

# Nagoya Protocol: CHECKLIST FOR RESEARCHERS

This checklist should be used in conjunction with the Nagoya Protocol webpage, which has further information, prior to starting research.

1. **Determine whether the Nagoya Protocol will apply to the material.** Tick the statements that apply. If all, proceed with checklist.

- The material is a genetic resource (i.e. any material containing functional units of heredity [e.g. genes or DNA]) or their derivatives (e.g. proteins, lipids, enzymes);
- The genetic resource is non-human (human material is exempt);
- It is not already covered by an existing legal agreement i.e. the International Treaty on Plant Genetic Resources for Food and Agriculture or WHO's Pandemic Influenza Preparedness Framework);
- It is found within an area of national jurisdiction (areas outside national jurisdiction, e.g. the high seas, are exempt);
- The genetic resource will be 'utilised' by you or a third party, and/or the genetic resource will be held in a museum collection or registered collection and made available for research.
- The genetic resource was accessed directly i.e. obtained from its country of origin by you or a third party after 12th October 2014.

2. **Identify information on the provider country.** Use the Access and Benefit Sharing (ABS) Clearing House website and/or the country's named ABS National Focal Point (see guide). Tick the statements that apply. If all, proceed with checklist.

- The country is a party to the Nagoya Protocol;
- The country has established access measures for the genetic resource you intend to use (or it is unclear to you whether there are access measures).

3. If you tick all the boxes, your work will be within the scope of the Nagoya Protocol and you must undertake **due diligence**. The steps required will vary depending on how you will access the genetic resource (GR).

3.a **Direct Access** – the GR will be obtained directly from the provider country

- Determine what access measures the country has established for the GR;
- If unsure, contact that country's National Focal Point to confirm;

- If required, apply for 'Prior Informed Consent' (PIC);
- If required, the University will negotiate 'Mutually Agreed Terms' (MAT) with the Competent National Authority;
- Check if you will need other permits (e.g. for access to protected areas);
- The Competent National Authority provides the researcher with a national permit;
- The ABS Clearing House generates an Internationally Recognised Certificate of Compliance (IRCC);
- Comply with the terms of the PIC & MAT throughout research.

3.b **Indirect Access** – the GR will be accessed from a third party.

Liaise with the third party (e.g. registered collection, collaborator etc.) to complete the following steps:

- Determine the best way to obtain the GR for your project;
- Confirm if PIC and MAT were established when the resources were originally accessed;
- Obtain PIC and MAT from the third party or records confirming they were not required;
- Confirm that the transfer and your utilization will be covered by PIC and MAT conditions;
- If not, or if PIC and MAT are required and not established, apply for a new or modified PIC and MAT from the provider country;
- Comply with the terms of PIC & MAT throughout research.

4. **Submit a Due Diligence Declaration** (see the Nagoya Protocol webpage for further information).

Due diligence declarations will be required at one of two checkpoints. If your project reaches either checkpoint, you must submit a due diligence declaration.

Receipt of research grants to support the utilization of the GR – the declaration is required after the receipt of the first instalment of funding but before the final project report;

Reaching the final stages of product development (i.e. commercialisation) as a result of utilising the GR;

On reaching either checkpoint:

- Complete the relevant due diligence declaration template using the European web portal DECLARE;
- Contact your institution's research office who will assist in submitting the declaration to the Agency Nature & Forests (ANB, for users in Flanders)

5. **Record Keeping & Transfer.** Due diligence records (i.e. IRCC or equivalent information) must be stored for 20 years after the end of utilisation. If transferring the GR to a third party, you must provide the IRCC or equivalent information.