

**BASIC POLICY FOR PREVENTING ADVERSE EFFECTS
ON ECOSYSTEMS CAUSED BY INVASIVE ALIEN SPECIES
(Cabinet Decision as of October 15, 2004)**

**Section 1: The basic framework for the prevention of adverse effects
on ecosystems, etc., caused by Invasive Alien Species**

1. Background

The distribution of living organisms in the wild is limited by a variety of conditions, including topography and climate. Based on these limiting conditions, evolution has progressed, species have subdivided, and biotas that are characteristic of various regions have emerged. However, ecosystems that are created through the interaction of various species that are unique to their region become fragile when alien species are brought in. Japan—an island country that has a unique biota and ecosystems—is a typical example.

In our modern era, the movement of people and substances is becoming more active as human activity develops, and living organisms are being introduced through intentional or unintentional human activity into new regions from other countries or other regions in Japan in a manner that exceeds the living organisms' natural ability to move.

Among these living organisms are those that are being used for a variety of purposes, including livestock, cultivated plants, landscape plants, garden plants, fisheries, etc. These organisms have penetrated and coexisted in daily living and culture over a long period of time, and have come to serve a variety of active roles through their industrial use, etc. On the other hand, there are cases where, if living organisms that did not previously exist in a region are brought into the region through human intervention, they may drastically alter biodiversity in the region when they feed on or drive out native living organisms that do not have defensive capabilities. Such occurrences are reported in all parts of the world including Japan, and cases have been observed in which this has led to harm to human beings or to agriculture, forestry, or fisheries.

Living organisms existing in areas that extend beyond their natural range of

distribution (the region defined by the scope within which the living organisms can naturally move) because human beings have brought them into a particular region are generally referred to as alien species. The problems caused by these organisms (adverse effects on ecosystems, human safety, or agriculture, forestry and fisheries) are generally seen as alien species problem. Internationally, Article 8 (h) of the Convention on Biological Diversity states that each contracting party shall prevent the introduction of, control or eradicate those alien species with threaten ecosystems, habitats or species as far as possible and as appropriate.

Japan has enacted the “Invasive Alien Species Act” (Law No. 78 (2004); hereinafter referred to as “the Act”) with the purpose of preventing adverse effects to Japanese ecosystems, human safety, or agriculture, forestry and fisheries (hereinafter referred to as “Ecosystems”) caused by alien species that were intentionally or unintentionally introduced into Japan from overseas through human activity and that exist outside their original habitats (hereinafter referred to as “Alien Species”).

2. Issue awareness

Among Alien Species, there are those that cause adverse effects to ecosystems by feeding on Indigenous Species (which mean living organisms having habitats in Japan. Hereinafter the same definition applies.), impacting on natural vegetation through feeding or trampling, driving out Indigenous Species through competition with them, disturbing soil environments, disrupting genetics through crossbreeding with Indigenous Species, etc. There are also those that cause (or may cause) injury to human lives or bodies through biting, poisoning, etc. or cause (or may cause) harm to agriculture, forestry and fisheries by feeding on agricultural, forestry, or fishery products. Countermeasures against Alien Species of this type are therefore required.

Some effects caused by Alien Species are irreversible, and there is a possibility that these effects will become magnified due to dramatically increasing populations of Alien Species that have become established in Japan. Because of this, it is important to ensure that we comply with the Convention on Biological Diversity and that Alien Species of this type are not brought into Japan unnecessarily, and to engage in appropriate management to ensure that these

species are not allowed to escape or be abandoned outdoors during raising or other handling.

Furthermore, in cases where damage (or possible damage) caused by these Alien Species is newly confirmed, it is necessary to identify measures for emergency mitigation of said Alien Species. For Alien Species that are already causing widespread adverse effects, it is necessary to engage in systematic mitigation.

3. Basic measures toward damage prevention

The problem of an Alien Species having (or possibly having) adverse effects on Ecosystems is rooted in the intentional or unintentional escape, abandonment, etc., of said Alien Species in the open air. Because of this, the primary task is to prevent the escape, abandonment, etc. of Alien Species into the outdoors. Alien Species that have (or may have) adverse effects on Ecosystems shall be designated as Invasive Alien Species (IAS), and only persons who properly manage and store said IAS shall be permitted importing, or raising, planting, storing or carrying (hereinafter "Raising") these species.

Furthermore, with regard to Alien Species on which there is no knowledge on whether or not they belong to IAS but for which there is concern to have likelihood of causing adverse effects, said species shall be designated as Uncategorized Alien Species (UAS). Import restrictions shall apply to a UAS until a judgment on whether or not said species poses a danger ends.

Likewise, for Alien Species that have not been designated as IAS, efforts shall be made to understand the situation surrounding said species. If it is confirmed that a species has (or may have) adverse effects, appropriate study toward its selection as an IAS shall be made based on measures taken under the existing system.

For IAS that have been abandoned or have escaped to the outdoors, early mitigation efforts taken prior to diffusion are highly effective in preventing adverse effects. Monitoring and other efforts shall thus be made to discover IAS at an early stage and to take early measures.

For IAS that are already established and causing adverse effects, complete

eradication from the environment, containment, or other means of mitigation shall be implemented systematically and flexibly in accordance with scale of adverse effects and necessity. Implementation of each mitigation shall be conducted with consideration of not having adverse effects on the local ecosystems.

Alien Species are used for a variety of purposes. For example, some species have played a role in preservation of national land. When examining regulations on IAS, consideration must be given to the roles that relevant species play.

Various persons are involved in adverse effects caused by IAS, from the species' introduction into Japan to the occurrence of adverse effects. Thus, in order to effectively implement countermeasures, it is important to gain the wide-ranging understanding and cooperation of citizens in Japan. Efforts shall therefore be made to reinforce awareness that abandonment or escape of Alien Species to the outdoors poses a threat to Ecosystems, and to promote education on what specifically each of the various people involved should do so that IAS are properly handled.

Furthermore, it will be necessary to promote basic survey research on distribution of Alien Species and their ecological characteristics as well as development of technologies for mitigation and monitoring, which are vital for the establishment of a basis for future measures against Alien Species. At this time, effort shall be made toward information exchange between overseas government agencies, experts, etc. in order to gather scientific knowledge of Alien Species based on the fact that problems associated with Alien Species are caused by the international movement of wildlife.

Section 2: Principles concerning the selection of IAS

In order to appropriately and effectively prevent adverse effects on Ecosystems caused by Alien Species, it is important to properly select Alien Species that particularly cause (or may cause) adverse effects, rather than applying the same regulations to all Alien Species.

In principle, species shall be used as the standard unit for selecting IAS from Alien Species (for species that have subspecies or varieties, the subspecies or varieties shall be used; this applies to the following as well) according to the following items, with specified biological classifications (genus, family, etc.) used when necessary.

1. Preconditions for selection

- a. Given the fact that biosystematics, which is the basis for identifying species, has been developed in Japan and that material flow between Japan and other countries has been increasing since the Meiji Period (1868 to 1912), it is thought that, in principle, species that are commonly considered to have been introduced into Japan in 1868 or later will be targeted, in principle, for selection as IAS.
- b. Taxonomic groups that have sizes and shapes that make them easily recognizable as individuals and that can be identified by their types without using special equipment, shall be selected as IAS. Fungi, bacteria, viruses and other microscopic organisms shall be excluded for the time being.
- c. Alien Species recognized as being subject to regulations on importing, raising, and other forms of handling that are of a similar strength as those of the Act through such legal measures as the “Law Concerning the Conservation and Sustainable Use of Biological Diversity through Regulations on the Use of Living Modified Organisms” (Law No. 97 (2003)) and the “Plant Quarantine Law” (Law No. 151 (1950)) shall not be selected as IAS.

2. Approach to determining adverse effects on Ecosystems

(1) Determining adverse effects on Ecosystems

Alien Species that apply to any of the following shall be selected as IAS.

- a. Alien Species that cause (or may cause) significant damage to the continuance of Indigenous Species or ecosystems in Japan by 1) preying upon Indigenous Species, 2) driving out Indigenous Species through competition with Indigenous Species for habitats or food plants/animals, etc., 3) damaging the bases of ecosystems by destroying or altering vegetation, etc., or 4) disrupting the genetics of native species through crossbreeding, etc., shall be selected as Alien Species that have (or may have) adverse effects on ecosystems.
- b. Alien Species that are poisonous and cause serious harm to human beings or

may cause serious injury and that are considered to be extremely dangerous due to lack of experience in danger avoidance or treatment methods shall be selected as Alien Species that are recognized or feared to have adverse effects on human safety.

However, based on other legal measures, adverse effects on human safety shall not include damage related to infectious diseases.

- c. Alien Species that cause (or may cause) serious damage to agriculture, forestry, or fisheries through feeding, etc., on agricultural, forestry, or fisheries products (but not simply through their habitually feeding on Japan's agricultural, forestry, or fisheries products) shall be selected as Alien Species that are recognized or feared to have adverse effects on agriculture, forestry, or fisheries.

However, based on other legal measures, adverse effects on agriculture, forestry, and fisheries shall not include matters such as infectious diseases of livestock.

(2) Approach to knowledge used in determining adverse effects

Determining adverse effects shall progress using the following:

- a. Use of scientific knowledge in Japan related to adverse effects (or possibility of adverse effects) to Ecosystems.

Possibility of adverse effects shall be analyzed by using existing knowledge that indicates high possibility of adverse effects even when actual adverse effects are not recognized.

- b. In the event that no adverse effects (or possibility of adverse effects) on Ecosystems have been identified in Japan, scientific knowledge on confirmed actual adverse effects on overseas Ecosystems or on the possibility of adverse effects to overseas Ecosystems shall be used. Said knowledge shall be used if it is confirmed that there is a possibility of adverse effects occurring in Japan, taking natural environmental conditions in Japan (climate, topography, etc.) or its social circumstances into account.

3. Items to consider when making selections

When selecting IAS, as a rule, the prevention of adverse effects on Ecosystems shall be the first priority. Selections shall be then made as needed after considering ecological characteristics of Alien Species, current conditions surrounding scientific knowledge related to the adverse effects, maintenance of

an appropriate administrative framework, and social and economic impacts that arise from designation as IAS (possibilities for obtaining substitutes for Alien Species that play an active social role, etc.).

Reasons for the selection shall be clarified and announced to the degree possible.

4. Obtaining opinions on selection of IAS

(1) Obtaining opinions from academic experts on properties of living organisms

- a. Opinions shall be heard from academic experts specializing in properties of living organisms (ecology, agriculture, forestry, fisheries, etc.).
- b. When selecting the experts, care shall be made to take taxonomical groups into consideration (mammals, birds, reptiles, amphibians, fish, insects, tracheophytes, etc.).
- c. A framework shall be constructed for hearing opinions when necessary for selection of IAS. This shall involve such steps as prior registration of academic experts in the most relevant fields so that the opinions of experts having the greatest knowledge of a particular species can be obtained.
- d. A format that allows flexible action to deal with the characteristics of Alien Species shall be studied when hearing opinions. This shall include individual interviews with academic experts and opinion exchanges among the experts in the form of a committee.
- e. In addition to hearing opinions of individual academic experts, means for obtaining opinions of persons who use particular Alien Species shall be studied, as shall the collection of information from related academic societies when needed.
- f. The above procedure of hearing opinions shall be opened to the public as much as possible in order to secure transparency of the procedure.

(2) Procedure for public comments

With regard to proposed selection of IAS prepared after hearing the opinions of academic experts, a procedure for submitting opinions (public comment procedure) that is based on the "Procedure for Submitting Opinions on Setting and Improving/Eliminating Regulations" (Cabinet Decision in March 1999) shall be implemented, and IAS shall be designated after considering submitted opinions and information.

(3) WTO notification procedure

When designating IAS, procedures shall be taken to notify the World Trade Organization (WTO) member countries and to proceed with designation of IAS in an appropriate manner so that conformity with the WTO's Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) is achieved.

Section 3: Principles concerning the handling of IAS

Many of the adverse effects caused by IAS are rooted in their release to the outdoors through abandonment, escape, etc., that result from inappropriate management of their breeding, etc. by a segment of people.

Consequently, raising, planting, storing, carrying, importing, or transferring IAS shall be prohibited in principle. Only persons who have met conditions connected to purpose, facilities, methods, etc., in which they are recognized as being able to engage in appropriate Raising shall be allowed to engage in Raising IAS in Japan based on permission granted by the competent ministers.

1. Approach to permission to engage in Raising

(1) Cases in which permission is not required for the Raising of IAS

Cases in which permission is not required for the Raising of IAS shall be limited to cases when steps are being taken to prevent the abandonment, escape, etc., of IAS, despite not receiving permission, in line with efforts to mitigate said species under the Act; cases when emergency measures must be taken in a time of disaster; and cases when a public agency is engaged in Raising necessary to perform its duties (seizure of illegally raised organisms, etc.) and when there is insufficient time to go through the permission procedure and it is recognized that the agency is using proper handling, etc.

(2) Purpose of Raising

Permission for Raising shall be granted only for academic research, display and education, and business activities, etc., where sufficient deterrent effects can be expected to control abandonment, escape, etc., of IAS through enforcement of approved regulations.

Purposes such as Raising as pets, which have led to abandonment or escape of Alien Species in the past due to careless Raising and that have led to Alien Species becoming established in the wild and thereby having adverse effects on Ecosystems, shall not be permitted.

(3) Facilities standards for Special Raising Facilities

In principle, the following approaches shall be taken when determining standards for facilities necessary to prevent the escape, etc., of IAS:

- a. Structures and strengths to prevent the escape, etc. of IAS shall be used.
- b. Structures and strengths that do not allow third parties to easily come into contact with IAS that have adverse effects on human safety shall be used.

(4) Conditions for permission

When granting permission for Raising, conditions shall be enforced that include setting of an effective period for the permission, limitations on the number of IAS that can be handled by Special Raising Facilities, notification of Transfers, etc., when necessary in order to ensure appropriate handling that does not lead to the abandonment or escape of IAS.

(5) Method for Raising

Permittees shall be obligated to engage in Raising in accordance with the followings:

- a. Confirmation of the status of Raising of IAS and maintenance checks of Special Raising Facilities shall be performed regularly.
- b. Measures to distinguish species using technically feasible methods that match the species (microchips, tags, bird bands, signs, photographs, etc.) should be taken to clearly show that permission has been granted.
- c. Even when the permission of Raising IAS allows reproduction of the permitted IAS, persons engaged in the Raising shall carefully consider the capacity of the facilities they manage, the age of the relevant organism, the organism's health, etc., and conduct systematic breeding to ensure that no obstructions to the appropriate Raising of IAS by allowing them to reproduce haphazardly arise. Furthermore, appropriate steps shall be taken when implementing measures to limit said reproducing, transferring IAS to other facilities, etc., based on full consideration of the relevant IAS' physiology,

mode of life, etc.

(6) Other matters

Regarding Raising for purposes other than those stipulated by Ministerial Ordinance (e.g. for pet-keeping, etc.) that was conducted prior to the relevant Alien Species' being designated as an IAS, the particular IAS that was being raised prior to its designation as an IAS shall be eligible for permission for Raising when the Special Raising Facility matches the facility standards and the reproduction shall not be implemented.

The government, collaborated with other relating entities, shall encourage public awareness to avoid abandonment or escape of the IAS whose Raising are already conducted for purposes of pet-keeping, etc.

2. Disposal of individual animals

In the event that an IAS must be destroyed, an appropriate method that minimizes suffering shall be used.

3. Prohibition on importing

Collaborative and exhaustive efforts shall be taken by concerned ministries to prevent illegal import of IAS in order to ensure that IAS are not brought into Japan by a person who has not been granted permission.

4. Prohibition of Transfers

Cases that are determined to be exceptions to the prohibition of Transfers by the Ministerial Ordinance shall be limited to cases of transfer between permittees, cases where an IAS that was to undergo Raising is transferred for appropriate disposal as part of mitigation efforts based on the Act, cases in which emergency disposal must occur in time of emergency, and cases where transfer or delivery is made to a public agency and when it is practically impossible to go through permission procedures of Raising.

5. Prohibition of releasing, planting, or sowing

The most important point in preventing damage by IAS is to prevent the abandonment or escape of said species. It is therefore necessary to give the greatest consideration to maintaining the effectiveness of the regulations of

Article 9 of the Act. Because the acts of abandoning management, releasing to the outdoors, etc., of IAS by persons who are handling said species raise the risk that adverse effects on Ecosystems will occur, such activity shall be prohibited without exception.

Capture or extraction and then immediate release of IAS that already exist outside (and which is not connected to Raising or Transfers) shall not be subject to Article 9 of the Act. However, it should be remembered that Raising or Transfers of IAS after capture or extraction shall be subject to the regulations of the Act.

6. On-site inspection, etc. to permittees of Raising

In order to preserve the effectiveness of the Act's regulations, efforts will be made to gather information on raising and other forms of handling of IAS through thorough on-site inspection, etc. to permittees of IAS.

Section 4: Principles concerning the mitigation of IAS by the national government and other entities

Because two kinds of cases can be considered—1) cases where IAS already exist in the outdoors in Japan at the time of designation, and 2) cases where, after designation, IAS are abandoned or escape into the outdoors where they have (or may have) adverse effects on Ecosystems—efforts shall be made to mitigate IAS (e.g. capture, extraction, or destruction, implementation of damage-prevention measures, etc.) when necessary.

For IAS that already exist in the outdoors, it is necessary to take systematic mitigation measures while also paying attention to the need to take emergency measures against newly escaping IAS.

If mitigation is required, the national government shall make a public announcement of mitigation and then implement appropriate mitigation activities based on scientific knowledge. These actions shall be taken after hearing the opinions of prefectural governments, and shall be based on the conditions of the relevant regions and collaboration with interested parties.

Considering limitation of the budget and personnel, mitigation shall be promoted efficiently and effectively by setting up priority based on each project's cost-benefit analysis and feasibility study.

1. Items concerning public notification of mitigation

(1) Main entity in mitigation and method for public notification

The national government shall promote mitigation starting with regions that have a high priority for mitigation from a national perspective (e.g. regions marked for measures toward national preservation by the Japanese regulatory system).

Local public entities, private-sector groups, etc. that are knowledgeable of regional circumstances are important from the viewpoint of preventing adverse effects that occur in regional Ecosystems. Thus, these parties are expected to actively promote mitigation in accordance with public announcements on mitigation.

In actuality, there are many instances where regions in which the national government, local public entities, private-sector groups, etc. implement mitigation activities interact with each other. In these cases, integrated and effective mitigation shall be promoted through appropriate mitigation activities that are in accordance with the roles with each entity.

Public announcements of mitigation are conducted after hearing the opinions of concerned prefectural governments for each IAS that is subject to mitigation. Such announcements shall be included in Japanese official gazettes so that they may be disseminated widely among the public, and quick notification shall be made by using such means as posting on bulletin boards, the Internet, etc.

(2) Districts and time periods for mitigation

Mitigation districts shall be established where adverse effects by IAS have already been confirmed and where future adverse effects by IAS may occur. Nevertheless, when a specific district cannot be identified as the target IAS are already spread around Japan, etc., whole Japan or a wide region shall be designated as the mitigation district.

The time period for mitigation shall be the time necessary to prevent the occurrence of adverse effects in said district. For cases in which a damaged area poses a risk to expand or in which there is a high possibility that mitigation activities will extend over a long period of time, evaluations of the effects of mitigation will take place as needed and the area designated shall be changed or mitigation activities shall be extended by necessary lengths of time or any other necessary measures shall be taken.

(3) Content of mitigation activities

The contents of mitigation activities shall be established in public announcements as follows:

a. Purpose of mitigation

The purpose of mitigation (e.g. complete removal of the IAS from the district, containment of adverse effects, alleviation of the effects, etc.) shall be established after fully considering the ecological characteristics of the IAS to be mitigated and the conditions of adverse effects expected.

b. Mitigation method

In light of the mitigation purpose, the method to be used (capture, extraction, destruction, construction of protective fences, etc.) shall be clearly explained, as will the method for handling captured individual IAS.

c. Other items determined by the Ministerial Ordinance

When engaging in mitigation of IAS that are subject to the Wildlife Protection and Hunting Law (Law No. 88 (2002); hereinafter referred to as the “Wildlife Protection Law”), important items in promoting appropriate mitigation (avoidance of erroneous capturing of indigenous beasts and birds, etc.) shall be determined by the Ministerial Ordinance.

2. Items concerning implementation of mitigation

When mitigating IAS, it is important to adopt the most appropriate method that matches the conditions of adverse effects. In cases where IAS that have adverse effects on human safety are discovered outdoors, cases where IAS that have aggressive feeding or breeding habits are found in regions where many rare

forms of wildlife are thriving, etc., it is important to implement emergency mitigation. On the other hand, in cases where IAS are already having (or may be having) widespread adverse effects on Ecosystems, it is important to move forward with systematic mitigation that is based on consideration of regions and methods that should take priority.

(1) Implementation of emergency mitigation measures

In cases where IAS that have adverse effects on human safety are discovered outdoors, cases where IAS that have aggressive feeding or breeding habits are found in regions where many rare forms of wildlife are thriving, etc., it is important to implement emergency mitigation. Because of this, the national government shall liaison with concerned national and local agencies, make immediate public notification of mitigation measures, and implement said measures while collaborating with the above-mentioned agencies.

If the person who instigated the act that led to the necessity of emergency mitigation is known, said person shall, in principle, receive a claim for repayment of the necessary costs.

(2) Implementation of systematic mitigation measures

In cases where IAS are already having (or may be having) widespread adverse effects on Ecosystems, it is important for the national government, local public entities, private-sector groups, landowners and managers, and other interested parties to work together to promote systematic mitigation measures. At this time, it is important to formulate mitigation implementation plans that specifically set the mitigation purpose, district, time period, method, implementation structure, etc., for each entity and region. After mitigation commences, it is important to take a flexible approach by conducting monitoring and reflecting the results on reviews of the mitigation implementation plans.

Furthermore, while making efforts toward consensus-building based on appropriate information disclosure, mitigation implementation plans shall be prepared in accordance with the following procedure whenever possible in order to establish proper objectives that are founded on scientific knowledge and to ensure the smooth implementation of mitigation activities.

a. Establishment of venues for discussions and studies

Venues for discussions with academic experts, concerned government agencies, nature conservation groups, local residents and, if necessary, agriculture, forestry, and fisheries organizations, hunting organizations, etc., shall be established in order to implement mitigation and consensus-building based on scientific knowledge and locally-based information. These venues will allow for the preparation of mitigation implementation plans, studies of implementation methods, evaluation of mitigation activities, etc. At this time, separate venues for analysis and evaluation of the feasibility and implementation status of mitigation implementation plans from a biological perspective, etc. shall be established as required.

b. Collaboration with pertinent administrative organs, etc.

Based on the fact that there are cases where IAS are distributed in a variety of ecosystems (forests, farmlands, rivers, coastal areas, etc.) and cases where IAS are distributed in areas that extend beyond political boundaries, sufficient coordination and, if necessary, collaboration shall take place with pertinent administrative organs of the national government and concerned local public entities. At this time, it is important to establish conformity with existing plans related to forests, rivers, coastal areas, etc.

c. Coordination with landowners, etc.

Necessary effort shall be made to explain the contents of mitigation activities to owners, etc. of land and water areas in the region targeted for mitigation activities and to gain their understanding of said activities as much as possible.

d. Implementation of monitoring

Monitoring shall be conducted on the existence of IAS, adverse effects by IAS, etc., and checks shall be made of the progress of mitigation implementation plans. The results shall be reflected back on mitigation activities.

e. Establishment of implementation structure

In order to appropriately and effectively promote migration, a mitigation implementation structure that unifies concerned parties in the region shall be established, and efforts shall be made toward coordination with universities, research institutes, and experts in the region as required.

Furthermore, because the understanding and cooperation of local residents are essential in implementing mitigation activities, education involving information on the adverse effects caused by IAS, measures toward damage prevention, etc. shall be promoted.

(3) Points to remember in mitigation implementation

- a. When implementing mitigation activities, thorough measures to prevent accidental capture of non-targeted species and accidents shall be implemented. This shall include maintenance of systems that can appropriately manage hunting equipment that has been set up. At the same time, efforts shall be made to fully notify concerned local residents and other relative people of these measures prior to mitigation, and personnel who conduct the mitigation shall carry documents that certify mitigation is being conducted based on the Act.
- b. Each piece of trapping and hunting equipment (with the exception of firearms) used in mitigation shall bear signs, etc. noting the address, name, and contact information (telephone number, etc.) of the implementer. However, in cases where each piece of hunting equipment cannot bear a sign due to reasons of its size, etc., measures such as placement of notice boards, etc. in the area near the equipment can be taken.
- c. Responsibility for appropriate disposal of captured IAS shall rest with the entity that is implementing mitigation. Individual persons shall not be allowed to take said IAS home personally, nor shall said IAS be left outdoors.
- d. In cases where the captured IAS must be destroyed, an appropriate method that minimizes suffering shall be used.
- e. For IAS that have already had a major role in preservation of national lands, etc., the role of said IAS shall be considered, and sufficient coordination with concerned parties shall take place when implementing mitigation.
- f. The followings shall be kept in mind when conducting mitigation of IAS that are beasts or birds:

- ① Consideration shall be given to avoiding time periods and districts where mitigation will interfere with the breeding of wild beasts and birds that are not being targeted for the mitigation.
 - ② Appropriate steps shall be taken to ensure that capture of IAS during, before, and after hunting periods is not misinterpreted as registered hunting or extension of hunting periods under provisions of the Wildlife Protection Law.
 - ③ Because Capture with air rifles involves a risk that the target IAS may escape in an injured condition, such firearms shall only be used for small and medium-sized birds.
 - ④ When attempting to capture a target IAS by using its favored food in a trap, appropriate steps shall be taken to ensure that said activity does not attract other beasts and birds, resulting in an underlying factor of causing damage by said beasts and birds.
- g. In addition to what are mentioned above, mitigation shall be implemented by compiling with relative regulations.

(4) Confirmation and acknowledgement of mitigation

a. Entities that conduct mitigation shall, as a rule, be those who meet the following conditions:

- ① With the exception of mitigation in response to an emergency, in principle, the entity shall have the capacity in terms of finances and personnel to formulate a mitigation implementation plan in line with public announcements on mitigation and to implement said mitigation implementation plan.
- ② The entity shall include persons having an understanding of the geography of the adversely affected region and conditions surrounding the existence of IAS.
- ③ If the IAS is a beast or bird, in principle, the entity shall have a hunting license obtained under the Wildlife Protection Law for the hunting equipment to be used.

In the case of mitigation by a group in which implementing personnel have knowledge and skills connected with appropriate capture and safety, persons who are not licensed may also be included.

- ④ The entity shall be able to give specific instructions on the contents of mitigation activities to implementing personnel, and be able to prepare a

registry of the implementing personnel.

- b. When implementing mitigation, documents, which prove that confirmation or acknowledgement of the mitigation are issued by the competent ministers, shall be carried with the entities, and as a rule, the entity shall ensure safety, preserve the peace, and give consideration to the local ecosystems in order not to cause adverse effects.
- c. If target IAS of the mitigation are beasts or birds, the following conditions need to be met:
 - ① The entity shall not use methods prohibited in Article 1 Paragraphs 1 and 2 of the Wildlife Protection Law.
 - ② The entity shall not use hunting methods that are prohibited in the area that is designated under the provisions of Article 15 Paragraph 1 of the Wildlife Protection Law and is called the Area of Prohibiting Designated Hunting Methods.
 - ③ The entity shall not engage in mitigation using firearms in the area that is designated under the provisions of Article 35 Paragraph 1 of the Wildlife Protection Law and is called the Gun Hunting Prohibited Area.
 - ④ The entity shall not engage in mitigation using methods that are designated under the provisions of Article 36 of the Wildlife Protection Law and are called the Dangerous Hunting Methods.
 - ⑤ If the entity is to implement mitigation using firearms, the entity shall not engage in the activities prohibited in Article 38 of the Wildlife Protection Law.
- d. In addition to what are mentioned above, mitigation shall be implemented by complying with relative regulations.

3. Other items

In the interest of effectively preventing adverse effects caused by IAS, not only are mitigation activities that are based on the Act through items 1 and 2 above important, so are individual approaches taken by entities other than the national government. Furthermore, in order to support approaches by entities other than the national government, the national government shall work to explain effective mitigation methods, develop mitigation technology, establish mitigation

frameworks, etc.

**Section 5: Other important matters concerning prevention of
adverse effects on Ecosystems caused by IAS**

1. Uncategorized Alien Species

(1) Preconditions for selection

- a. As a rule, Alien Species for which there is no record of introduction into Japan, or that were introduced into Japan but did not establish an outdoor habitat in Japan and that are currently not being imported into Japan shall be selected as Uncategorized Alien Species (UAS).
- b. Taxonomic groups that have sizes and shapes that make them easily recognizable as individuals and that can be identified by their types without using special equipment, shall be selected as UAS. Fungi, bacteria, viruses and other microscopic organisms shall be excluded for the time being.
- c. Alien Species recognized as being subject to regulations on importing, raising, and other forms of handling that are of a similar strength as those of the Act through such legal measures as the “Law Concerning the Conservation and Sustainable Use of Biological Diversity through Regulations on the Use of Living Modified Organisms” and the “Plant Quarantine Law” shall not be selected as UAS.

(2) Alien Species that are eligible for selection

An Alien Species that, despite not having been cited as having (or having the possibility to have) adverse effects in the same way as IAS, nonetheless has ecological characteristics that are similar to a particular IAS and for which there is concern that said Alien Species may have adverse effects similar to those caused by the IAS shall be selected as a UAS. In principle, a UAS shall be selected within the genus to which the particular IAS belongs, with species being used as the standard unit for selection (specified taxonomic classifications [genus, family, etc.] shall be used when necessary).

(3) Obtaining opinions on selection

- a. Obtaining opinions from academic experts on properties of living organisms
When obtaining opinions of academic experts on properties of living

organisms and designating IAS, opinions of these experts on designation of UAS should also be obtained.

b. Procedure for public comments

When designating UAS, a public comment procedure that is in accordance with that used for selection of IAS shall be implemented, and UAS shall be selected after considering submitted opinions and information.

c. WTO notification procedure

When designating UAS, procedures shall be taken to notify WTO member countries and to proceed with designation of UAS in an appropriate manner so that conformity with the SPS Agreement is achieved.

(4) Contents of notifications related to judgments

Persons who intend to import a UAS or who intent to export a UAS to Japan must provide a notification to the competent ministers that includes information related to the relevant UAS (official scientific name, country of origin, ecological characteristics, and other items).

The competent ministers shall make a judgment on whether or not said UAS pose a threat to cause adverse effects on Ecosystems. The competent ministers shall not oblige the importers, etc. to provide information on whether or not the threat exists but shall receive the relative information voluntarily offered by the importers, etc.

(5) Judgment process

When notification is received, an appropriate judgment based on 2 to 4 of Section 2 and a preventative viewpoint shall be made by using current scientific knowledge. At the same time, efforts shall be made to make this judgment in an amount of time that is the shortest possible but that does not negatively affect the judgment.

(6) Other matters

For UAS for which no notification is received, the national government shall work to enhance the relative scientific knowledge and take sequential and independent steps to determine whether or not each UAS has adverse effects on Ecosystems.

2. Organisms that need not be accompanied by a certificate bearing the type name

(1) Approach to selection

Organisms that can be easily distinguished by external appearance as not being eligible for selection as IAS or UAS need not be accompanied by a certificate bearing the type name. Regardless of their status as alien or indigenous, in principle, organisms that are not in a genus to which an IAS belongs shall be selected, and organisms that are in a genus to which an IAS belongs shall be selected as necessary. When making this selection, classifications on tariff rate charts, etc., that are based on the Customs Tariff Law (Law No. 43 (1909)), shall be used if said classifications can be reasonably employed so as to raise the effectiveness of waterfront regulations in customs, etc.

Mutual adjustment shall take place simultaneously when selecting IAS, UAS, and organisms that do not require accompanying certificates.

Furthermore, with help from scientific experts and through collaboration with interested ministries, a database for identification of the type names of Alien Species, manuals to identify Alien Species, etc. shall be established, and efforts shall be made toward smoother inspections at customs, etc.

(2) Issuance of certificates

Efforts shall be made to obtain the cooperation of government agencies in other countries in the issuance of certificates bearing type names of targeted organisms. At the same time, existing certificates issued based on other laws and conventions and certificates of organizations that have the same knowledge and impartiality of government agencies shall be used as certificates recognized by this law. Consideration shall be given to ensure that the burden on importers does not increase excessively.

Furthermore, in cases where certificates cannot be issued in other countries, efforts shall be made to establish a framework in which domestic agencies that are designated by the competent ministers can issue certificates bearing type names of targeted organisms.

3. Amplification of scientific knowledge

In accurately and effectively promoting countermeasures against Alien Species, it is most important to enhance scientific knowledge of the characteristics of the species and the ecosystems that are affected by the species' introduction. Thus, efforts must be made to collaborate with pertinent ministries and agencies, academic experts, non-governmental organizations (NGOs), etc., to study the existence, living and growth conditions, and ecological characteristics of Alien Species, and to promote survey research in each field needed to support countermeasures (development of technology for evaluating adverse effects of Alien Species, technology related to mitigation methods, etc.). It is also important to promote the accumulation of knowledge and study research in each region by local public entities, NGOs, etc., and the national government must work to support these approaches.

Based on an understanding that the Alien Species problem is caused by not only domestic but also international movement of wildlife, efforts must be made, when conducting survey research, to promote information exchange with government agencies in other countries, overseas experts and NGOs, and to further enhance scientific knowledge.

Because early detection and early response are important in measures against Alien Species, it is important to build a monitoring framework with the cooperation of regions in Japan (including experts) for monitoring on an everyday basis, for discovery of adverse effects at an early stage, and for collection of information that will allow quick response.

4. Promotion of public understanding

Understanding and cooperation at all levels of society are essential in smoothly promoting Alien Species countermeasures. Thus, all opportunities should be used to educate the public. More effective diffusion and enlightenment shall be promoted by clarifying legal frameworks and specific measures to be taken for all concerned parties such as business entities to deal with Alien Species.

Furthermore, in environmental education conducted at various venues including school education, social education, and others, academic opportunities shall be provided in order to improve basic understanding of Alien Species countermeasures. At the same time, efforts shall be made to promote

collaboration with educational institutions (e.g. museums, etc.) to enhance public understanding.

5. Other matters

(1) Approach to IAS that are unintentionally introduced to Japan

Regarding IAS that are unintentionally brought into Japan by being attached to human beings or being mixed with substances, introduction of the IAS without intention of importing, Raising, or engaging in other handling is not directly regulated by the Act. However, even in such cases, it is important to implement mitigation or other measures if there is a possibility that the IAS may have adverse effects on Ecosystems. Because of this, the competent ministers shall coordinate with concerned parties to understand the route of introduction and existence conditions, even if introduction of the IAS was unintentional. If adverse effects are confirmed or anticipated, mitigation and other measures shall be taken as required.

It should be noted that movement of living organisms that are included in ballast water is not covered by the Act. However, in cases where the existence of IAS in ocean areas is confirmed, mitigation and other measures shall be studied as required based on this Basic Policy.

(2) Approach to handling of animals

When importing, Raising or otherwise handling or mitigating animals designated as IAS, care shall be taken to handle individual animals in an appropriate manner that is in line with the philosophy of the Law Concerning the Protection and Management of Animals (Law No. 105 (1973)) and based on consideration of the fact that the animal is a living being.

(3) Approach to interim measures

When an IAS is designated, interim measures, related to procedures for continued Raising of IAS by persons who had been engaged in said activity prior to the designation, shall be established as required.