

SUMMARY OF THE DISCUSSION IN  
THE CONSULTATIVE COMMITTEE  
ON THE DIRECTION OF DOMESTIC  
MEASURES ESTABLISHED BY MOEJ

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# EFFORTS IN JAPAN

## Government of Japan

- May 11<sup>th</sup>, 2011  
Signed the Protocol
- May 21<sup>st</sup>, 2012  
Agreed on the consideration of domestic measures by relevant ministries

*Advance rapidly the consideration of domestic measures necessary for the implementation of the Nagoya Protocol.*

- September 28<sup>th</sup>, 2012  
Approved “The National Biodiversity Strategy of Japan 2012-2020” by Cabinet

*“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.”*

## Consultative Committee (hosted by MOEJ)

- Nov. 2011 - March 2012  
Study Group  
(Twice & closed session)
- Sept. 2012 - March 2014  
**Consultative Committee** (16 times & open session)

# CONSULTATIVE COMMITTEE ON THE DIRECTION OF DOMESTIC MEASURES FOR THE IMPLEMENTATION OF THE NAGOYA PROTOCOL

- The aim of the committee is to consider the direction of the future domestic measures necessary and suitable for Japan toward the early ratification of the Protocol.
- The committee consists of 14 members who are ABS experts and key persons from industry\*, academia and NGOs.  
(\*Pharmaceutical industry, Natural medicine industry, breeding industry, food industry, cosmetic industry, etc.)
- The outcome of the committee will be a report summarizing the views of its members. The report will not be a kind of decision by the Government of Japan.
- The report does not include views from relevant ministries because they are observer for the committee.



# PROGRESS OF THE DISCUSSION IN THE COMMITTEE

#1 (Sep. 2012)  
- #12 (Sep. 2013)

- Discuss the respective issues relevant for the domestic measures
- Report on the specific issues by experts

#12 (Sep. 2013)  
- #15 (Dec. 2013)

- Develop the draft report of the Committee

Dec. 27<sup>th</sup>, 2013  
- Jan. 24<sup>th</sup>, 2014

- Invite Public Comments on the draft report

#16 (Mar. 3<sup>rd</sup>, 2014)

- Finalize the report (scheduled)

- The Committee will submit the report to MOEJ.
- Relevant ministries will consider the domestic measures taking into account the report.

## SECTION III: SUMMARY OF VIEWS ON THE DIRECTION OF THE DOMESTIC MEASURES

1. Compliance measures
  - (1) Principle
  - (2) Premises for the discussion
  - (3) Scope
  - (4) Checkpoint
  - (5) Effective measures for addressing non-compliance
2. Necessity for the exercise of sovereign right over genetic resources
3. Awareness raising and support for users
4. Other issues related to the domestic measures
5. Next step for the consideration of the domestic measures

# 1. Compliance measures (1) Principle

- Contribution to the promotion of appropriate utilization of genetic resources
- Support from the relevant stakeholders in Japan and accountability to the international society
- Clear, simplified and practical measures
- Consideration to the international flow of genetic resources
- Importance of awareness raising and support for users

# 1. Compliance measures (3) Scope --GR--

## #1 Other Parties intended

The compliance measures should be applied to genetic resources accessed in other Parties that develop and implement ABS legislation or regulatory requirements in accordance with Article 6.3 and that provide the relevant information to the ABS-CH.

## #2 Temporal coverage

The compliance measures should be applied to genetic resources accessed in an other Party after the entry into force of the Nagoya Protocol, Japanese compliance measures, and ABS legislation or regulatory requirements of the other Party.

# 1. Compliance measures (4) Checkpoint

## #1 Monitoring the utilization of genetic resources

- It is not practical to monitor directly all utilization of genetic resources dealt with in laboratories and facilities.
- Considering that all commercial utilization aims to develop a product and gain its sale profit, it would be effective to do monitoring focusing on product commercialization.
- Compliance measures should incorporate a part of the idea of EU draft regulation proposed by EC (Oct. 2012), which urges users to declare the exercise of due diligence obligation on the occasion of requesting market approval or at the time of commercialization, neither at the time of access nor during utilization of genetic resources.



# 1. Compliance measures (4) Checkpoint

## #2 Collecting and providing the information

- In case that the checkpoint requests users to submit relevant information, the information requested should be minimized, including those necessary to verify that a genetic resource is covered by a internationally recognized certificate of compliance available in the ABS Clearing House. Submission of other information from users should be voluntary.
- The information that the checkpoint makes publicly available, including via ABS Clearing House, should be minimized without confidence.

# 1. Compliance measures (4) Checkpoint

## #3 Designation of the checkpoint

- Confirmation of compliance should be separated from screening for market approval of products and effectiveness of such approvals.
- If a ministry which has offices in charge of such screening serves as a checkpoint, a separate office in the ministry should have the function.

# 1. Compliance measures

## (5) Effective measures for addressing non-compliance

### # Non-compliance with compliance measures (Art.15.2 and 16.2)

- It is necessary to take appropriate, effective and proportionate measures to address situation of non-compliance.
- As for non-compliance by negligence, there should be given for users an opportunity to rectify the situation of non-compliance.

## 2. Necessity for the exercise of sovereign right over genetic resources

*Japan has not taken measures based on Art. 15.5 of the CBD as a provider country of genetic resources.*

- The introduction of PIC system possibly causes crucially serious problems from the viewpoint of academic and industrial activities, since PIC system can be an obstacle to rapid exchange of genetic resources with domestic and foreign users
- Traditional knowledge associated with genetic resources in Japan, if any, would be publically available. Accordingly, there would be little knowledge which is specific to Japan and should be under protection.
- At this point, PIC system should not be developed in Japan. However, the consideration should be continued in preparation for future needs along with changes in the situation.

## 3. Awareness raising and support for users

### #1 Awareness raising

It is crucial to spread the understanding on ABS through raising awareness of users, especially those of business sectors which have ultra-small, small and medium-size enterprises.

### #2 Support for users

- It is necessary to provide consultation service to give advice for users about ABS.
- The procedures to acquire genetic resources from Biological Resource Centers need to be more simplified. The government should support the efforts by such centers serving as a scientific-technological infrastructure.

## 4. Next step for the consideration of the domestic measures

- As the next step after the end of consideration by the Committee, taking into account its report, relevant ministries, in collaboration with academia, industries, NGOs and others, should pull together to push forward the consideration of the domestic measures necessary for the ratification of the Protocol.
- Priorities should be given to surveys of specific areas involved in the utilization of genetic resources and to understanding of the intention of stakeholders in order to streamline the consideration of domestic measures.

Thank you for your attention