



XXXIII Antarctic Treaty Consultative Meeting
3rd to 14th May, 2010

Punta del Este - Uruguay

WP 24

Agenda Item: ATCM 17

Presented by: Netherlands

Original: English

Principles for the Access to and Use of Biological Material in the Antarctic Treaty Area

Principles for the Access to and Use of Biological Material in the Antarctic Treaty Area

1. The access to and use of Antarctic biological material (ABM) in the Antarctic Treaty area shall be exclusively addressed in the framework of the Antarctic Treaty.
2. Research on ABM may be of high value for mankind, irrespective of the commercial or non-commercial intent or outcome of such research.
3. To promote research on and access to ABM, *in situ* ABM shall be included in an 'Antarctic System for Biological Material' (ABM System).
4. The inclusion of *in situ* ABM in the ABM System shall not be interpreted as the renunciation, diminution, recognition, or non-recognition of a right to or claim to territorial sovereignty over ABM.
5. The access to the ABM in the ABM System shall be free, subject to any applicable provisions of the Treaty or its Protocol, in particular Article 8, Annex I, Annex II and Annex V of the Protocol and possible future additional regulations to ensure the comprehensive protection of Antarctica's environment.
6. Advance notice shall be given of intentional access to *in situ* ABM in accordance with Articles VII.5 and III.1(a) of the Treaty.
7. The collection of an Antarctic specimen shall be reported to the competent authority and by that competent authority in accordance with Article 17 of the Protocol.
8. *Ex situ* ABM shall remain in the ABM System after their collection, but the right to possess and use an Antarctic specimen shall automatically arise from the reporting of the collection of the specimen to the competent authority.
9. Scientific observations and results from the scientific investigation on ABM shall be exchanged and made freely available as required by Article III.1(c) of the Treaty in a timely manner.
10. When such observations and results are controlled by a patent or some other means and thus no longer freely available or usable, the holder shall be obliged to share benefits, when they arise, with the Antarctic Treaty System to promote its objectives, in particular scientific investigation.