**The Nagoya Protocol – Checklist for Researchers**

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

If your research falls within scope then you should send a completed version of this checklist to [researchcompliance@hull.ac.uk](mailto:researchcompliance@hull.ac.uk). If your research is not within scope, then you should keep a copy of this completed checklist within your research records.

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| --- | --- |
| Lead Researcher | Click or tap here to enter text. |
| Faculty | Click or tap here to enter text. |
| Project Title | Click or tap here to enter text. |
| Worktribe ID | Click or tap here to enter text. |

Is your research within the scope of the Nagoya Protocol?

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| **Within Scope?** | |
| Do the following apply to your research material? | |
|  | The material is a non-human genetic resource (i.e. any material of animal, plant, microbial or other origin containing functional units of heredity (e.g. genes or DNA) or their derivatives (e.g. proteins, lipids, enzymes); and/or is associated traditional knowledge from an indigenous community. |
|  | The material is **NOT** already covered by an existing ‘specialised international instrument’ (e.g. [WHO’s Pandemic Influenza Preparedness (PIP) Framework](https://www.who.int/initiatives/pandemic-influenza-preparedness-framework) or [International Treaty on Plant Genetic Resources for Food and Agriculture](https://www.fao.org/plant-treaty/overview/texts-treaty/en/) (ITPGRFA)). |
|  | The material is found within an area of national jurisdiction (e.g. **not** the high seas, or area covered by Antarctic Treaty System). |
|  | The material was, or will be, accessed from the origin country or third party after 12 October 2014. |
|  | The material will be ‘utilised’ in the UK, whereby ‘utilised’ means conducting research on the genetic or biochemical composition of the genetic resource or their derivative including through their application of biotechnology. See the Universities Nagoya Protocol webpage for further guidance on what does and does not constitute research and development for these purposes. |
| **Origin Country?** | |
| Do the following apply to your research material? | |
|  | The country has ratified the Nagoya Protocol. |
|  | The country has established measures that cover the material for your resource. (or it is unclear as to whether or not there are access measures). |

Tick the statements below which apply to your research:

If **all** of the above statements are relevant to your research, then you will need to complete the rest of the checklist.

If not all of the above statements are relevant to your research, you will not need to complete the rest of the checklist but will need to save a copy of this checklist as evidence of your due diligence in respect to the Nagoya Protocol. Please keep this with other study documentation.

If your research comes under the Nagoya Protocol, follow these steps before starting your research:

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| **First steps** | |
| You need to: | |
|  | Inform [researchcompliance@hull.ac.uk](mailto:researchcompliance@hull.ac.uk) that you believe your research is in scope. |
|  | Factor in the additional time/resource to your research schedule for the due diligence process. |
|  | Determine if the genetic resource will be accessed from the origin country or through a third party. |
|  | Use the ABS Clearing House to determine which national laws and processes need to be followed and to identify contacts in the origin country. *(****Remember:*** *you need to take screenshots and keep records of this.)* |

Depending on if you are accessing the genetic resources directly from the origin country or through a third party, the steps you will be required to take to carry out due diligence will differ. **You only need to complete one section of the below due diligence checklist, either direct access or indirect access**.

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| **Due diligence** | |
| Direct access (from origin country) | |
|  | Obtain a Prior Informed Consent (PIC) from the provider country (if required) |
|  | Contact the Contracts Team about negotiating a Mutually Agreed Terms (MAT) with the national authority. |
|  | Clarify if any other permits are required. |
|  | Comply with the conditions of the PIC/MAT and/or any other agreements throughout your research. |
| Indirect access (through third party so **not** from origin country) | |
|  | Contact the third party to establish what arrangements were in place when the genetic resource was initially accessed from the origin country, and if they are still applicable now. |
|  | ***EITHER:*** obtain a copy of the PIC/MAT that were established upon original access and confirmation they will cover your utilisation ***OR*** obtain record from the third party that PIC/MAT were not required  ***OR*** apply for new or modified PIC/MAT |
|  | Clarify if any further permits are required. |
|  | Comply with the conditions of the PIC/MAT and/or any other agreements throughout your research. |

During your research:

There is the requirement to submit a Due Dilligence declaration at two points within your research

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| **Due diligence declaration** | |
| You are required to submit a declaration at either/both of the following points. Please review the [Guidance on the Nagoya Protocol processes](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947137/nagoya-protocol-process-guide.pdf) for more information | |
|  | Receipt of grant funding for the utilisation of genetic resources. |
|  | Final development stage of product development as a result of the use of a genetic resource. |
| When you are required to submit a Due Diligence Declaration Form you must: | |
|  | Download the [template](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F1151987%2Fnagoya-protocol-form-due-diligence-declaration-2.odt&wdOrigin=BROWSELINK) from the [Gov.uk website](https://www.gov.uk/guidance/abs) website and complete it. |
|  | Send your completed form to Research Governance to check. We will then submit to DEFRA on behalf of you and the institution. |
|  | Save the completed Due Diligence Declaration to your records. |

You are required to keep a record of all due diligence activities for 20 years following the end of utilisation of the genetic resource.

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| **Records** | |
| You are required to maintain a record and send through to research governance a copy of the following documents: | |
|  | A copy of this completed checklist |
|  | Screenshots from the [ABS Clearing House](https://absch.cbd.int/en/). |
|  | Any PIC/MAT agreements (if applicable) |
|  | Any Internationally Recognised Certificate of Compliance (IRCC) (if applicable) |
|  | Communication with the [National Focus Point of country of transfer](https://www.cbd.int/information/nfp.shtml) (if applicable) |
|  | Communication with any third party (if applicable) |
|  | Due Diligence declaration form (if applicable) |
|  | Any other relevant documentation |