



**SUMMARY OF THE VIEWS FROM THE
CONSULTATIVE COMMITTEE ON MAJOR
ISSUES RELEVANT TO THE DOMESTIC
MEASURES TO BE TAKEN IN JAPAN**

Dr. Hiroji Isozaki

Professor of Sophia University;

**Chair of the consultative committee of
Ministry of the Environment of Japan**

PRESENT SITUATION OF GOVERNMENT OF JAPAN

- ✚ The National Biodiversity Strategy of Japan 2012-2020 (cabinet approval on September 28th, 2012)

“Aim to ratify the Nagoya Protocol on ABS as early as possible, and steadily put into practice the obligations found in this protocol by 2015 at the latest.”

- ✚ Relevant ministries agreed on September 21st, 2012

- To advance rapidly the consideration of domestic measures necessary for the implementation of the Nagoya Protocol

< As a provider country >

- To decide the position on treatment of genetic resources and associated traditional knowledge in Japan including necessity for PIC measures, taking into account the result of an open discussion with various stakeholders to be held

< As a user country >

- To consider rapidly the compliance measures that will be supported by stakeholders in Japan and will be reasonably accountable to other countries.

CONSULTATIVE COMMITTEE ON THE DOMESTIC MEASURES TO BE TAKEN FOR THE RATIFICATION OF THE NAGOYA PROTOCOL

- ✚ Ministry of the Environment of Japan established a consultative committee to consider the future domestic measures suitable for Japan in last September.
- ✚ The committee consists of 14 members who are ABS experts and key persons from industry* and academia.



*Pharmaceutical industry,
Natural medicine industry,
breeding industry,
food industry,
cosmetic industry, etc.

1. NATURE OF COMPLIANCE MEASURES

(ARTICLE 15.1 AND 16.1)

Noting no unreasonable burdens to the proper users, what kind of measures are appropriate, effective and proportionate in order to fulfill the obligations under the Nagoya Protocol to provide that genetic resources and traditional knowledge have been accessed in accordance with PIC and that MATs have been established, as required by the domestic ABS legislation or regulatory requirements of the other Party?

➡ Nature : Simple, Clear, Practicable, Flexible, Transparent, Effective and Exhaustive

Note: Compatibility with the measures of other Parties,
Protection of proper users,
Securement of international trust and
Application of lessons learned from operation of
“Guidelines on Access to Genetic Resources For
Users in Japan” made by METI and JBA

2-1 SCOPE OF COMPLIANCE MEASURES

#1 Premise of application of the compliance measures (subject Parties)

To implement the compliance measures based on Article 15.1 and 16.1, it will be the premise that issuance of PIC is institutionalized and MATs are established in provider countries.

- ➔ In principle, the compliance measures should be applied to provider countries that implement Article 6.3 and provide the relevant information including the establishment of MATs to the ABS-CH.

#2 Temporal coverage of genetic resources and traditional knowledge

- ➔ The compliance measures should apply to genetic resources and associated traditional knowledge accessed after the entry into force of the Nagoya Protocol and the implementation of the compliance measures in Japan

2-2 SCOPE OF COMPLIANCE MEASURES

#3 Coverage of genetic resources and traditional knowledge including consideration on commodities as genetic resources

- ➔ Subject genetic resources should be within the scope of the CBD.
- ➔ Utilization of commodities as genetic resources requires acquisition of PIC/MAT.
- ➔ Consideration on realistic and effective compliance measures applicable for such cases is necessary.

Note: Treatment of plant varieties, natural medicines and food items, and educational use

#4 Other issues

- ➔ Consideration for the academic research including the application of simplified procedure
- ➔ Clarification of the borderline between genetic resources to which ITPGR applies and those to which the Nagoya Protocol applies

3 CHECKPOINT

Noting no unreasonable burdens to the proper users, what kind of measures fulfill the obligation under the Nagoya Protocol to monitor the utilization of genetic resources and traditional knowledge and enhance the transparency?

The basic role of a checkpoint should include;

- ➔ Confirmation of relevant information, especially including the information in ABS-CH
- ➔ Verification of the source and the safety in use of genetic resource and associated traditional knowledge
- ➔ Attention and indication to the users

How should a checkpoint collect information? What types of information should be collected? Also what kind of measures should be taken to enhance the transparency?

- ➔ A checkpoint should collect the necessary information relevant to the utilization of genetic resources and associated traditional knowledge, excluding confidential information.
- ➔ Collecting information should be though posing reporting requirements to the users by administrative/ legislative measures

4 ADDRESSING SITUATIONS OF NON-COMPLIANCE EFFECTIVELY

- ◆ What kind of measures are appropriate, effective and proportionate in order to address situations of non-compliance in accordance with Article 15.2 and 16.2?
 - ◆ What kind of measures are appropriate, effective and proportionate in order to address situations of non-compliance with information requirement from checkpoint in accordance with Article 17.1(a)(ii)?
- ➔ Measures which bring advantages to proper users are preferable rather than penalties for non-compliance.

5. NECESSITY FOR THE EXERCISE OF SOVEREIGN RIGHT OVER GENETIC RESOURCES AND ASSOCIATED TRADITIONAL KNOWLEDGE

It depends on the determination by each Party whether the Party introduces PIC systems or not, based on Article 6.1. Should Japan introduce PIC systems?

- ➔ There are different views on the necessity for introduction of PIC system in Japan

Thank you