Please make sure if there are applicable ABS legislations or regulatory requirements in provider countries prior to your access to genetic resources. The following acts, for example, may be covered by ABS measures in foreign countries:

- To bring an overseas organism found in natural environment or by the roadside overseas into Japan for research purpose.
- To bring foreign samples of soil or water into Japan for the purpose of a biological survey.
- To receive foreign genetic resources unexpectedly which local research fellows gave you as a gift.
- To purchase commodity products (e.g., food crop) and bring them into Japan as research materials.
- A foreign student brings genetic resources from one’s home country into Japan for research purpose.

In terms of risk management, it is strongly advisable to confirm whether samples you have, including those bought or received from distributors or research partners, have been lawfully accessed.

Contact details of relevant ministries for the ABS Guidelines

- **Matters related to**: general operation of the ABS Guidelines
  - Ministry of the Environment (MOE)  
    Office for Mainstreaming Biodiversity, Biodiversity Policy Division, Nature Conservation Bureau  
    TEL: +81 3 3581 8150  
    Email: biodiv@nab.env.go.jp

- **Alcohol and tobacco**
  - Ministry of Finance (MOF)  
    Director, Alcohol and Tobacco Taxation and Tax Administration Section, National Tax Agency  
    TEL: +81 3 3581 4761  
    Email: tax@nita.go.jp

- **Academic research**
  - Ministry of Education, Culture, Sports, Science and Technology (MEXT)  
    National Institute of Mental Health  
    TEL: +81 3 3581 4151  
    Email: hokoroku@nims.go.jp

- **Pharmaceuticals and its equivalent**
  - Ministry of Health, Labour and Welfare (MHLW)  
    Planning and Strategy Division, Health Policy Bureau  
    TEL: +81 3 3561 8150  
    Email: biodiv@mhlw.go.jp

- **Breeding or its equivalent and food industry**
  - Ministry of Agriculture, Forestry and Fisheries (MAFF)  
    Environment Policy Office, Policy Planning Division  
    Minister’s Secretariat  
    TEL: +81 3 3561 4017  
    Email: info@maff.go.jp

- **Mining and manufacturing industries**
  - Ministry of Economy, Trade and Industry (METI)  
    Mining Policy Office, Business Administration Division, Financial Bureau  
    TEL: +81 3 3561 8013  
    Email: info@meta.go.jp

MOE’s ABS Website

The Ministry of the Environment has launched the ABS website.

<Contents>
- Introduction to the Nagoya Protocol and the ABS Guidelines
- Reporting procedures under the ABS Guidelines
- Publication of reports based on the ABS Guidelines
- Japanese translations of other countries’ ABS legislations for references
- Related links to ABS information sites


Contact points for supporting ABS preparation

<Academic/Research sector>
ABS Task Force Team for Academia, National Institute of Genetics  
TEL: +81 55 981 5831  
FAX: +81 55 981 5832  
E-mail: abs@nig.ac.jp

NIG ABS Search

<Industrial sector>
Japan Biodiversity Association Research Institute  
Consultation Desk on Access to Foreign Genetic Resources  
TEL: +81 3 5651 2731  
FAX: +81 3 5651 2737

ABS Guidelines, the domestic measures for the Nagoya Protocol
- Promoting Internationally Reliable Research and Development

3rd edition, July 2017

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The ABS Guidelines (Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization)

On August 20, 2017, Japan became a Party to the Nagoya Protocol (1), and its domestic measures “the ABS Guidelines” came into force.

The 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

Please be aware that hereafter a report on lawful access to genetic resources overseas is requested under the Guidelines in order to increase the reliability of the utilization and research activities of genetic resources in Japan through transparent reporting.

Background on the ABS Guidelines

The Convention on Biological Diversity

- Access to genetic resources shall be subject to PIC (2) and in compliance with ABS legislation of the provider country.
- MAT (3) with providers is to be established.
- Access to genetic resources and the benefit-sharing shall be upon MAT.

(2) PIC: Prior Informed Consent
(3) MAT: Mutually Agreed Terms

The Nagoya Protocol

[The Protocol requires Parties to]

Information sharing mechanism
ABS Clearing House (“ABCH”) (4)

Provider country
To provide legal certainty and transparency of its domestic ABS legislation (if the country requires PIC)

User country
To take measures to ensure that genetic resources are accessed and utilised in compliance with ABS legislation of provider countries,

(4) ABCH: Access to Biological Material Clearinghouse

The ABS Guidelines (Domestic measures of Japan)

[Provider country measures]
- The Government of Japan does not require PIC for access to genetic resources in Japan.

[User country measures]
- Reports on lawful access
- Reports on unlawful access are to be submitted if one obtained access to genetic resources in a country, which had made its ABS measures available on the ABCH. Only such an access whose International Recognized Certificate of Compliance (IRCC) has been posted on the ABCH as evidence of PIC and MAT is to be covered by the reports.
- Monitoring
- Users are asked to submit the information on the utilization of genetic resources five years after submitting report on lawful access.
- Publication of the reported lawful access on the MOE’s website
- Information collected through access reports and user reports is to be posted on the MOE’s website and the ABCH.

Operation of Japan’s compliance measures

- Access
- Access reports on the ABCH (after approval, 5 years)
- Access to genetic resources

Voluntary reporting

One may submit a voluntary report in the following cases, even if (i) and (ii) do not apply:

A. Obtained a permit or its equivalent in accordance with the legislation of the provider country, but the IRCC for the said access has not appeared on the ABCH yet (see Form 2)
B. Received genetic resources in a foreign country from a person, who had acquired them in accordance with the legislation of the provider country, and imported them into Japan, or received genetic resources in Japan which had been lawfully accessed overseas and then imported into Japan (use Form 1 or 2)

How to check “legislations in provider countries”:

In the ABS Guidelines, “legislations in provider countries” mean domestic legislations or regulatory requirements of a provider country which are posted on the ABCH.

Report concerning lawful access to traditional knowledge associated with genetic resources

Among persons who are to submit a report above, those who obtained access to and imported traditional knowledge associated with the said genetic resources held by indigenous and local communities, one is to report on lawful access to the traditional knowledge as well.

Report on lawful access

One is to submit a report using Form 1 (5) when both (i) and (ii) apply:

(i) obtained access to genetic resources covered by the legislation of the provider country and imported them into Japan by oneself
(ii) the IRCC for the said access is posted on the ABCH. (1)

(5) Form: 1 is prescribed reporting forms attached to the Annex of the ABS Guidelines

Submission of relevant information related to the utilization of genetic resources

- (Subject Matter)
- The unique identifier of the IRCC (for Form 1)
- The title of the agreement or its equivalent (for Form 2)
- Whether the associated traditional knowledge was accessed based on PIC or approval (for Form 2)
- Whether the genetic resources are going to be utilized by the reporter oneself or passed on to others (for Form 2)
- Information on whether the reporter provides the ABCH or the MOE website with the information (for Form 2)

More information about each Form and reporting procedures are available on the MOE’s ABS website:

Information designated as confidential by the reporter will not be posted on the ABCH or MOE website.

Other reports, such as “legislation in provider countries” and reports on the utilization of genetic resources, will be submitted to the Environment within six months from the publication of the IRCC.