

Viewing cable 09MOSCOW604, RUSSIA PROPOSES TO START DISCUSSIONS ON ACCESS TO GENETIC

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SUBJECT: RUSSIA PROPOSES TO START DISCUSSIONS ON ACCESS TO GENETIC RESOURCES WITH U.S.

REF: A. STATE 9667
[1](#)B. LOBSTEIN-SEYMOUR E-MAIL 03/02/2009

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[1](#)1. (SBU) SUMMARY: On March 2, officials of the Ministry of Natural Resources and Ecology (MNRE) and the Federal Agency for Natural Resources Management Supervision (Rosprirodnadzor) told EST that Russia's policies and procedures on access to genetic resources and sharing of benefits are fragmented and complex, with significant gaps. The Duma is considering new legislation to address challenges that are arising, such as the safety of genetically modified organisms (GMOs). There is no body of law or regulation to address certain other areas, most significantly the commercial applications of genetic resources. The MNRE officials urged that the USG and GOR begin a serious expert-level discussion to define common principles in this area. Post believes this offer would be useful for OES to explore in light of wide-ranging U.S.-Russia scientific cooperation and GOR concerns about retaining the benefits of potential

commercial applications of Russia's genetic resources. END
SUMMARY.

¶2. (U) On March 2, EST Officer and Environment Specialist met at MNRE with Amirkhan Amirkhanov, Deputy Director of the Ministry's Department of Policy and Regulation in Environmental Protection and Ecological Safety; Valeriy Orlov, the Head of the Ministry's Division of Flora and Fauna Biodiversity Conservation; and Tatyana Skripnik, the Head of the Division for Permits and Fauna Species Control at the Federal Agency for Natural Resources Management Supervision (Rosprirodnadzor).

Legislation and regulation of research

¶3. (SBU) The MNRE officials explained that Russia's policies and procedures on access and benefit sharing (ABS) with regard to genetic resources are fragmented and contain significant gaps. In its general policies, Russia is guided by its Constitution, which obligates citizens in general terms to protect the environment; the U.N. Convention on Biodiversity; the U.N. Convention to Combat Desertification; and related documents. However, procedure and authority in specific cases depend upon the type of genetic resource at issue, the location, and the purpose for which the access is intended.

¶4. (SBU) In practice, Russian law regards Russian genetic resources as national property, and foreign access to those resources is subject to federal government approval; regional and local authorities, private actors, and indigenous groups have little or no influence in this area. For example, the Federal Fisheries Service must approve access to marine fauna specimens; the Federal Forestry Service must approve access to forest resources; access to human biological samples lies within the purview of the Ministry of Health and Social Development; etc.

¶5. (SBU) There is an established procedure for registering new (e.g., genetically modified) organisms for production in Russia; however, no GMOs have yet been registered. Our MNRE counterparts attributed this to the onerous bureaucratic procedure involved, which includes review by an interagency commission on biotechnology. (Note: On March 5, a senior Russian scientist told EST that the delay in approving any GMOs was due to the refusal of Monsanto to provide proprietary genetically modified seed corn for study by his institute, which is working to develop a methodology for biotech safety assessment. Until the institute can complete this study, the scientist said, no GMOs will be approved for domestic production. End note.) A new draft law on genetic engineering safety is before the parliament for consideration, but it is unknown when lawmakers will examine it. In some cases relating to ABS, such as commercial exploitation of genetic resources, Russia has no laws in place at all.

¶6. (U) One area where there is a clear procedure is in issuing permits to research vessels for expeditions in Russian waters. The Embassy frequently processes requests to MFA for research vessel clearance, which span the gamut from drilling seabed core samples to taking samples of fish for scientific study. The GOR requires six months' advance notice in the form of a research prospectus delivered to MFA under cover of diplomatic note. MFA circulates the

request to the relevant specialized agency for approval. If there is any question or need for clarification, the application is returned, the applicant institution must apply again, triggering a new six-month timeline.

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Permits for collection of biological specimens

¶17. (U) As noted above in the case of access to specimens, approval procedures for collection of specimens varies according to the type of specimens, the location, and the purpose. Research vessels obtaining sea fauna samples or core drilling samples would apply via the standard procedure for research vessels. Researchers seeking human tissue samples generally apply through the Ministry of Health; those seeking forest flora samples go through the Forestry Service; etc.

Transport of biological specimens

¶18. (U) Permits to export biological specimens are governed by Government Decree 854, issued in 1992. This decree includes lists of items whose export and import are subject to licensing, and whose export must be approved by the Ministry of Industry and Trade, with the concurrence of Rosprirodnadzor. Export and import of items not subject to licensing are subject only to Rosprirodnadzor approval. The designation of types of specimens subject to licensing requirements is not guided explicitly by CITES provisions. There are no established rules on transport of specimens within the country. The Federal Veterinary and Phytosanitary Service enforces additional requirements and gives approval for export and import of certain types of flora and fauna.

Status of MAT and PIC

¶19. (U) According to our contacts, Russia has no established regulations or procedures that address the concepts of prior informed consent (PIC) or mutually agreed terms (MAT) for research permission and the sharing of benefits.

Easiest to work with Academies of Science

¶10. (U) Amirkhanov and Orlov noted that scientific researchers generally find it more convenient to collaborate under a written cooperation agreement with institutes affiliated with one of the major scientific academies: primarily the Russian Academy of Sciences, the Russian Academy of Medical Sciences, and the Russian Academy of Agricultural Sciences. Member institutes are plugged into a federally coordinated bureaucracy that can help facilitate the necessary permissions and clearances to gain access, obtain samples, and transport them in the course of legitimate scientific research.

"Serious discussion" needed on commercialization

¶11. (SBU) Amirkhanov emphasized that the major gap in Russian regulation is in the area of commercial exploitation of genetic resources. This has been a sore point with the Russian government because of the issue of intellectual property rights, which has arisen as a result of the wide range of international scientific cooperation on development of technologies and materials -- often with Russian know-how and Russian resources, but often without sufficient (from the Russian point of view) guarantees that Russia will realize returns to that capital. Amirkhanov said that our visit was fortuitous, because the U.S. and Russia need to begin a serious expert-level discussion to define principles governing access and benefit sharing in commercial exploitation.

BEYRLE