NAGOYA PROTOCOL ON ACCESS TO GENETIC RESOURCES AND THE 
FAIR AND EQUITABLE SHARING OF BENEFITS ARISING FROM THEIR 
UTILIZATION TO THE CONVENTION ON BIOLOGICAL DIVERSITY 
NAGOYA, 29 OCTOBER 2010

BRAZIL: RATIFICATION

The Secretary-General of the United Nations, acting in his capacity as depositary, 
communicates the following:

The above action was effected on 4 March 2021, with:

Declarations (Courtesy Translation) (Original: Portuguese)

I - In accordance with the terms of article 28 of the Vienna Convention on the Law of Treaties, 
regarding the application of paragraph 2 of article 33 of the Protocol, the provisions of the Nagoya 
Protocol, for the purpose of its implementation, shall not have retroactive effects;

II - in accordance with the terms of article 8(c) of the Protocol, the economic exploitation for 
agricultural activities, in accordance with the definition provided for in Act N. 13.123, of 20 May 2015, 
resulting from reproductive material from species introduced in the country by human action before the 
entry into force of the Protocol shall not be subject to the sharing of benefits foreseen in the Protocol;

III - in accordance with the provision on article 2 read in conjunction with paragraph 3 of 
article 15 of the Convention on Biological Diversity, and considering the application of the provisions 
in articles 5 and 6 of the Protocol, Brazil considers as found in “in situ” condition the species and 
varieties that form spontaneous populations that have acquired distinctive characteristics in the country 
and the traditional local variety or breed locally adapted, as per the definition in domestic legislation, in 
particular article 2 of Act N. 13.123, of 20 May 2015, with a framing of this country under the concept 
of “country of origin” of these genetic resources;

IV - Act N. 13.123, of 20 May of 2015, is considered the domestic law for the implementation 
of the Nagoya Protocol.

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The Protocol shall enter into force for Brazil on 2 June 2021 in accordance with article 33 (2) 
of the Protocol which reads as follows:

“This Protocol shall enter into force for a State or regional economic integration organization 
that ratifies, accepts or approves this Protocol or accedes thereto after the deposit of the fiftieth 
instrument as referred to in paragraph 1 above, on the ninetieth day after the date on which that State or 
regional economic integration organization deposits its instrument of ratification, acceptance, approval 
or accession, or on the date on which the Convention enters into force for that State or regional 
economic integration organization, whichever shall be the later.”

9 March 2021