

Administrative Regulations for Biological Genetic Resources in the NIAS Genebank Project of the National Institute of Agrobiological Sciences

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(Purpose)

Article 1 Based on Article 6 of the NIAS Genebank Project Implementation Regulations (hereinafter referred to as the “Project Implementation Regulations”) of the National Institute of Agrobiological Sciences, the administration of biological genetic resources to be handled in the project (hereinafter referred to as the “Genebank Project”) shall comply with the provisions of these Regulations.

(Terms)

Article 2 Terms used in these Regulations are consistent with those used in the Project Implementation Regulations.

2. The Standard Material Transfer Agreement (hereinafter, referred to as “SMTA”) is the agreement provided in the ITPGRFA Article 12.4.

Article 3 Each of the biological genetic resources to be in accord with and agreed by a donor shall comply with the purposes of the Genebank Project, and except in special circumstances, shall satisfy the following requirements.

(1) Plant genetic resources shall satisfy the following requirements.

(i) The plant shall be of known type, origin, etc..

(ii) Sufficient plant material shall be provided to enable the material to be properly conserved.

(2) Microorganism genetic resources shall satisfy the following requirements.

(i) The type, characteristics for classification/identification, line (strain) name, origin, etc. of the microorganism shall be known.

(ii) The microorganism shall be provided in a certain amount necessary for preservation.

(iii) The microorganism shall not be highly hazardous.

(iv) The microorganism shall not be difficult to culture or preserve.

(3) Animal genetic resources shall be known its type, variety name, line name, origin, etc..

(4) DNA and other genetic resources shall satisfy the following requirements.

(i) The name, related animal and plant species and information regarding the origin including the supplier shall be known.

(ii) The DNA, etc. shall not be difficult to preserve or proliferate.

(Proliferation and Preservation of Biological Genetic Resources)

Article 4 The biological genetic resources that have been collected and accepted shall be appropriately proliferated, preserved and maintained.

(Administration and Provision of Information on Biological Genetic Resources)

Article 5 Biological genetic resources to be preserved shall be given a registration number and as a general rule be accessible to the public upon recording the type, product name, origin, characteristic information, preserved quantity, etc.

(Distribution of Biological Genetic Resources)

Article 6 As a general rule, biological genetic resources shall be distributed for research (including breeding) or educational purposes (hereinafter referred to as “Research Purposes”) and be subject to fees. However, distribution to outside of Japan shall conform to the conditions specified by the Director of the Genetic Resources Center, except for the distribution of plant genetics resources under the SMTA.

2. Plant genetic resources under the SMTA are those collected under the SMTA and designated to be included in the ITPGRFA multilateral system by the Ministry of Agriculture, Forestry and Fishery. Distribution of the plant genetic resources shall conform to the ITPGRFA Articles 12.3 and 12.4. Also, In case where plant genetic resources are to be distributed under the SMTA, pursuant to the Article 6.4 of the SMTA, the distribution shall be notified to the Governing Body of the ITPGRFA.

3. Application for distribution shall be made by submitting the Application for Distribution of Biological Genetic Resources (attached Form No. 1), the Material Transfer Agreement that specifies the conditions for the use of the biological genetic resources (attached Form No. 2) and other documentation necessary for distribution.

However, in cases of plant genetic resources where the SMTA shall be applied, the SMTA shall be submitted instead of Form No. 2.

4. The distribution quantity and price shall be specified by the Director of the Genetic Resources Center and conform to the provisions in the Appendix. However, in cases where any of the following conditions apply, biological genetic resources may be distributed free of charge.

(1) Application for distribution received from staff of an organization commissioned under paragraph 6, Article 3 of the Project Implementation Regulations to provide for relevant commissioned operations.

(2) Application for distribution received from an organization or a person conducting free-of-charge media coverage, exhibits, etc. which would benefit the public relations of the Genebank Project.

(3) Application for distribution of plant genetic resources from foreign public organization or equivalent.

(4) Application for distribution received from an organization or a person who has provided the Genebank Project with biological genetic resources (excluding DNA, etc.) which can be distributed to third parties (limited to the provided quantity).

(5) Application for distribution received from an organization or a person who has offered to contribute to the Genebank Project by implementing genetic exchange of Animals through using the relevant animal genetic resources to conduct preferred proliferation or preservation.

(6) Application for distribution to provide for educational purposes in senior high schools or lower.

(7) Application for distribution received from an organization or a person who has offered to contribute to the Genebank Project by implementing characterization of the genetic resources conserved in the NIAS Genebank, according to the conditions defined by the Director of Genetic Resources Center.

(8) Applications for distribution of plant genetic resources under the SMTA.

(9) Other cases specified by the Director of the Genetic Resources Center.

4. In cases where biological genetic resources are to be distributed for a fee, the Institute shall issue an invoice to the organization or person who has applied for distribution (hereinafter referred to as the “Applicant”). The Applicant shall make payment of the fee to a specified bank account based on the invoice. However, the Applicant who has applied for payment by Credit Card, pursuant to the Supplementary of the Article 14 of the Accounting Practice Regulations of the National Institute of Agrobiological Sciences (20 NIAS No.092404), the distribution will be exempt from the provision of “after confirmation of the payment” in the next paragraph .

5. Except for the cases provided for in paragraph 3 where biological genetic resources are to be distributed free of charge, biological genetic resources shall be distributed after confirmation of the payment. Moreover, the Notice of Distribution of Biological Genetic Resources (attached Form No. 3) shall be sent with the distribution.

(Limitations, etc. on Distribution of Biological Genetic Resources)

Article 7 In cases where any of the following conditions apply, distribution of biological genetic resources may be refused.

- (1) The purpose of usage submitted by the Applicant is deemed inappropriate.
- (2) The inventory quantity is insufficient (excluding cases where the quantity to be distributed may be adjusted).
- (3) The Applicant has breached the provisions of these Regulations.
- (4) The distribution is deemed inappropriate after examining various laws, treaties, regulations, etc.
- (5) The distribution is deemed inappropriate for reasons such as potential adverse effects on food and agriculture in Japan.

2. In cases where any of the following conditions apply, distribution quantity of biological genetic resources may be adjusted.

- (1) Adjustment of the distribution quantity is deemed necessary considering the purpose of usage submitted by the Applicant.
- (2) The inventory quantity is insufficient.

(Responsibilities of Recipients)

Article 8 The recipient shall comply with the Material Transfer Agreement (attached Form No. 2). However, in case where plant genetic resources distributed under the SMTA, the recipient shall comply with the SMTA.

(Particulars)

Article 9 Items necessary for the administration of biological genetic resources which are not specified by these Regulations shall be specified elsewhere.