(a) *Name of Director*.....

(b) *Signature*.....

(c) *Director or Company Secretary*.....

(d) *Signature*.....

Dated.....*of*.....

Regulation 6

SECOND SCHEDULE
GUIDELINES ON FORM AND CONTENTS OF
PRIOR INFORMED CONSENT (PIC)

1. Basic information

- Specify the legal entity and affiliation of the applicant or collector ; and if the applicant is an institute, the contact person (s)
- Give details of project organization and budget
- Level of confidentiality of information provided
- State all parties involved in the grant of PIC

2. Basic research

The information should include :

- Type and quantity of genetic resources, to which access is sought
- Commencement date and duration of the research
- Geographical location (s) or site(s) in Nigeria in which the prospecting for genetic material (s) will take place
- Evaluation report on how the access activity may impact on conservation and the sustainable use of biodiversity
- Purpose (s) of the collection, research, and expected results
- Accurate information regarding intended use (including, taxonomy, collection, research and commercialization)

3. Research and development

- Specify where the research and development will take place
- Provide information on how the research and development is to be carried out
- Indicate local bodies (institutions, organization, etc) that will collaborate in research and development
- Give information on any third-party involvement

Regulation 6

SECOND SCHEDULE
GUIDELINES ON FORM AND CONTENTS OF
PRIOR INFORMED CONSENT (PIC)

1. Basic information

- Specify the legal entity and affiliation of the applicant or collector ; and if the applicant is an institute, the contact person (s)
- Give details of project organization and budget
- Level of confidentiality of information provided
- State all parties involved in the grant of PIC

2. Basic research

The information should include :

- Type and quantity of genetic resources, to which access is sought
- Commencement date and duration of the research
- Geographical location (s) or site(s) in Nigeria in which the prospecting for genetic material (s) will take place
- Evaluation report on how the access activity may impact on conservation and the sustainable use of biodiversity
- Purpose (s) of the collection, research, and expected results
- Accurate information regarding intended use (including, taxonomy, collection, research and commercialization)

3. Research and development

- Specify where the research and development will take place
- Provide information on how the research and development is to be carried out
- Indicate local bodies (institutions, organization, etc) that will collaborate in research and development
- Give information on any third-party involvement

4. *Benefits*

- Indicate the kinds of benefits that could arise from obtaining access to the resource, including benefits from derivatives and products arising from the commercial and other utilization of the genetic resource
- Indicate the benefit-sharing arrangements- monetary and non-monetary benefits.
- Give details of procedure for negotiation and communication with stakeholders

5. *General Procedures*

- Obtain PIC from the relevant competent agency or national authority; and or the relevant stakeholders (indigenous and local communities, etc) as shall be applicable in the circumstances.
- Guarantee the participation of stakeholders at grassroots and local levels in decision making process on the access to resource and permit issues that affect the public.
- PIC may have to be obtained from different levels of government or through jointly issued PIC, where necessary.
- For *ex situ* resources, PIC should be obtained from the relevant agency and or the body or organization governing the *ex situ* collection.
- Obtain a new PIC for any fundamental changes to the research plan of the Access Permit holder.
- If the genetic resource is obtained from a collaborating agency or institution, etc, the PIC of the original holder of the material covers the planned research.

THIRD SCHEDULE

GUIDELINES ON FORM AND CONTENTS OF
MATERIAL TRANSFER AGREEMENT*A. Introductory provisions should include:*

1. Parties to the agreement.
2. Reference to the Convention on Biological Diversity.
3. Legal status of the provider and user of genetic resources.
4. Mandate or general objectives of provider and, where appropriate, user of genetic resources.

B. Access and benefit-sharing provisions

1. Give details of genetic resources covered by the material transfer agreements, including accompanying information.
2. Indicate permitted uses, bearing in mind the potential uses of the genetic resources, their products or derivatives under the material transfer agreement (e.g. research, breeding and commercialization).
3. Give undertaking that any change of use or purpose would require new prior informed consent and material transfer agreement.
4. Elaborate on the intellectual property rights that might be sought and if so, the conditions.
5. Specify the terms and conditions of benefit-sharing arrangements, including commitment to share monetary and non-monetary benefits.
6. No warranties by provider on identity or quality of the provided material.
7. Whether the genetic resources or accompanying information may be transferred to third parties and if so, conditions that should apply.
8. Definitions should be elaborated on.
9. Provide for the responsibility of permit holder to minimize environmental impacts of collecting activities

C. Legal provisions should include:

1. Obligation to comply with the material transfer agreement.
2. Duration of agreement.
3. Notice to terminate the agreement.
4. Fact that the obligations in certain clauses survive the termination of the agreement.
5. Independent enforceability of individual clauses in the agreement.
6. Events limiting the liability of either party (force majeure -such as act of God, fire, flood, etc.).
7. Dispute settlement arrangements (arbitration, mediation and reconciliation, and court)
8. Assignment or transfer of rights.
9. Assignment, transfer or exclusion of the right to claim any property rights, including intellectual property rights, over the genetic resources received through the material transfer agreement
10. Choice of law.
11. Confidentiality clause.
12. Guarantee.

D. Monetary and non-monetary benefits

1. Monetary benefits may include, but not limited to :
 - (a) Access fees/fee per sample collected or otherwise acquired ;
 - (b) Up-front payments ;
 - (c) Milestone payments ;
 - (d) Payment of royalties ;
 - (e) Licence fees in case of commercialization ;
 - (f) Special fees to be paid to trust funds supporting conservation and sustainable use of biodiversity ;

- (g) Salaries and preferential terms where mutually agreed ;
- (h) Research funding ;
- (i) Joint ventures ;
- (j) Joint ownership of relevant intellectual property rights ; and
- (k) Proceeds from access to traditional knowledge.

2. Non-monetary benefits may include, but not limited to:

- (a) Sharing of research and development results ;
- (b) Collaboration, cooperation and contribution in scientific research and development programmes, particularly biotechnological research activities, where possible in the provider country;
- (c) Participation in product development ;
- (d) Collaboration, cooperation and contribution in education and training ;
- (e) Admittance to ex situ facilities of genetic resources and to databases ;
- (f) Transfer to the provider of the genetic resources of knowledge and technology under fair and most favourable terms, including on concessional and preferential terms where agreed, in particular, knowledge and technology that make use of genetic resources, including biotechnology, or that are relevant to the conservation and sustainable utilization of biological diversity ;
- (g) Strengthening capacities for technology transfer to Nigeria and facilitate abilities of indigenous and local communities to conserve and sustainably use their genetic resources ;
- (h) Institutional capacity-building ;
- (i) Human and material resources to strengthen the capacities for the administration and enforcement of access regulations ;
- (j) Training related to genetic resources with the full participation of providing Parties ;
- (k) Access to scientific information relevant to conservation and sustainable use of biological diversity, including biological inventories and taxonomic studies ;

- (l) Contributions to the local economy ;
- (m) Research directed towards priority needs, such as health and food security, taking into account domestic uses of genetic resources in Nigeria ;
- (n) Institutional and professional relationships that can arise from an access and benefit-sharing agreement and subsequent collaborative activities ;
- (o) Food and livelihood security benefits ;
- (p) Social recognition ;
- (q) Joint ownership of relevant intellectual property rights.

Regulation 11

FOURTH SCHEDULE—ACCESS PERMIT FORM

This permit is hereby granted to M/s

(insert name, contact address and description of applicant) in accordance with the National Environmental (Access to Genetic Resources and Benefit Sharing) Regulations 2009 for the collection of the following genetic resources:

(insert description of the genetic resource, its derivative product(s) or intangible component(s) as stated in the Materials Transfer Agreement) located at

(insert geographical description of the location or site of the genetic resources).

This permit is issued subject to the Regulations and all agreements concluded pursuant to its grant, and may be suspended, cancelled

revoked should the holder breach any of those agreements and the conditions of issue and those contained in the Regulations.

M/s. (insert name of applicant) being the holder of this permit, including his agents and assignees, undertake to abide by the conditions of this permit and to promptly report to the National Environmental Standards and Regulations Enforcement Agency any matter that may prejudice the interest of Nigeria and other parties made pursuant to the grant of this permit.

Signed and Sealed:
Director-General or Chief Executive Officer
NESREA

Date

Regulation 13 (2)

FIFTH SCHEDULE— APPLICATION FORM FOR RENEWAL OF AN ACCESS PERMIT

Applicants applying as individuals shall fill Part I.

Applicants applying as corporate (organizations) shall fill Part II

All applicants must fill Part III

All applicants must submit ten (10) copies and one (1) soft copy of this application to the Authority.

PART I—FOR APPLICANTS WHO ARE INDIVIDUALS

Reason(s) for the renewal of the Access Permit.....

(a) Name of applicant.....

(b) National Identification No. or International Passport No.

(c) Postal Address.....

(d) Permanent Residential Address.....

(e) Qualifications (Curriculum vitae to be attached).....

(f) Country of Residence

(g) Nationality.....

(h) Tel. No.....

(i) Fax No.

(j) Email.....

PART II—FOR APPLICANTS WHO ARE CORPORATE ORGANIZATIONS

- Reason(s) for the renewal of the Access*
- (a) *Name of Organization*.....
- (b) *Permanent Address*.....
- (c) *Registered Address*.....
- (d) *Object of Business*.....
- (e) *Registration No. (Attach copy of certificate of registration)*.....
- (f) *Qualifications of individuals or persons in the project*
(Curriculum vitae to be attached).....
- (g) *Details (if any) of:*
- (i) *Holding and subsidiary institutions; or*
- (ii) *Individuals connected to the project*.....
- (h) *Name of the contact person in regard to this application and*
the position held in the organization.....
- (i) *Country of residence or origin of directors*.....
- (j) *Tel. No.*
- (k) *Fax No.*
- (l) *Email*.....

PART III—FOR ALL APPLICANTS

- 1.0 Provide the following information on the expired Access Permit
- (i) *Number of Access Permits issued to date*.....
- (ii) *Access Permit No*.....*Granted on*.....*Expired on*.....
(Date)
- (iii) *Access Permit No*.....*Granted on**Expired on*.....
(Date)
- (iv) *Access Permit No*.....*Granted on**Expired on*
(Date)
- 2.0 Financial Details
- (a) Sources:
- (i) *The total budget of the project*.....
- (ii) *Details of any corporate or individual sponsors of the*
project.....
- (b) *Proof of payment of application for renewal fee.*
- 3.0 Technical Particulars :
- (a) Give details of the status of the activities of the earlier access
 granted and on any improvement and discovery thereof.

- (b) Attach evidence of subsisting Prior informed consent.
- (c) Attach evidence of subsisting Material Transfer Agreement.
- (d) Attach evidence of research clearance to continue with the research from the relevant lead agency.

All applicants are forewarned that it is an offence under the National Environmental (Access to Genetic Resources and Benefit Sharing) Regulations 2009 to give false information to the National Environmental Standards and Regulations Enforcement Agency.

I or we undertake to provide progress and full reports as required under these Regulations.

I or we declare that to the best of my or our knowledge the information given in respect of this application is true.

For individual applicants :

- (i) *Name of applicant*.....
- (ii) *Signature*.....
- (iii) *Date*

For Companies or Institutions—

(Affix company seal)

In the presence of :

- (i) *Name of Director*.....
- (ii) *Signature*.....
- (iii) *Director or Company Secretary*.....
- (iv) *Signature*.....
- (v) *Date*.....

FOR OFFICIAL PURPOSE

Fees paid :

Receipt No.

Date :

B 1144

Received by :

Name.....

Signature.....

Designation.....

Date :

DATED at Abuja this 30th day of September, 2009.

MR JOHN ODEY,
*Honourable Minister,
Ministry of Environment*