

Agenda notes for the 30th Board Meeting

1. Reading and recording of proceedings of the 29th Board meeting:

The proceedings of the 29th Board Meeting held on 06/10/2015 were communicated to all the members. As there were no comments from the members, the proceeding may be adopted. (Annexure-I)

2. Action taken on 29th Board Meeting Proceedings:

Action taken on proceedings of 29th Board Meeting is placed in Annexure-II.

3. Guidelines for regulating the Bovine Germplasm

A committee has been constituted under Section-13 (2) of the Biological Diversity Act for framing the guidelines to regulate, *inter alia*, the bovine germplasm. During 29th Board meeting Director, Animal Husbandry and Fisheries Department, representing the Secretary to Government, Animal Husbandry and Fisheries Department discussed the guidelines (Annexure-III) which were circulated among the members and subsequently sent to the members who were not present in the meeting. It was resolved to discuss the guidelines in the 30th Board meeting. The Secretary, Animal Husbandry and Fisheries Department, is requested to make a presentation on the guidelines in the Board meeting.

The matter is placed for discussion and suitable direction after presentation by the Secretary to Government, Animal Husbandry and Fisheries Department, the co-opted member of the Board.

4. Access and Benefit Sharing (ABS):

(i) ABS received:

An in-house committee was constituted for recommending about the disposal of the funds received as ABS obligation. The Committee, after detailed discussion submitted that the funds received from the companies is mainly because of the use of medicinal plants. The committee stated that a few taluk level Biodiversity Management Committees can be selected which are rich in medicinal plant viz Sagar, Sirsi, Kundapura, Agumbe, Sulya. The BMC can be supported for taking up the task to quantify various bio-resources which are being removed and taken by different users. The other option for utilizing this money is to support for raising those species which are under threat because of over use. A detailed recommendation of the committee is placed at Annexure-IV

The matter is placed before the Board for deliberation and suitable decision.

(ii) Review of list of medicinal plant species:

The Board in its 26th meeting has constituted a committee to categorize different medicinal plant species based on threat perception etc. The Committee has submitted the recommendations. The Board resolved to fix different percentage of ABS obligation based on this recommendation. The

companies have given information in Form-I. Some of the species which are not included in the list of species recommended by the committee is found in Form-1 submitted during current year. Further, FRLHT has indicated 82 species of important medicinal plants which needs special conservation effort in the State (Annexure-V). In view of these facts the list approved during 27th Board meeting needs to be reviewed (Annexure-VI).

The matter is placed before the Board for deliberation and suitable decision.

(iii) Proforma for submitting ABS obligation based on ex-factory sale:

As per the guidelines on Access to biological resources and associated knowledge and benefits sharing regulations, 2014, issued by MoEF&CC, there are two options for calculating the ABS obligation. One option (3-5%) is on the purchase price of each bio-resources and the other one is based on ex-factory sale (0.1 to 0.5%). The Form-A prescribed by the guidelines is more suitable for the companies using first option. There is no prescribed format for the ABS obligation based on ex-factory sales. As a result, the information provided by the companies is not in a uniform manner. A simple proforma (Annexure-VII) can be adopted for this purpose.

The matter is placed before the Board for deliberation and suitable decision.

5. Intellectual Property Rights (IPR):

The foreign entities, when they access biological resources for research (Section-3 & Section-4 of Biological Diversity Act, 2002) or for application for an Intellectual Property Right (IPR) for any invention based on any research or information on Biological resources obtained from India (Section-6 of Biological Diversity Act, 2002), need to take prior approval of the National Biodiversity Authority before making such access or submitting application before NBA for IPR.

As provided in Section-41(2) of the Biological Diversity Act, 2002, the National Biodiversity Authority sends to the State Biodiversity Boards to ascertain the consent or otherwise of the BMC concerned i.e., the jurisdictional BMC from where the bio-resources is accessed. Such letters are forwarded to the BMCs for their opinion. Since, the BMCs are still in formative stage of understanding the nuances of the Act and the management of bio-resources, the reply from the BMCs are seldom received. However, the National Biodiversity Authority gives just 30 days for getting the reply. In view of these facts, it becomes difficult to send reply to NBA. A Committee (Annexure-VIII) chaired by Mrs. Meenakshi Negi, Addl. Principal Chief Conservator of Forests, Working Plan, who was serving as CEO, NMPB until recently, and including Dr. M.A. Shankar, Former Director of Research, UAS-Bangalore, Dr. Utpal Nath, Assistant Professor, Dept. of Microbiology and Cell Biology, Indian Institute of Science, is constituted to look into these issues when the reply from BMC is not forthcoming. Before this committee, the conditional reply used to be sent in absence of acceptance or otherwise by the concerned BMC (Annexure IX). The Board may authorize the Member Secretary, Karnataka Biodiversity Board, to forward the recommendations of the aforesaid Committee to the National Biodiversity Authority for such references.

The matter is placed before the Board for deliberation and suitable decision.

6. Fixing the upper limit of lodging charges:

The technical executives of the Board expressed that it is difficult to get accommodation for Rs.500 in some of the places. The matter was discussed during the 29th Board meeting and it was resolved to submit a proposal for fixing the accommodation charges for hotels during official visit to different parts of the State. It is proposed to divide the whole state into two categories. Rs.1200 can be fixed for 5 districts viz., Belgaum, Mangalore, Udupi, Mysore and Bellary and Rs.800 per day for rest of the districts (Annexure-X).

The matter is placed before the Board for suitable decision.

7. Implementation of GEF Project:

The Board is implementing a project titled “Strengthening the implementation of the Biological Diversity Act and Rules with focus on its Access and Benefit Sharing Provisions (ABS)” funded by the National Biodiversity Authority (NBA), Chennai, which commenced from 1st September 2014 and was to be completed on 30th June 2015, but was extended until 31st Dec 2015 (vide letter no.F.N.13/18/12-13/737 dtd 1/06/2015). NBA had released 28.35 Lakh during November 2014 (vide letter no. 13/72/14-15/UNEP-GEF Project/296 dated 5/11/2014) for taking up the activities envisaged in the project.

The money released by NBA was spent by 31st March 2015. Subsequently, cash request was sent to NBA for release of money on 16th April 2015 for Rs. 38,49,131 (vide letter no.KBB/GEF/07(A)/14-15). Since the accountant of the project left the project in between, the accounts could not be reconciled in time with NBA. As a result, the fund was not released. Thereafter, NBA had deputed an accountant to the Board for reconciling the accounts which was subsequently done. Second cash request was submitted to NBA on 24th November 2015 for Rs. 46,77,346 (vide letter no. ADM/A01/GEF/78/1126). The Member Secretary had spoken to the Secretary of NBA, who had promised that the release of the balance fund will be taken up on priority. Meanwhile, in the interest of the implementation of the project, Rs. 17 Lakhs was transferred (2 Lakhs on 9th April 2015, 10 lakhs on 18th June 2015 and 5 Lakhs on 11th Sept 2015) to the project from the Board Fund. The money will be transferred back to the account of the Board once the fund is released from the NBA.

The matter is placed before the Board for information and approval.

8. Any other subject with permission of the chair.

**Member Secretary
Karnataka Biodiversity Board**