



Position statement on the Convention on Biological Diversity (CBD) and particularly on local legislations and regulations implementing the Nagoya Protocol

(PIC - Prior Informed Consent, ABS – Access and
Benefit Sharing & MAT – Mutually Agreed Terms)

September 2019



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Givaudan supports the terms of the Convention of Biological Diversity, being the conservation of biological diversity, the sustainable use of the components of biological diversity and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources.

Givaudan has developed comprehensive policies which recognise the need to protect the environment and its natural resources, in particular Givaudan's Principles of Conduct and Givaudan's EHS Policy on Safety and Environmental Protection.

Within the frame of Givaudan's research and development programmes, Givaudan uses compounds derived from natural resources. In the sourcing process of these compounds, Givaudan takes all necessary steps to ensure that both Givaudan and its third party suppliers are entitled to use said compounds and natural resources, and that all the applicable laws and regulations are complied with, taking into account the key principles of the CBD in particular.

Where appropriate, the following steps are followed:

- Identifying the 'owner', focal point or entity responsible for the resource;
- Obtaining prior informed consent to access genetic resources and establish mutually agreed terms for access;
- Complying with local certification requirements for the exchange of plant material.

In the event where Givaudan would be actively involved in any bio-prospecting programme, Givaudan would strictly observe any applicable local laws governing the access to genetic resources and the benefits sharing. In particular, Givaudan will endeavour to define precise access rights to the predetermined species and specific benefits – either monetary, or of any other nature – to be shared with the local partner in the event of any future commercial development arising from Givaudan's research activities.

Consequently, in practice, Givaudan might, for example:

- Sign a Material Transfer Agreement with a university or botanic garden for access to certain plants;
- Support in cash or in kind the biodiversity related work of a university or botanic garden;
- Obtain shipping permits or import/export licence for wild plant material sent from certain countries;
- In the case of specific projects involving institutions and plant material from other countries, Givaudan may also prepare a joint research agreement that includes clauses relating to access and benefit sharing.



This approach enables Givaudan to obtain biological material and carry out research for its own purposes, while acknowledging that if any commercial benefits arise from that biological material, the original provider is entitled to some form of benefit. The provider is also expected to recognise the knowledge, expertise and effort contributed by Givaudan and to agree a realistic and fair share in the event of any future commercial benefits.

The full scope of the Nagoya Protocol requirements is not yet clear and leaves room for interpretations. In order to establish a common understanding of the requirements of the Nagoya Protocol and a set of best practices for its application, Givaudan is collaborating with industry associations and several global multi-stakeholder organisations notably:

- IFRA and IOFI
- Cosmetics Europe (including FEBEA)
- The Natural Resources Stewardship Circle
- Scienceindustries Switzerland
- ABIQUIM - Associação Brasileira das Industrias Quimicas - Brazilian Association of Chemical Industries

In any case, Givaudan will comply with local legislations as they enter into force in the respective countries.

References

The Convention on Biological Diversity (aka CBD) is an international agreement constituted at the 'Rio Summit' in 1992.

Its aims are:

1. The conservation of biological diversity
2. The sustainable use of the components of biological diversity
3. The fair and equitable sharing of the benefits arising out of the utilisation of genetic resources

Access Rights and Benefit Sharing have been further defined by the Nagoya Protocol in 2010. "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 is an international agreement which aims at sharing the benefits arising from the utilization of genetic resources in a fair and equitable way."

The Nagoya Protocol entered into force on 12 October 2014, 90 days after the date of deposit of the fiftieth instrument of ratification.

References

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