PERÚ Ministerio del Ambiente

German Nagoya Protocol HuB

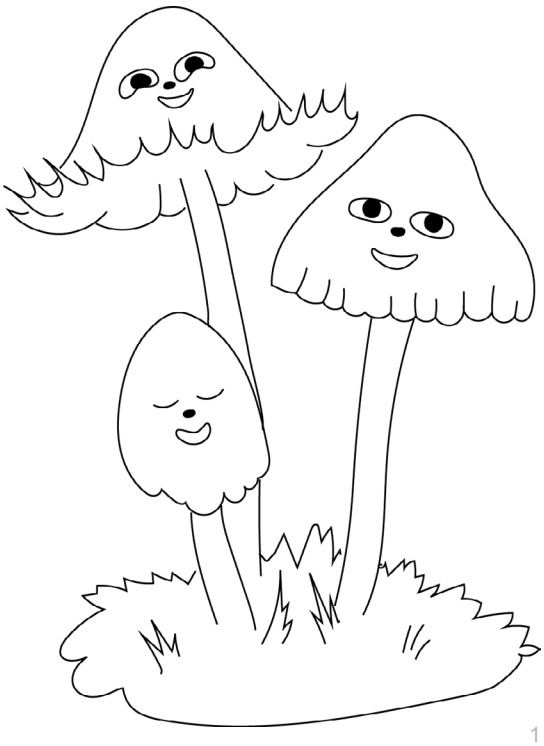
# PERU

# EASY ABS GUIDE

**This Easy ABS guide was developed by the GNP-HuB project in collaboration with the ABS authorities from Peru. It aims to help researchers and companies understand the Peruvian ABS measures and the first steps to become Nagoya-Protocol-compliant.**

**This guide covers commercial and non-commercial use of genetic resources and associated traditional knowledge.**

**Guide published on: October 16, 2026**



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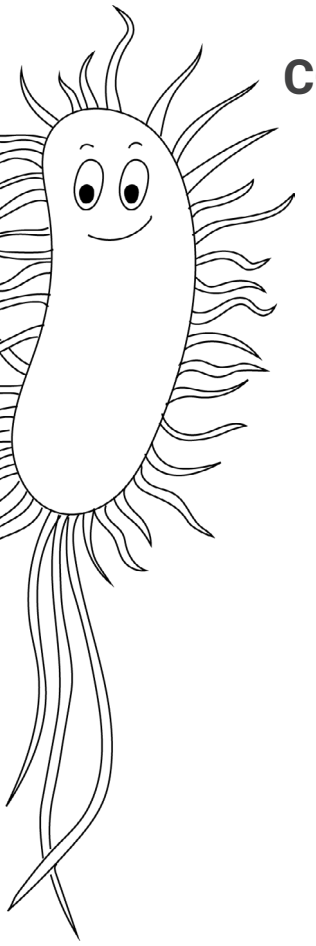

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# ABS general overview

Access and benefit-sharing (ABS) measures in Peru cover genetic resources and derivatives of species for which Peru is a country of origin, migratory species residing in or transiting through Peru and associated microorganisms associated with these genetic resources. **Both cultivated and domesticated species are also covered, as well as digital genetic sequences.** ABS is based on prior informed consent (PIC) and mutually agreed terms (MAT). Access to genetic resources and their derivatives is granted by four different competent national authorities (CNAs) according to the species and sampling site (table 1) through two modalities: **access authorization for non-commercial** and **access contract for commercial purposes** (table 2).

**Some types of basic research without commercial purpose are exempted,** i.e. research related to the identification, delimitation and classification of species involving the use of molecular or other modern tools for taxonomic, systematic, phylogeographic, biogeographic, evolutionary, molecular ecology and conservation genetics purposes. Moreover, the genetic resources of crops listed in Annex 1 of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) are exempted when used for food and agriculture purposes, provided they are accessed from ex situ collections.

## Has the country established simplified procedures for non-commercial research?

Yes:

1. **Simplified procedure (30 working days):** The users make an initial proposal of benefits to be shared. At the end of the process the CNA grants the access authorization and a simplified standardized contract is signed (in person or digitally). It includes standard benefits to be shared, including the research results and others that the user can select. There is no obligation to negotiate and share monetary benefits.
2. **Special ABS procedure in case of sanitary or environmental emergency** declared by the competent national or international authority on the matter. The request is automatically approved, without prejudice to subsequent audits. Within five working days, the CNA will issue the authorization document. The users have to share the research results at the end of the project. Applicable to public or private, national or international research institutions. Not applicable for companies.
3. **Non-commercial research carried out by National Governmental Institutions, within the framework of their functions.** They only have to register in the database hosted by the CNAs.

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**Party to the Nagoya Protocol since:** October 12th 2014

**ABS National Focal Point:**

General Director of Biological Diversity of the Ministry of Environment, contact information

**Contact for inquiries about ABS permits:**

Mr. David Castro, Director of Genetic Resources and Biosafety of the Ministry of Environment

dcastro@minam.gob.pe

**Main ABS measures:**

- Decision 391 - Common Regime for ABS of the Andean Community, since July 2, 1996.
- Law 27811, Regime for the Protection of the Collective Knowledge of Indigenous Peoples related to Biological Resources, since August 11, 2002.
- Supreme Decree 019-2021-MINAM - Regulation on access to genetic resources and their derivatives, since July 24, 2021, update to National Regulation DS 003-2009-MINAM—Regulations on Access to Genetic Resources, dated February 6, 2009.
- Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization was adopted on 29 October 2010 and ratified by Supreme Decree No. 029-2014-RE. It has been in force since 12 October 2014.

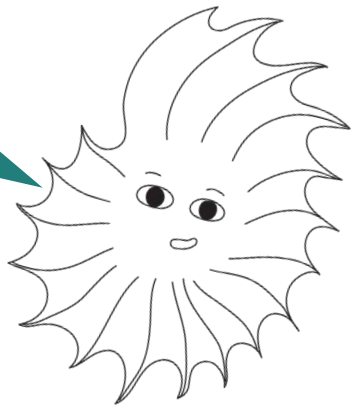
# Scope of the ABS measures

## Are there exemptions to the ABS measures?[1] If yes, which ones?

- [x] crops listed in Annex 1 of the ITPGRFA*
- [x] basic research: Basic research related to the identification, delimitation and classification of species involving the use of molecular or other modern tools for taxonomic, systematic, phylogeographic, biogeographic, evolutionary, molecular ecology and conservation genetics purposes, without commercial purposes.
- [x] taxonomic studies
- [ ] domesticated species
- [ ] national researchers

* When accessed from *ex situ* collections.

Users can voluntarily request an official confirmation from the CNA that their planned research is outside the scope of ABS measures. This is not a legal obligation, but it provides an official document stating that no permit is needed and is particularly useful when research may go beyond mere taxonomy, since retroactive permits cannot be issued. The request must include, at a minimum, the research proposal.



## What types of species are covered?

- [x] native
- [x] endemic
- [x] wild
- [x] domesticated
- [x] human microbiota*
- [x] cultivated
- [x] others: Migratory species that are naturally found in the country.
- [ ] introduced (non-native)

*Human microbiota do not fall within the scope of the designated CNAs; therefore, inquiries regarding them should be directed to the NFP. All other microorganisms are handled by the relevant CNA in accordance with the sampling site.

## What areas in the country are covered?

- [x] all country
- [x] *ex situ* collections:
  - [x] within the country
  - [x] outside the country
- [ ] just within protected areas

## What activities need a non-commercial permit?

- [x] comparative genomics*
- [x] gene function
- [x] gene expression
- [x] DNA/RNA/protein sequencing
- [x] whole genome sequencing**
- [x] genome editing
- [x] gene characterization
- [x] biochemical characterization***
- [x] bioprospection (biodiscovery)
- [ ] molecular taxonomy
- [ ] species identification/barcoding
- [ ] phylogenetics
- [ ] molecular evolution
- [ ] biogeography
- [ ] population genetics

**Notes:** The submission of the access permit is a requirement for procedures related to intellectual property.

**Examples:**

* to identify the loci of advantageous genes;

** to identify genetic markers for desirable traits like disease resistance, yield, and nutritional content;

*** includes metabolomic profiles.

[1] Exemption from ABS requirements does not exempt users from complying with other applicable laws and permit requirements.

**At what stage of research and development is a commercial ABS permit required?***

- ■ research on functional characteristics or active ingredients for a commercial product
- ■ bringing a product to market**
- ■ develop a product formula
- ■ generate royalty income from a patent license
- ■ submit a patent application (or other IPR)***
- ☐ bioprospection (biodiscovery)

*A **commercial** ABS permit is required for research and development activities related to pre-market processes leading to commercialization or commercialization of a product (intermediate or final tangible or intangible goods) or process. Examples of intangible goods are intellectual property rights, licenses or software.

**This includes developed methods or processes, such as those used to extract or purify compounds, or to manufacture products.

*** The submission of the access permit is a requirement for procedures related to intellectual property.

### How is the transition from non-commercial to commercial utilization handled?

**Companies can request non-commercial permits for the research stage.** However, when data, information or a discovery with commercial or industrial potential are generated and want to be used, the permit holder must request a new access contract for commercial purposes with a new MAT. Moreover, all requirements for commercial intent need to be fulfilled (see table 2).

### In the context of research and development, who is required to obtain an ABS permit along the supply chain?

Every user accessing or utilizing the material must be covered by a valid ABS permit. **Typically, the initial user applies for access authorization and is responsible for securing PIC and establishing MAT before any access or utilization.** Subsequent actors in the supply chain—such as research partners, developers, or commercial entities—do not need a separate permit as long as their activities fall within the scope of the original permit and its associated MAT. **If future users or uses were not anticipated at the time the original permit was granted, new ABS permits or benefit-sharing arrangements must be negotiated for those new activities.**

Please note, in case users want to assign a contractual position to a third party, they need prior approval of the CNA. When transferring the rights and obligations of the original commercial access contract to another person, they must strictly comply with the terms of the contract.

### How do the national ABS measures address *ex-situ* access?

ABS measures apply to any utilization of genetic resources in *ex-situ* collections regardless of when the genetic resource was collected. Therefore, even if the collection of the genetic resource occurred before ABS regulations entered into force, **an access authorization is required for all new utilizations.**

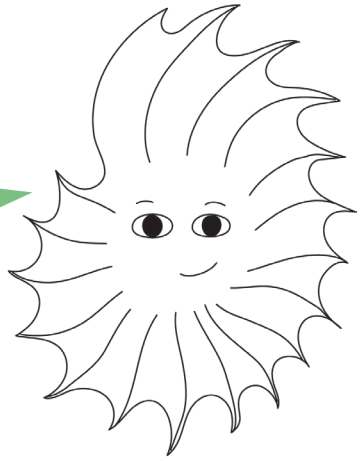
The transfer of genetic resources and their derivatives to unauthorized persons or entities for research and/or development activities is prohibited without authorization from the relevant national authority [2].

### Do the national ABS measures address associated traditional knowledge (aTK)? If yes, how?

Yes, ABS measures in Peru recognize and protect the traditional knowledge of Indigenous Peoples, giving them control over their intellectual property (Law N°27811, 2002). **Those interested in accessing aTK must obtain the PIC from the representative organizations of the Indigenous Peoples possessing the knowledge. For commercial or industrial access applications, a license contract** (= MAT with Indigenous Peoples) **must be signed, including terms ensuring equitable distribution of benefits.** License contracts have to be registered with INDECOPI and are valid for a renewable term of 1-3 years (minimum requirements in article 27 of law 27811). The mentioned representative organizations respect the traditional governance structures and represent Indigenous Peoples according to the law. The Official Database of Indigenous or Native Peoples, managed by the Ministry of Culture, compiles and shares relevant information. INDECOPI has compiled several Guidelines on the protection of the collective knowledge of indigenous peoples.

[2] Any transfer of genetic resources must comply with the terms and conditions established by the Competent National Authority.

# Enabling environment for ABS



## Is a local partner a requirement?

- [x] Yes
- [ ] No

Foreign users (both, commercial and non-commercial) must sign an ancillary contract with a National Supporting Institution. The National Supporting Institution is a national legal entity, dedicated to biological research, that supports the foreign applicant, participates in the research activities and is expected to receive benefits from the user[3]. A list of possible local partners can be found here.

## How is the negotiation of benefits handled?

- [x] other:

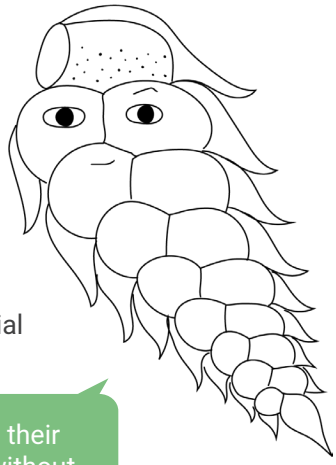
  **Non-commercial purposes:** The user submits a signed proposal with benefits to be shared. The corresponding CNA approves or suggests changes to improve the proposal.

  **Commercial purposes:** The CNA and the user negotiate and agree on the benefits to be shared. A negotiation agreement is signed.

  **Utilization of aTK:** The user must identify and directly approach local providers of aTK and obtain the PIC (non-commercial users) or license contract (commercial users) from the representative organization before applying for access to genetic resources from the CNA. These PIC and license contract must be presented to the corresponding CNA as part of the ABS procedure.

- [ ] PIC/MAT should be obtained from the national authorities
- [ ] the user must identify and directly approach local providers of GR/aTK for the PIC/MAT
- [ ] the user submits the ABS permit request to the competent authority, which then coordinates the PIC/MAT process with the corresponding local providers of GR/aTK

## Is transfer of genetic resources to third parties allowed?



- [x] Yes, for paid services only, when the samples are destroyed afterwards.*
- [x] It is defined case by case
- [x] Yes, for taxonomic purposes only [4]
- [ ] No
- [ ] Yes
- [ ] Yes, for non-commercial uses only

It is prohibited to transfer genetic resources and their derivatives to unauthorized persons or entities without the authorization of the CNA, *paid services excluded.

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[3] Users and the National Supporting Institution are jointly and severally liable for any damage caused by the researchers involved in the project, if it results from non-compliance with any obligation foreseen in the authorisation or the granted contract.

The rights and obligations of the National Support Institution are as follows:

a. Promote joint actions with the user for the strengthening of its capacities in research, management and technology transfer related to genetic resources and their derivatives.
b. Negotiate with the user their benefits.
c. Maintain the confidentiality of the activities and results involved in the scientific research, technological development and/or innovation project.
d. Comply with the commitments agreed upon in the accessory contract.

[4] This is relevant for researchers aiming to describe new species. To officially publish new species names, the nomenclature codes (e.g. the International Code of Nomenclature of Prokaryotes (ICNP) Rule 30) may require biological vouchers to be deposited in ex-situ collections. These collections must be able to distribute the materials freely to third parties without restrictions. If transferring the genetic resources to third parties is not permitted, at least for taxonomic research, this may be considered a restriction. As a result, collections might reject such deposits, and researchers could face significant challenges in describing new species.

# Benefit-sharing from Digital Sequence Information (DSI)

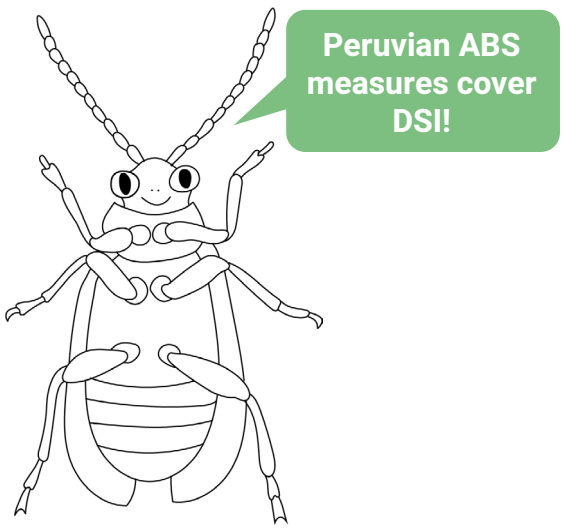
**Do your national ABS measures allow users to publish DSI in open access databases?**

■ Yes ☐ No

**Notes:** Under national ABS measures, users are permitted to publish DSI derived from authorized access to genetic resources in open access databases, provided that the generation and publication of DSI was explicitly declared in the application file submitted at the time of requesting the authorization to CNA."

Peruvian ABS measures cover digital genetic sequences, as they define genetic resource as "any material or genetic information with actual or potential value or usefulness" (Art 3, Decree 019-2021-MINAM). The following related definitions are included:

- **Access to genetic resources:** The acquisition and utilization of genetic resources and their derivatives for activities with or without commercial intent.
- **Acquisition of genetic resources and/or their derivatives:** The extraction of genetic material and/or its derivatives contained in biological resources, including information deposited in digital repositories.




Discussions are currently underway to ensure full complementarity between Peruvian national ABS measures and the multilateral mechanism for DSI benefit-sharing established under the CBD decision [5].

**Keep in mind** that the Peruvian ABS regulation does not apply for taxonomic, systematic, phylogeographic, biogeographic, evolutionary, molecular ecology, or conservation genetics research conducted with no commercial intent.[1]

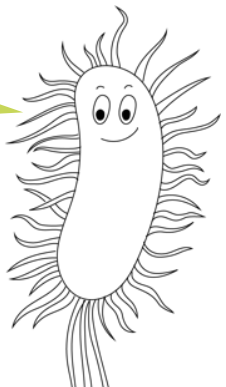
[5] Decision 15/9 and Decision 16/2

# Peru's Competent National Authorities

Table 1 Summary of CNAs responsible for granting ABS permits according to the type of genetic resource and the sampling site.

| **Genetic resources (including their associated microorganisms) and their derivatives…** | **CNA contact information** | **Helpful links and information** |
|---|---|---|
| …from forest and wildlife species, including wild relatives of cultivated species | National Forest and Wildlife Service (SERFOR)<br>Contact information in the ABS Clearing House<br>General contact email address:<br>informes@serfor.gob.pe | SERFOR Guide Information on ABS cases<br>Access requests should be submitted through SERFOR's virtual reception desk |
| …from forest and wildlife species, wild relatives of cultivated or domesticated species, **found in the Protected Natural Areas under State administration** | National Service of Natural Areas Protected by the State (SERNANP)<br>Contact information published in the ABS Clearing House<br>General contact email address:<br>sernanpteatiende@sernanp.gob.pe | Access requests should be submitted through SERNANP's virtual reception desk. |
| …from cultivated or domesticated continental species | National Institute for Agrarian Innovation (INIA)<br>Contact information in the ABS Clearing House<br>General contact email address:<br>atencionalciudadano@inia.gob.pe | General information and model forms can be found on INIA's website<br>Access requests should be submitted through INIA's virtual reception desk |
| …from hydrobiological species of marine and continental waters, | Ministry of Production (PRODUCE)<br>Contact information in the ABS Clearing House<br>General contact email address:<br>consultas@produce.gob.pe | Users must first apply for authorization to conduct specialized fisheries research from the Directorate of Extraction for Direct and Indirect Human Consumption.<br>Then, users must request the ABS permit:<br>• PRODUCE information website<br>• Access requests should be submitted through PRODUCE's virtual reception desk. |

When the requested access includes genetic resources or activities that fall within the competence of more than one CNA, the user must submit an application to each CNA corresponding to the scope of the project, obtaining the contract or authorization from each CNA.



# What types of ABS permits are required?

Table 2 Permit requirements

| **Type of activities** | **Type of permit** | **Competent National Authority** (name and contact) | **Requirements (PIC, MAT, others)** Links (to forms, model clauses, MAT templates). Are the forms available in English? Is it possible to complete the forms in English? |
|---|---|---|---|
| Basic, non-commercial research Bioprospection-biodiscovery | Access authorization | CNAs depending on the type of genetic resource and the sampling site (see table 1) | Forms need to be completed in Spanish:<br>1. Request for access (form)<br>2. Proposal for the research project (form)<br>3. CV or CTI Vitae [7] profile of the project manager and the working group<br>4. Institutional supporting letter for the project leader.<br>5. Copy of any ancillary contracts signed [8] (if applicable [9]), e.g. with<br>• the provider of the biological resource<br>• the owner of the property on which the biological resource is located.<br>• the National Supporting Institution<br>• the ex situ conservation center<br>6. Proposal of non-monetary benefits to be shared[8]<br>7. Copy of the collection authorization or document certifying the legal origin of the biological resource [10, 11, 12] (if applicable)<br>8. Confidentiality request (if applicable) [8]<br>9. In case of accessing aTK, copy of PIC from Indigenous Peoples' representative organization, for non-commercial purposes |
| Commercial intent | Access contract | | Access requests for commercial use must include a proposed distribution of benefits that includes monetary benefits [6]. Additionally,<br>10. A Business plan with financial or economic projections,<br>11. Proof of payment.<br>12. In case of accessing a TK, copy of the **license contract** between the Indigenous Peoples' representative organization and the user. |

[6] For more information check the section Are there other - non-ABS - permits needed? Which ones?

[7] CTI Vitae contains information from people CVs who are professionally involved in science and technology in Peru. It can be used by national as well as foreign users. Registration on this platform is not required to request access to genetic resources.

[8] Some templates are available from INIA's website (check the corresponding access request sections and search for "reference models"). As these templates have not been officially approved at the national level, users should always contact the respective CNAs to obtain the corresponding versions before applying.

[9] For applicability and templates check out the section "Are there other - non-ABS - permits needed? Which ones?" below

[10] Users must prove the legal origin of any genetic resources or derivatives to which they wish to have access. If they have previously collected specimens, they must submit the relevant document approving the collection, extraction or temporary capture of those specimens.

[11] For genetic resources from forest and wildlife species (including their associated microorganisms), within the scope of SERFOR and SERNANP, the collection authorization can be part of the ABS permits, if the samples have not yet been collected.

[12] In the case of commercial utilization of wild species, biological samples must come from authorized centers and a copy of the document proving their legal origin must be presented. For more information, see section Are there other - non-ABS - permits needed? Which ones?

# ABS procedure for non-commercial access to GR or/and aTK

START

**Trigger:** You must complete this process before accessing GR - i.e., before collecting biological material or, for ex situ material, before starting laboratory work.

**Keep in mind:** The permit to collect biological material is handled differently by each CNA. See the "Other permits" section.

| If you access only GR | If you access aTK |
|---|---|
| An access authorization is needed for basic, non-commercial research and for bioprospection or biodiscovery activities. | Additionally, you need PIC with the representative organization of the Indigenous Peoples for the use of aTK (Law N°27811), that must be submitted as part of the process detailed here. |

**Determine what type of permit you need**

**Contact the corresponding CNA(s)**

Access to GR is granted by four different CNAs, according to the species and sampling site: SERFOR, INIA, PRODUCE or SERNANP (table 1).

**Gather Information**

Fill out the forms and complete requirements. Templates for **non-commercial applications** here (see table 2).

Application from foreign users must be endorsed by a National Supporting Institution.

**Apply for access**

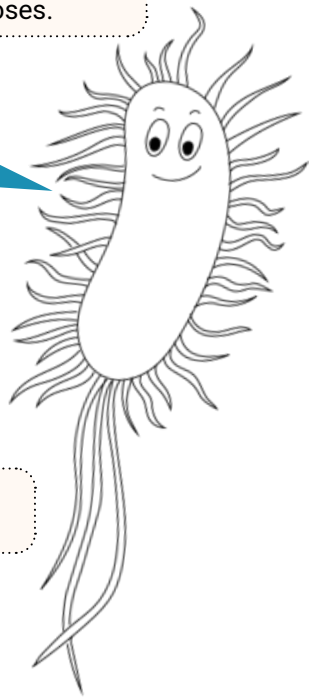
Submit the forms and requirements in person or through each CNA's virtual platform (SERFOR, INIA, PRODUCE and SERNANP).

**Admission & publication of application summary**

A summary of the application will be published on the corresponding CNA's website (INIA, SERFOR, PRODUCE, and SERNANP) for dissemination purposes.

**Application review by authorities**

**This includes reviewing the proposed benefit-sharing submission.**



**Respond to questions/corrections**

**Approval of the application**

**Permit granted**

2 documents: 1. Access authorization, 2. Standardized simplified contract (signed by CNA and user).

**IRCC**

CNA sends documentation to NFP to issue IRCC and publish on ABS-CH.

**Share benefits back**

Share benefits according to the ABS permit and report on it to the respective CNA through the virtual platform or in person.

# ABS procedure for commercial access to GR and/or aTK

START

**Trigger:** You must complete this process before accessing GR — i.e., before collecting biological material or, for ex situ material, before starting laboratory work.

**Keep in mind:** The permit to collect biological material is handled differently by each CNA. See the "Other permits" section.

## Determine what type of permit you need

**If you access only GR**

An **access contract** for commercial intent is needed.

**If you access aTK**

Additionally, you need PIC and a License contract with the representative organization of the Indigenous Peoples for the use of aTK (Law N°27811); both must be submitted as part of the process detailed here.

## Contact the corresponding CNA(s)

Access to GR is granted by four different CNAs, according to the species and sampling site: SERFOR, INIA, PRODUCE or SERNANP (table 1).

## Gather information

Fill out the forms and complete requirements. Templates **for commercial applications** here (see table 2).

Applications from foreign users must be endorsed by a National Supporting Institution.

## Pay a fee

SERFOR: 1324,50 PEN; INIA: 902,50 PEN
At present no processing fee for SERNANP and PRODUCE.

## Apply for access

Submit the forms and requirements in person or through each CNA's virtual platform (SERFOR, INIA, PRODUCE and SERNANP).

## Admission & publication of application summary

A summary of the application will be published on CNAs websites (SERFOR, INIA, PRODUCE, and SERNANP) for dissemination purposes.

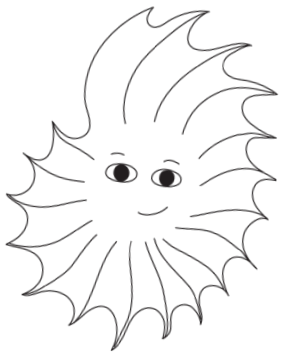
## Application review by authorities

**Respond to questions/corrections**

## Approval of the application

## MAT and Benefit-sharing obligations are negotiated

**The CNA notifies the user when negotiations start.**



## Permit granted

Includes the resolution authorizing access (PIC) and the MAT negotiated.

## IRCC

CNA sends documentation to NFP to issue IRCC and publish on ABS-CH.

## Share benefits back

Share benefits according to the ABS permit and report on it to the respective CNA through the virtual platform or in person.

## Relevant links

GENES PERU - National ABS Information Platform by the Ministry of the Environment (MINAM)

Decision 391 - Common Regime for Access to Genetic Resources of the Andean Community

Decree 019-2021-MINAM - Regulations on access to genetic resources and their derivatives

Law No. 27811, Law establishing the Regime for the Protection of the Collective Knowledge of Indigenous Peoples related to Biological Resources

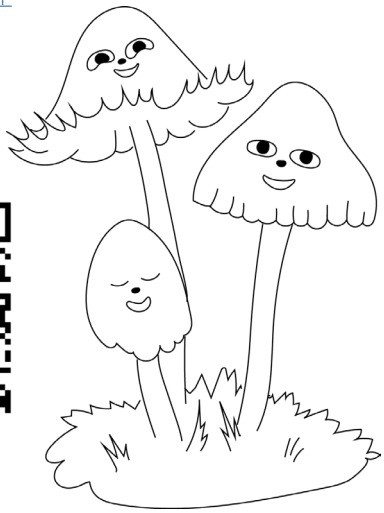
Decree 022-2006-PCM - Regulations of the Law on Protection of Access to Biological Diversity and Collective Knowledge of Indigenous Peoples

Procedure for access to genetic resources and their derivatives for commercial research

Procedure for access to genetic resources and their derivatives for non-commercial research

Special procedure for access to genetic resources and their derivatives in emergency cases

SERFOR guidelines to access GRs and their derivatives in Peru



## Online application websites

SERFOR

INIA

PRODUCE

SERNANP

## Websites where the application is made public

INIA

SERFOR

PRODUCE

SERNANP

### How long does it take, on average, to obtain an ABS permit?

**Non-commercial permits**

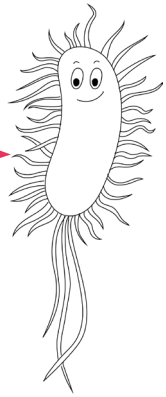
**For genetic resources**

- [x] less than 3 months.
- [ ] 3-6 months
- [ ] 6-12 months.

**For aTK:**

- [ ] less than 3 months.
- [ ] 3-6 months
- [ ] 6-12 months.
- [x] other: For aTK no specific timeline can be defined

The evaluation of the access request to genetic resources and derivatives takes **thirty (30) working days**



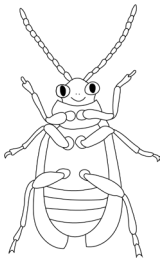
**Commercial permits**

**For genetic resources**

- [x] less than 6 months.
- [ ] 6-12 months
- [ ] 1-2 years.

**For aTK:**

- [ ] less than 6 months.
- [ ] 6-12 months
- [ ] 1-2 years.
- [x] other: For aTK no specific timeline can be defined



The evaluation of the access request to genetic resources and derivatives takes up to **ninety (90) working days**

# Validity of the permit

### How long is the permit valid for?

**For non-commercial utilization:** based on the duration of the project presented in the application.
**For commercial utilization:** based on the business plan presented in the application.

### Is an extension or modification possible?

Yes, **while the permit is valid, the user may request an extension or modification** from the relevant CNA (listed in table 1) via its virtual reception desk. Changes to conditions (e.g. additional research activities or products) require a modification, but the user, purpose (commercial/non-commercial) and authorized biological material cannot be changed. Once the permit has expired, a new one must be requested.

### In case of non-commercial use, in which cases an extension is necessary?

- [x] to finish sampling
- [x] to finish laboratory work
- [x] to finish data analysis
- [ ] to finish and publish scientific papers
- [x] other: If the user is unable to fulfill the obligations or distribution of benefits established in the access authorization within the agreed period, they may request an extension.

### In case of commercial use, in which cases is an extension possible?

- [x] to develop a new product with the same active principle
- [x] to extend the product's time on the market
- [x] other (please specify): If the user is unable to fulfill the obligations or distribution of benefits established in the access contracts within the agreed period, they may request an extension.

# Are there other - non-ABS - permits needed? Which ones?

An **export permit** for samples of Forest and Wildlife Heritage and hydrobiological species, issued by SERFOR or PRODUCE.

**Collection permits** are handled differently by each CNA:

**SERFOR and SERNANP:** ABS authorization and permission to collect the biological material are granted together in the same procedure and included in the same document, when the samples have not already been collected.

**PRODUCE:** A "Permission to conduct specialized fisheries research" from the Directorate of Extraction and Production Fisheries for Direct and Indirect Human Consumption is required before applying for an ABS permit. Access to genetic resources of hydrobiological species therefore involves two separate authorizations (research permission and ABS authorization), which are not managed jointly.[13] [14]

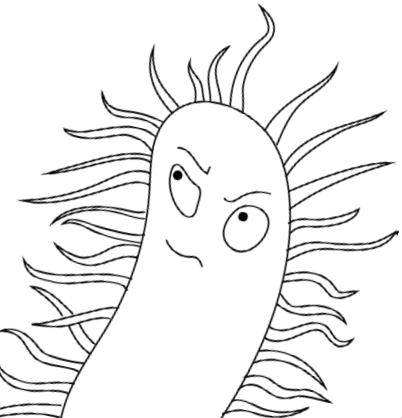
**INIA:** For cultivated/domesticated species, no collection permit is needed. Instead, users must prove the legal origin of the material (for example an invoice from the market, an affidavit indicating where the samples were obtained, or an ancillary contract with the provider).

**Documentation accrediting the legal origin of the resources in case of commercial utilization.** Commercial users should note that biological resources cannot be freely collected from the wild. Access must take place through authorized providers holding a valid concession or permit for harvesting the relevant species within Peru, in accordance with national regulations. Users must provide documentation accrediting the legal origin of the resources, including those already collected, such as an authorization or administrative act permitting their use and confirm that the material originates from authorized centers.

If the resource is located within a Protected Natural Area (PNA), **prior authorization to enter the PNA and a certificate of origin for the samples** must be requested from the PNA headquarters.

## Keep in mind! Country-special features and practical considerations

- The documentation submitted to Peruvian entities must be in Spanish. A certified translation by a sworn public translator in Peru is required for legal documents in another language (e.g. powers of attorney). Users should contact the CNA for further details.
- The Peruvian ABS measures also apply to national researchers!
- For both, commercial and non-commercial projects, a summary of the application is published on the CNA's websites (INIA, SERFOR, PRODUCE, and SERNANP) for public perusal. The summary contains the following information:
    a) Identity of the user(s).
    b) Name of the project.
    c) Name of the species containing the genetic resource.
    d) The National Supporting Institution.
    e) Place of origin of the genetic resources and their derivatives (department/province).



[13] An affidavit may be considered when the biological material does not have a document of origin. The specific case is reviewed by the CNA.

[14] Prior authorization will be required for the use of vessels, harvesting of hydrobiological resources, use of public waterways, and operation of processing plants (Decree No. 012-2001-PE, Regulations of the General Fisheries Law, Article 21).

# What kind of benefits does the country usually request?

### From non-commercial research projects:

- [x] Involvement of local researchers in the project publications
- [x] Donation of equipment, reagents and/or materials
- [x] Admittance to *ex situ* collections
- [x] Access to databases
- [x] Training for local researchers
- [x] Sharing of research results:
  - [ ] Scientific publications
  - [ ] Research report(s)
  - [ ] Talks or workshops

Users must share at least 3 non-monetary benefits, of which 2 are mandatory:

- (1) sharing of research results with all relevant stakeholders[15] and
- (2) collaboration, cooperation, and/or contributions to the education and training of relevant stakeholders

### From commercial research and development:

- [x] Milestone payments
- [x] Payment of royalties
- [x] Training and workshops for local researchers, institutions or communities
- [x] Involvement of locals in the project
- [x] Donation of equipment or infrastructure
- [x] Access to databases
- [x] Initiatives that support conservation and sustainable development
- [ ] Research report(s)
- [ ] Financial report(s)
- [ ] Life science professional mentorship
- [ ] Conference attendance sponsorship
- [ ] Bioinformatics internships
- [ ] Up front payments (e.g. sample access fees)

**Notes:** Commercial users must share the same mandatory non-monetary benefits as non-commercial users, additionally royalty payments are mandatory.

If patents or plant breeder's certificates are obtained based on genetic resources accessed from Peru, benefit sharing from the use of genetic resources and derivatives must also include at least 1% of the commercial value generated under those rights, for the full duration of the patent or breeder's certificate.

### If the payment of royalties is required upon commercialization, what is the basis for calculating the royalty?

- [x] X% of **net sales**
- [ ] X% of **gross sales**
- [ ] up to 10% of **net profit**

**For using GR:** At least 1% of the net sales of the intermediate or final product(s) marketed

**For using aTK:** (1) an initial payment (or equivalent) for sustainable development, (2) ≥5% of gross sales from products developed directly/indirectly from that knowledge allocated to the Indigenous Peoples directly; and (3) ≥10% of gross sales allocated to the Fund for the Development of Indigenous Peoples, with the option to agree on higher percentages based on the knowledge's contribution

### Is the percentage standardized?

- [x] No, it depends on case by case negotiations
- [ ] Yes

[15] In duly justified cases, the CNA may grant temporary confidential treatment. after this period the information becomes public, unless it is protected by commercial, industrial and technological secrecy.

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