



# **The Nagoya Protocol on ABS: Implementing the Green Economy!**

## **Copenhagen III**

### **The 3<sup>rd</sup> ABS Business Dialogue**

**Copenhagen, Denmark  
4 and 5 September 2013**

**Hosted by:  
Ms. Ida Auken  
Danish Minister of the Environment**

## **REPORT**



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## Background

The Nagoya Protocol on Access and Benefit-sharing (the Nagoya Protocol), adopted in October 2010 under the auspices of the Convention on Biological Diversity (CBD), represents a pivotal milestone in the history of the Convention and can be regarded as a key element in designing a global framework for sustainable development in a green economy. It not only aims at creating fair exchange conditions for genetic resources, but also provides enhanced legal certainty for providers and users in valuing nature in a market economy.

Dialogue and co-operation between policy makers, regulators and the private sector on new access and benefit-sharing legislative and regulatory frameworks has increased over the past two years, following the adoption of the Protocol. Many countries have initiated national or regional processes for ratification and implementation of the Protocol. However, operational details of the Nagoya Protocol, concrete implementation options at the national level and the establishment of fair and equitable ABS agreements with business remain a challenge that needs to be addressed through close cooperation between the public and the private sector.

In this context and based on the previous two Business Dialogues, held in Copenhagen in September 2010<sup>1</sup> and June 2012<sup>2</sup>, the aim of this workshop was to provide guidance to policy makers in the establishment of effective ABS systems, including prior informed consent (PIC) and mutually agreed terms (MAT).

To achieve this objective, the workshop

1. Brought together representatives from a variety of different user sectors - from small and medium size to multinational enterprises, ABS government authorities and other relevant stakeholders – from North and South;
2. Provided an update of relevant developments at the international, regional and national levels related to ABS (e.g. status of ratification and implementation of the Nagoya Protocol, integration of ABS into business practices);
3. Provided a forum to discuss selected business and R&D models from different sectors utilising genetic resources (Pharmaceutical, Food & Beverages, Cosmetics and Biotechnology).
4. Identified how corporate social responsibility (CSR) policies could integrate, as well as generally support ABS, and how benefits could be directed to the conservation of biodiversity and the sustainable use of its components

The workshop was concluded with a half-day high level segment, hosted by Ms. Ida Auken, Danish Minister of the Environment. Findings from the technical discussions were conveyed to high-level representatives of Governments from North and South, relevant businesses and industries, as well as other international institutions. Participants had the opportunity to further discuss and elaborate on the outcomes and share their perspectives on ABS in the context of a Green Economy.

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<sup>1</sup> See report of the meeting at: [http://www.abs-initiative.info/copenhagen\\_09-10\\_010.html?&L=http](http://www.abs-initiative.info/copenhagen_09-10_010.html?&L=http)

<sup>2</sup> See report of the meeting at: [http://www.abs-initiative.info/copenhagen\\_06-12\\_0110.html?&L=http](http://www.abs-initiative.info/copenhagen_06-12_0110.html?&L=http)

## Process and outcome

The two-day workshop, including the high-level segment, brought together over 70 representatives from different companies, governments, research institutions, indigenous and local communities from North and South.

### Opening

After a welcome by Mr. Suhel al-Janabi on behalf of the ABS Initiative and the presentation of participants, Ms. Ida Auken, Danish Environment Minister, officially opened the meeting. In her opening statement she recognized, among others, the important role of the Nagoya Protocol (NP) as the first internationally binding scheme of payment for eco-system services within a green economy. She further pointed to the fact that the Dialogue's outcomes will be valuable for many countries currently engaged in the development of their national ABS legislative and regulatory frameworks.

Mr. Braulio Ferreira de Souza Dias, Executive Secretary of the Convention on Biological Diversity (CBD), highlighted in his statement the strategic importance of the entry into force of the Nagoya Protocol and emphasized the need for a balanced membership of developing and developed countries for a successful implementation of the Protocol.

Mr. Lars Goldsmith, Director of the Confederation of Danish Industries, noted in his opening speech the importance of legal certainty for a good business climate.

Finally, Mr. Janez Potocnik, EU Commissioner for the Environment, noted in his speech delivered by video message, among others, the importance of a fruitful partnership between public and the private sectors for attaining the third objective of the CBD.

### Update on regulatory and other relevant developments at the international and national level

During the morning session, an update of relevant ABS developments at the international and national levels was provided. A general introduction to the concept of ABS and the Nagoya Protocol was provided by the film "ABS – simply explained" and was followed by a more detailed presentation of the Nagoya Protocol by Ms. Beatriz Gomez-Castro of the CBD Secretariat. Her presentation provided an overview of the key obligations of the Protocol and of the main issues still under consideration in preparation for its entry into force. Finally, Ms. Gomez-Castro drew attention to other international instruments and processes that are relevant to the Protocol, including WIPO, the ITPGRFA and the CGRFA.

In addition, a series of 'expert interviews' with representatives of the public and private sector highlighted some of the ongoing efforts in implementing ABS at the regional and national level, as well as in the business community. The following contributions were made:

*... by the public sector:*

Ms. Mahlet Teshome, Legal Expert in the Human Resources, Science and Technology Department of the African Union Commission, reported on the ongoing process for the elaboration of African Union (AU) Guidelines to support the coordinated implementation of the Nagoya Protocol. She highlighted the importance of a regional approach to assist the member states in their implementation efforts.

Mr. Vassilis Koutsouris, ABS Desk Officer, at DG Environment of the European Commission, presented the Draft EU Regulation, its current status, as well as the ongoing process for its adoption. He pointed to fact that the European Parliament will have elections in February 2014 and that time is pressing.

Ms. Christine Akello, a lawyer working with the National Environment Authority (NEMA) – Uganda, gave an overview of the ongoing activities in Uganda in preparation for the ratification of the Protocol, which include e.g. awareness raising activities (in cooperation with UNEP), a legal gap analysis of existing legislation. Ms. Akello highlighted that the ratification of the Protocol requires a completed ABS law. The process is, however, cumbersome and Cabinet had not yet discussed the issue.

Ms. Leticia Piancastelli Siqueira Brina, Environmental Analyst at the Ministry of Environment (MMA) of Brazil, reported on the revision of the existing ABS laws in Brazil in light of the new requirements of the Nagoya Protocol. Thanks to the long Brazilian experience in ABS matters the new legislation will profit from a number of lessons learnt, including the urgent need to avoid bureaucracy, to rethink the approach to traditional knowledge and strengthen capacity building efforts for reserve managers and ILCs, for example.

Mr. Braulio Ferreira de Souza Dias, as former Secretary of Biodiversity and Forests at the Brazilian Ministry of the Environment, added that the agricultural sector was particularly challenging and that the simplification of rules and the improvement of support for companies operating at the international level are among the key issues to be resolved.

Mr. Thomas Ebben, ABS Policy Officer, Environment Ministry of Germany, referred to the process at the EU level, as well as to related specific activities at the national level, including regular round tables with the industry and other stakeholder groups, such as researchers and botanical gardens and related studies. In addition, he pointed out that a great challenge was to get to the right level of governance, i.e. administrative structures for implementation of the EU Regulation, which need to be developed in parallel, so that Germany is ready when the EU regulation enters into force.

Mr. Gaute Voigt-Hansen, ABS National Focal Point of Norway, reported on the revision of Norway's 2009 ABS legislation in light of the adoption of the Nagoya Protocol. The greatest challenge was the choice of an approach towards TK, but amendments of the law were adopted this autumn to pave the way for Norway's ratification of the Nagoya Protocol this year.<sup>3</sup>

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<sup>3</sup> Norway has ratified the Nagoya Protocol on October 1, 2013.

... by the private sector:

Ms. Daphne Yong d'Hervé, Senior Policy Manager, Intellectual Property, at the International Chamber of Commerce (ICC), explained shortly the role of the ICC during the negotiations of the Nagoya Protocol, i.e. helping to coordinate and find common positions for its members and explained that the ICC continues to be a forum for exchanging views and for developing best practice standards in the implementation phase of the Protocol. She stressed, however, that there are still grey areas of interpretation in the Nagoya Protocol and that final details of the best practices will depend on national interpretation and implementation.

Ms. Maria Julia Oliva, Senior Adviser from the Union of Ethical Biobusiness (UEBT), presented the Ethical BioTrade standard, which includes ABS principles and has been revised in light of the new requirements of the Nagoya Protocol. UEBT also developed a manual to help implement these standards and provides concrete advice to members on how to implement this into their respective R&D models. In addition, UEBT gives advice to governments on ABS policies (e.g. Brazil).

Mr. Ricardo Gent, CEO of the German Biotech Industry Organization (DIB), pointed to the awareness raising activities of his association since 2005 and its involvement in the negotiations of the Nagoya Protocol. He further referred to the association's principles of ABS best practices and explained that their final revision in light of the adoption of the Nagoya Protocol, however, will only be possible if clear national legal frameworks are put into place.

Ms. Cécile Joucan, Environment Department, LVMH, reported that ABS principles have been integrated in the company's activities since many years, in particular with respect to indigenous and local communities. Currently, LVMH is examining existing arrangements to determine whether they need to be revised in light of the Nagoya Protocol. The company is also considering public private partnerships as an opportunity to try new approaches and gain more experience in ABS matters.

Mr. Bruno David, Pierre Fabre Research Institute, stressed the need for a workable, simple and fair regime on ABS. He considered that access to genetic resources was still very cumbersome, e.g. in Africa, and that management of expectations was key for an adequate solution.

Mr. Xavier-Raphael Sana, Managing Director of Latitude 23, presented his company, which mainly trades with tropical botanicals, as well as supports clients in setting up supply chains (e.g. in Madagascar). As the value chains are very complex and it is very difficult to foresee possible benefits, setting up equitable benefit-sharing systems is a challenge. The company joined UEBT to have a good framework for the company's policies and good practices and to contribute to the sustainable use of biodiversity in general.

Mr. Peter Lovett, Project Development Director and Co-Founder of the Savannah Fruit Company, gave a short overview of the company's activities, which are based on the belief that socially responsible and environmentally sustainable business is possible. Its main business is the production of traditional hand-crafted shea butter and other plant products (<http://www.savannahfruits.com>). The company is very much interested in the ABS issue and recently applied for UEBT membership to

further promote its engagement, as well as clarify how far his company's activities fall under the scope of the Nagoya Protocol.

## Typical business models and value chains for different business sectors

### Understanding private sector's operations and needs

The afternoon sessions started with an introductory presentation by Mr. Suhel al-Janabi, ABS Initiative, on recent, ongoing and planned activities of the ABS Initiative related to ABS and the private sector, including e.g. publications on ABS and Biotrade, ABS contracts, as well as studies on the business potential of genetic resources, the role of TK and negotiations with ILCs. Mr. Al Janabi also gave a short recap of the two previous ABS Business Dialogues held in Copenhagen in 2011 and 2012, and presented key findings of the thematic sessions on R&D/ Business & benefit-sharing models held at the 7th Pan-African ABS Workshop. One **key lesson learnt** from those meetings was that there is no “one size fits all” approach and that **each sector has its specifications and unique features, which need to be accommodated by national policies and regulations**. Business representatives were invited to present their specific R&D and product development models with a view to inform national policy processes.

Mr. Julien Chupin, consultant to the ABS Initiative presented general sector trends with respect to R&D and product development processes as well as a generic model for a product development process, which served as the basis for the sector presentations that followed. In addition, Mr. Chupin drew attention to the importance of considering the scope of R&D activities for each sector, as well as possible approaches and practical experiences with benefit-sharing.

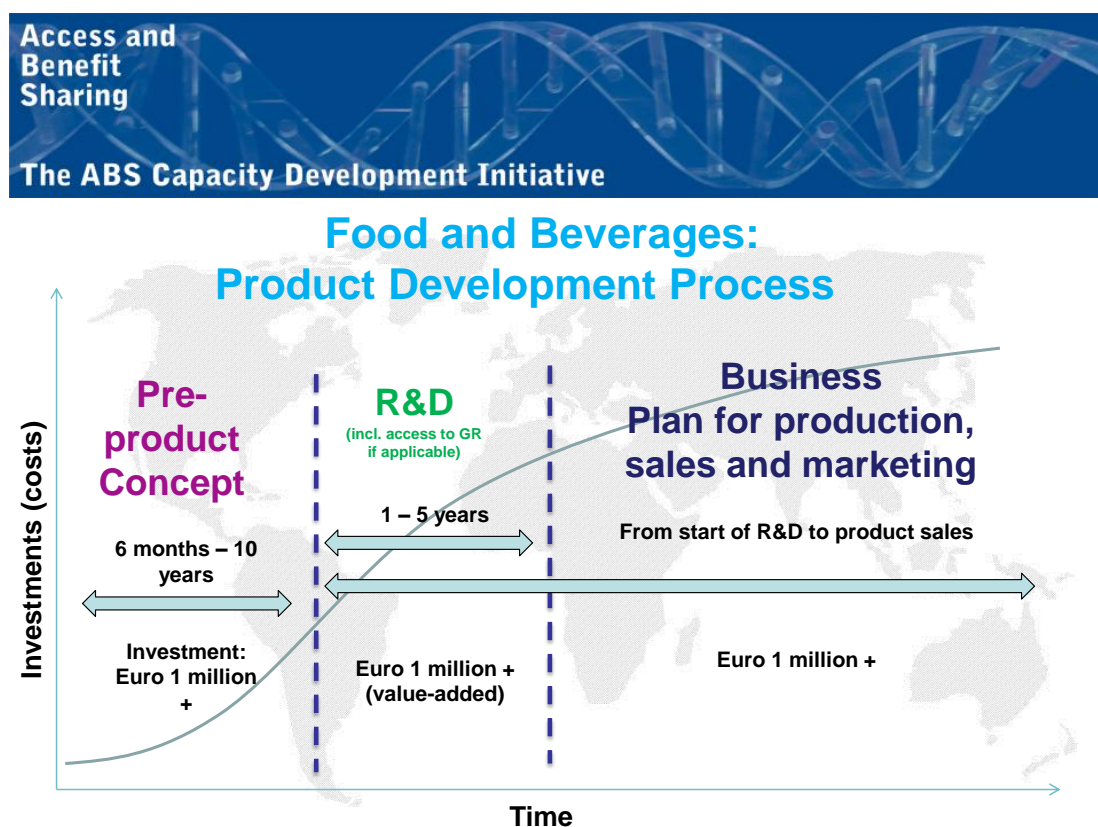


Figure 1: Example for Product Development Process



## R&D and product development in practice: Examples from selected sectors

Presentations of the four sectors (Biotechnology, Food and Beverages, Cosmetics and Pharmaceutical) followed, each preceded by a short overview of the sector's specificities by Mr. Chupin. The great variety of approaches towards R&D and product development processes was highlighted and a range of different challenges and lessons learnt with respect to benefit-sharing, for example, were identified.

### Biotechnology

Mr. Bo Hammer Jensen, Novozymes, highlighted his company's long involvement with CBD issues, since its basic business model relies on biodiversity. Novozymes is a clear business-to-business company and its R&D activities focus on identifying new activities and applications and improvements in known activities using all relevant technologies from basic fermentation to advanced genomics. Generally, traditional knowledge does not play a role. The company has formulated its own code of conduct, i.e. Requirements on the Use of and Access to Genetic Resources, including references to PIC and MAT and disclosure of the country of origin in relevant publications and patent applications. Whereas it is often "easy" to collaborate and negotiate with partner organisations in the provider country, government negotiations proved to be more difficult and sometimes hampered by corruption. Trust is key to any successful outcome. With respect to benefit-sharing, the company offers modest upfront payments and non-monetary benefits, milestone payments and finally, royalties if the product reaches the market. From an industry perspective, according to Bo Hammer Jensen, simple and transparent procedures, no new patentability requirements and no retroactivity are key to a successful implementation of the Nagoya Protocol.

### Food and Beverages

Ms. Katie Beckett represented PhytoTrade Africa, a non-profit, membership based trade association, whose objective is to help grow Southern Africa's natural product industry while ensuring its long term sustainability and social equity. With respect to the food and beverages sector she pointed out that there is no typical R&D process, therefore regulations need to be flexible. In particular, Ms. Beckett highlighted the 'pre-product concept phase', which can last from a couple of months up to 10 years, in which local research and the supply chain development take place long before the target commercial partner actually joins the process. Regulators, however, may be already involved through PIC and MAT. Benefit-sharing, in the case of Phytotrade, comprises primarily non-monetary benefits, including technology transfer and know-how transfer, as well as supply chain certification and business planning support. Finally, Ms. Beckett recommended that national stakeholders should work with organisations that assess opportunities (production, market feasibility) in the provider country and then together bring ideas to industry. While industry should look for partners to play a role between private and public sector, national stakeholders should be proactive themselves and approach industry with project ideas.

## Cosmetics and Fragrances

Mr. Christian Eberhardt, MANE Group, highlighted that in his sector the flavour and fragrance compounds may only present 1 % of the ingredients of a final product, however they are essential and have a great impact on a variety of different products. He further explained that all the steps of the product development chain are subject to R&D, from the initial raw material up to the final product. Increasing regulatory requirements as well as technical and economical/marketing issues have become constraints. The company has an ethical approach. It engages, among others, in the UN Global Compact, has formulated its own 'Purchasing and Sustainable Development Charter' and also uses certification. Finally, Mr. Eberhardt presented the company's ongoing activities in different African countries, including the sourcing of *Echinops giganteus* in Cameroon, where MANE is currently involved with local communities and the government to get the necessary authorization (PIC) and enter into mutually agreed terms in accordance with the requirements of the CBD and the Nagoya Protocol on ABS.

## Pharmaceutical

Mr. Brendan Barnes, European Federation of Pharmaceutical Industries Association (EFPIA), gave a short overview of his organization, which has been involved in ABS policy issues since 15 years. When explaining the R&D process in the pharmaceutical sector, he highlighted the complexity and multidisciplinary character of the process, its high failure rate and the high investments to be made. It can take 10 to 12 years to go from an idea to the market. Mr. Barnes also emphasised the high competitiveness of the sector and pointed out that natural product research is only one (!) approach. Genetic resources are still scientifically of value, but also contain many risk factors (i.e. reliability of supply and legal uncertainties, i.e. patent invalidity, stricter regulatory approval processes). Often genetic resources are not found in the end product, but are used as research and production tools only. As a consequence, most large companies have closed their natural products programmes and associated bioprospecting efforts and natural product discovery is done by smaller discovery companies, public entities and universities around the world. He observed that the value chain is very complex and includes many different research steps and that many different users are involved. Finally, Mr. Barnes gave specific comments on the proposal for the EU draft regulation on ABS and emphasized the need for a workable solution, which provides legal certainty (e.g. with respect to scope), as well as a proportionate compliance system.

Following a summary of key findings of the four presentations by Mr. Geoff Burton, UNU, a discussion followed, which addressed the challenges and practical implications of the different sectoral approaches. Similarities, but also differences were clearly identified.

### **The following issues and lessons learnt came up during the final discussions of the day**

- R&D and product development processes are complex and differ between sectors and also on a case by case basis.
- Some similarities between food & beverages and cosmetic, as well as between pharmaceutical and biotech sectors were identified as well as common elements to the 4 sectors (e.g. go/no go decisions throughout the R&D process; IP considerations; development of science and technology is changing industry practices (e.g. genomics))
- However, enormous variations were highlighted in terms of the level of science and technology used, investments in R&D (0 to 5%), need to access GR (e.g. continuous, one-off, tiny samples), use of TK, standard operating procedure (e.g. large retailer versus small specialist intermediaries), level of internal resources allocated (from 100% in house to outsource of R&D)
- ABS regulatory frameworks need to take into account these realities in the authorisation process and adapt timing for PIC and MAT
- Recognition of different abilities and capacities to share benefits and recognition of the value of non-monetary benefits (including expectation management)
- Legal certainty is decisive for any investments, in particular the issue of scope: what's in? / what's out? ABS or biotrade?
- Transparent and simple procedures (including clearly defined responsibilities and timelines)
- Outreach and information on ABS essential to contribute to trust-building

### **Working sessions on business models in different sectors (run in parallel)**

The following morning, taking into account the information shared and findings of the previous sessions, participants were divided into four groups each representing one sector (Pharmaceutical, Biotechnology, Food and Beverages and Cosmetics) and addressed the following questions:

Regarding ABS agreements in your sector:

- What are currently the 2-3 most pressing issues?
- What should be done to resolve these issues?

## Synthesis of lessons learnt and tentative conclusions for the high-level segment

Lively and constructive discussions in the different groups led to the identification of common challenges among the sectors as well as to some sector specific challenges. The main outcomes are contained in the table below:

Challenges	Approaches to address these challenges
Lack of legal certainty, including lack of clarity of scope (all)	Clear definitions in national law, clear procedures and definition of roles
Lack of clarity with respect to final beneficiaries (Cosmetics)	Clear governmental decisions at national level
Issue of trust (Pharma and Cosmetics)	Development of partnerships, regular dialogues, clear and reliable national regulatory frameworks
Transparency and simplicity (Biotech)	Simple access to information (through National Focal Points, Competent National Authorities); clear timelines and efficient procedures
Complex value chains with many intermediaries (e.g. challenges related to traceability, change of intent etc.) (Food & Beverages)	Reporting requirements in MAT, standard clause in commodity contracts („Material not to be used as GR“), ...
Monitoring/Compliance (Biotech)	Clear conditions in MAT (e.g. including country of origin in patent applications)
Lack of awareness (Pharma and Cosmetics)	Better communication with and within industry (at trade shows etc.); model contracts
Traditional Knowledge (Biotech)	Established rights and clear procedures needed for access to traditional knowledge and the sharing of benefits

**It became clear that one of the major challenges is still to set up, in the aftermath of the adoption of the Nagoya Protocol, reliable, simple, clear and transparent national ABS legislative and regulatory frameworks. In addition, the lack of awareness among users and of mutual understanding has added to an atmosphere of mistrust. The group agreed that this so-called ‘vicious triangle’ needed to be tackled at different levels to pave the way for a**



successful implementation of the Nagoya Protocol. Dialogue between governments and the private sector, as well as concrete examples of collaboration (e.g. public private partnerships, pilot projects etc.) could play an important role to overcome these challenges and inform the national processes in the development of ABS legislative and regulatory frameworks.

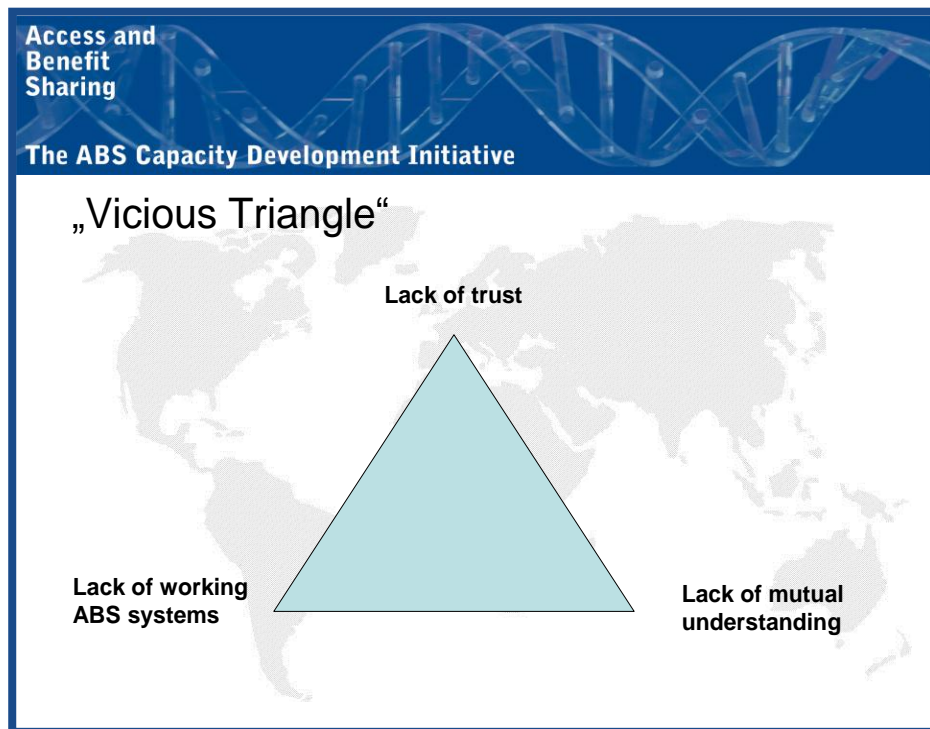


Figure 2: “Vicious Triangle”

## The High-level Segment: The Nagoya Protocol – an important step towards a green economy

### Report on outcomes of the technical meeting

The high-level segment in the afternoon started with a short recap by Mr. Andreas Drews on the outcomes of the technical meeting. In referring to the four sector presentations, as well as the outcomes of the group work on most pressing issues and possible solutions, Mr. Drews highlighted, among others, the issue of scope and lack of legal certainty with respect to R&D, i.e. utilization of genetic resources according to the Nagoya Protocol in the different sectors. **One clear outcome of the discussions was the need to provide clear definitions. Further, national ABS frameworks also need to establish clear responsibilities and procedures, including clearly defined timelines.** Mr. Drews finally highlighted what had been described as the ‘vicious triangle’ which resulted from the interplay between general lack of trust, lack of working ABS systems and lack of mutual understanding.

### Statement of Ms. Ida Auken, Danish Minister of the Environment

Ms. Ida Auken, as host of the high-level segment, welcomed the outcomes of the workshop and agreed that “trust” is key when dealing with ABS. She highlighted the

important role of the Nagoya Protocol in this context, i.e. providing a legal framework for ABS and benefiting all stakeholders when implemented in the right way. The Minister also praised the transparent process in preparing and adopting the Danish ABS law. Through a regular informal dialog with the industry, researchers, NGOs and other ministries, basic trust between the stakeholders was established and maintained.

Ms. Auken acknowledged the Nagoya Protocol as the first internationally binding scheme of payments for ecosystem services, expressing her hope that it could bring inspiration and lessons learnt to other PES schemes in a global green economy. Finally, the minister expressed her willingness to transmit the recommendations of the meeting to other relevant colleagues, processes and fora.

Panel Discussion with business executives and political decision-makers on key findings of the workshop (moderated by Suhel al-Janabi, ABS Initiative),

The panel discussion was composed of high-level representatives of Governments from the North and the South, relevant business and industry representatives, as well as other international institutions. Panel members were invited to share their reactions to the minister's speech and also to address the following questions:

How can we jointly build mutual trust between providers and users of genetic resources?

What can CSR policies contribute to building trust, as well as generally to ABS, in a green economy?

The following key issues were highlighted by panellists in their interventions:

*Dr. Braulio Ferreira de Souza Dias, Executive Secretary, CBD Secretariat*, recommended to bring the Nagoya Protocol into force as a global platform with the clear understanding that there are still many issues to be clarified and lessons learnt to be integrated. In this context, he pointed also to the challenge of aggregating reliable data due to e.g. the confidentiality of contracts and suggested a step wise approach, recognising that all the issues could not be solved at once and that a system facilitating the exchange of information and of learning experiences needed to be established.

*Dr. Abdul-Hakim Elwaer, Director of Human Resources, Science and Technology (HRST), AU Commission* highlighted the drafting process of the AU Guidelines on a coordinated implementation of the Nagoya Protocol in Africa and the need for good governance systems for equitable benefit-sharing, so that for example the interests and rights of ILCs can also be taken into consideration. Dr. Abdul-Hakim Elwaer highlighted further the need for the different stakeholder from North and South to get together and resolve the issue of lacking trust. For the discussions and the process to move forward, this has to be done jointly.

*Ms. Lone Dybdal Nilsson, Director Microbial Discovery, Novozymes A/S*, considered that one major learning experience of the workshop was the fact that the four sectors and their requirements are very different. A way forward could be to have different models to accommodate the different needs. Further, in Ms. Dybdal Nilsson's view, expectation management with respect to benefit-sharing is key. In this context, it is

important to create a common understanding of the mutual challenges and realities and look also into feasible short term benefit-sharing, such as training.

*Dr. Matthias Braun, Managing Director, Sanofi-Aventis Deutschland GmbH; CEO of the German Biotechnology Association (DIB)* underlined that trust is the basis for any viable business in the ABS context. Further, transactional costs are decisive and if long term revenues are to be generated, you have to provide a functioning system which is pragmatic and organizes - not “over regulates” - a market. With a view to exchanging information, Dr. Braun referred to the necessity of IP protection. At the same time he pointed to the REACH Regulation, which provides a high level of transparency with respect to the use of chemicals through the European Chemicals Agency (ECHA) based in Helsinki, Finland.

*Mr. Claude Fromageot, Director of Sustainable Development, Yves Rocher Group; Director of the Yves Rocher Foundation* pointed to the fact that consumers are more and more conscious that we have to change our lives. There are new ways of understanding business and positive thinking and enthusiasm should prevail. With respect to benefit-sharing it is important to look at immediate (in particular for ILCs), as well as long-term benefits at the start of a new process.

*Mr. John Cheesmond, former CEO of PhytoTrade Africa*, shared some practical experiences (e.g. the Hoodia case) and highlighted that a coherent legal framework across Africa should be established. The approach should seek a win-win solution, be pragmatic and realistic, avoid red tape and facilitate business by simple access procedures, as well as model clauses and business term sheets.

*Mr. Didier Dogley, Special Advisor to the Minister of Environment and Energy; Principal Secretary, Government of Seychelles; CBD and ABS Focal Point, Ministry of Environment and Energy of the Seychelles* drew attention to the role of regional organizations, which can help build capacity (e.g. through exchange of knowledge), as well as create synergies to build a harmonious system in the region, which would provide similar conditions in the countries and help users to comply.

*Mr. Lars Goldsmith, Director, Confederation of Danish Industry*, stressed the high degree of trust between industries and environmental authorities in Denmark. As a business organization, the Confederation of Danish Industry has contributed to this understanding and trust-building, not only at the national, but also at the international level. Through informal fact finding processes and dialogues, transparency and predictability, and respect for each other a shared objective emerged - the green economy!

### **Key Messages from the High-Level Segment**

- Bring NP into force as a global platform to further clarify open issues
- Start implementation and move together forward: learning by doing
- Mutual trust and sharing of knowledge essential to create understanding of the different challenges of the different sectors
- Accommodate different needs of different models
- Manage expectations and move into feasible immediate benefit-sharing, e.g. training
- Be pragmatic and realistic, avoid red tape and facilitate business by
  - Simple access procedures
  - Model clauses/business term sheets
- Long term investments and revenues need functioning systems and trust
- Seek win-win and focus on shared objective: green economy!

## Closing

At the closing of the meeting, Mr. Jaime Cavelier, Global Environment Facility (GEF), explained shortly the role of the GEF as the financial mechanism of the CBD, the Nagoya Protocol Implementation Fund and the various activities supported by it. Further, he announced that the GEF was organizing a meeting in Washington DC, in November 2013 to bring together representatives of the private sector to discuss needs and best options to support ABS implementation through the GEF. The valuable findings of this Copenhagen meeting would also be taken into account.

Mr. Andreas Drews thanked everyone for coming and contributing to the learning experience by sharing their expertise and ideas.

Ms. Kerstin Fährmann, Head of Division at the Federal Ministry for Economic Cooperation and Development, representing the host of the ABS Capacity Development Initiative, pointed out, among others, that, at its heart ABS is a business concept and policy makers and legislators need a deeper understanding of the different R&D and business models related to genetic resources throughout the different sectors. The series of ABS Business Dialogues helps to fill the knowledge gap and, at the same time, to create trust between providers and users of genetic resources.

Finally, Mr. Søren Mark Jensen, Danish Environment Ministry, concluded the third Copenhagen ABS Business Dialogue by thanking all participants for their valuable inputs and wished them a safe return.



## Annexes

## Participants list

First name	Name	Organization	Function	Country
Christine	Akello	NEMA	Senior Legal Counsel	Uganda
Suhel	al-Janabi	ABS Capacity Development Initiative	Co-Manager of the ABS Capacity Development Initiative	Germany
Alaki Veronique	Amari nee Koffi	Ministry of Environment, Urban Salubrity and Sustainable Development	ABS National Focal Point	Ivory Coast
Thor	Amlie	Norwegian Bioindustry Association	Director	Norway
Brendan	Barnes	EFPIA	Director – TRCPC Lead	
Katie	Beckett	PhytroTrade Africa	Research & Innovation Manager	
Christina	Bergendorff	Danish Ministry of Environment - Nature Agency		Denmark
Ahmed	Birouk	Hassan II - Institute of Agronomy and Veterinary Medicine	University Professor & Member of the National Biodiversity and ABS Committees	Morocco
Martin	Bostroem	KfW	Principal Project Manager	Germany
Ammar	Boumezbeur	Ministry of agriculture and rural development	ABS National Focal Point	Algeria
Mohamed	Boussaid	GIZ	Technical Advisor	Morocco
Axel	Braun	F. Hoffmann - La Roche Ltd.	Head International Developments	Switzerland
Matthias	Braun	Sanofi/Aventis Deutschland GmbH	Managing Director	Germany
Charlotte	Breyer	GIZ	Business Unit Private Sector Cooperation	Germany
Letícia	Brina	Ministry of Environment	Environmental Analyst	Brazil
Stephanie	Buri	ABS Capacity Development Initiative	Event Manager	Germany
Geoffrey	Burton	United Nations University - Institute of Advanced Studies	Adjunct Senior Fellow	Australia
Jaime	Cavalier	Global Environment Facility	Senior Biodiversity Specialist	
Rajae	Chafil	Institut de la Francophonie pour le développement durable (IFDD)	Spécialiste de programme Négociations internationales sur l'environnement et le développement durable	Canada

First name	Name	Organization	Function	Country
Zoubida	Charrouf	University Mohamed V - Faculty of science	Professor	Morocco
John	Cheesmond	PhytoTrade Africa (formerly)	CEO (formerly)	
Julien	Chupin	Etre et Avoir Conseil	Consultant	France
Bruno	David	Institut de Recherche Pierre Fabre	Director of Sourcing and Botany	France
Charlotte	d'Erceville	BASF Beauty Care Solutions France S	Head of R & D Data and Sustainable Development	France
Tobias	Dierks	ABS Capacity Development Initiative	Communications & Knowledge Management	Germany
Etienne Didier Cesar	Dogley	Ministry of Environment & Energy	Principal Secretary, Special Advisor to the Minister of Environment and Energy	Seychelles
Andreas	Drews	ABS Capacity Development Initiative	Manager of the ABS Initiative	Germany
Pierre	du Plessis	CRIAA SA-DC	High Value Plant Species Expert	Namibia
Lone	Dybdal Nilsson	Novozymes	Director Microbial Discovery	Denmark
Thomas	Ebben	Ministry of the Environment	ABS Policy Officer	Germany
Christian	Eberhardt	Mane	Key Account Manager Ingredients EMEA	Germany
Abdul Hakim	Elwaer	African Union Commission	Director of Human Resources, Science and Technology	Ethiopia
Martin	Enghoff	Nordeco	Director	Denmark
Eduardo	Escobedo Reachi	Responsible Ecosystems Sourcing Platform	Director	Switzerland
Kerstin	Faehrmann	Federal Ministry for Economic Cooperation and Development	Head of Division	Germany
Benedicta	Falana	Federal Ministry of Environment	Assistant Director	Nigeria
Braulio	Ferreira de Souza Dias	Convention on Biological Diversity	Executive Secretary	
Moustapha	Fouda	Egyptian Environmental Affairs Agency	Minister Advisor on Biodiversity	Egypt
Claire	Frelin	Beraca International Europe	Business Manager Europe	France
Claude	Fromageot	Laboratories Yves Rocher	Director of Sustainability	France

First name	Name	Organization	Function	Country
Michael Johann	Gajo	GIZ	Chef de Mission	Morocco
Ricardo	Gent	German Association of Biotechnology Industries within the German Chemical Industry Association	Executive Director	Germany
Christian	Glass	Federal Ministry for Economic Cooperation and Development	Desk Officer	Germany
Lars	Goldsmith	Confederation of Danish Industry	CEO	Denmark
Beatriz	Gomez Castro	Convention on Biological Diversity	Associate Programme Officer - Nagoya Protocol Division	
Kathrin	Heidbrink		Facilitator	
Susanne	Heitmüller	ABS Capacity Development Initiative	Senior Consultant - Legal Advisor	Germany
Bente	Herstad	NORAD	Director	Norway
Lorena	Jaramillo	UNCTAD	Economics Affairs Officer	
Bo Hammer	Jensen	Novozymes	Senior Patent Counsel	Denmark
Steffen	Johnsen	Nordeco	Director	Denmark
Cecile	Joucan	LVMH	Sustainable ressources manager	France
Lazarus	Kairabeb	Nama Traditional Leaders Association	Secretary General	Namibia
Mahlet Teshome	Kebede	African Union Commission	Environmental Lawyer	Ethiopia
Karin	Klitgaard	Confederation of Danish Industry	Director of Environmental Policy	Denmark
Vassilis	Koutsouris	European Commission	EU civil servant	
Søren Flensted	Lassen	Novozymes	Senior Department Manager, Fungal Discovery	Denmark
Cyril	Lombard	PhytoTrade Africa	CEO	
Peter	Lovett	The Savannah Fruits Company	Product Development Director	United Kingdom
Søren	Mark Jensen	Danish Ministry of the Environment (MIM)	Head of Section, Biology and Human Geography	Denmark
Charlotte	Mogensen	Ministry of the Environment	Special Advisor	Denmark
Claid	Mujaju	Seed Services Institute	Head of Institute	Zimbabwe



First name	Name	Organization	Function	Country
Kavaka Watai	Mukonyi	Kenya Wildlife Service	Head Bioprospecting	Kenya
Lucy	Mulenkei	Indigenous Information Network	Executive Director	Kenya
Martha-Jean Shamiso	Mungwashu	KAITE Trust	Community Liaison Officer	Zimbabwe
Valérie	Normand	ABS Capacity Development Initiative	Consultant	Canada
Maria Julia	Oliva	Union for Ethical Bio Trade	Senior Coordinator - Policy and technical support	
Ana Claudia	Peluso	Novozymes Brazil	Manager	Brazil
Vibeke	Plambæk	Confederation of Danish Industry	Senior Advisor, Lawyer	Denmark
Naritiana	Rakotoniaina	Service d'Appui a la Gestion de l'Environnement (SAGE)	Directeur exécutif du SAGE - ABS National Focal Point	Madagascar
Claudine	Ramiarison	Ministry of Higher Education and Scientific Research	General Director of Research and Partnership	Madagascar
Elise	Rebut	Conservation International	Senior Manager - European Government Liaison	Belgium
Nathalie	Rizzotti	Federal Office of the Environment	Senior Policy Adviser Biodiversity	Switzerland
Xavier-Raphael	Sana	Latitudes 23	Ing. Agronome Tropicaliste	France
Ole	Seberg	Natural History Museum of Denmark	Professor	Denmark
Mukwaya Samuel	Suuti	Uganda Bio Trade Alliance	CEO	Uganda
Ole	Terney	BioNyt Videnskabens Verden		Denmark
Gaute	Voigt-Hanssen	Royal Norwegian Ministry of the Environment	Senior Adviser, Lawyer	Norway
Flemming	Winther Olsen	Ministry of Foreign Affairs of Denmark	Senior Technical Adviser	Denmark
Daphne	Yong	International Chamber of Commerce	Chief Intellectual Property Officer	France



## The Nagoya Protocol on ABS: Implementing the Green Economy!

Copenhagen III  
The 3<sup>rd</sup> ABS Business Dialogue

Copenhagen, Denmark  
4 and 5 September 2013

organized by the *ABS Capacity Development Initiative*

hosted by *Ms. Ida Auken, Danish Minister of the Environment*

The Nagoya Protocol on Access and Benefit-sharing (the Nagoya Protocol), adopted in October 2010 under the auspices of the Convention on Biological Diversity (CBD), represents a pivotal milestone in the history of the Convention and can be regarded as a key element in designing a global framework for sustainable development in a green economy. It not only aims at creating fair exchange conditions for genetic resources, but also provides enhanced legal certainty for providers and users in valuing nature in a market economy.

Dialogue and co-operation between policy makers, regulators and the private sector on new regimes and regulations for access and benefit-sharing (ABS) has been enhanced in the past two years following the adoption of the Protocol. Many countries have entered into national or regional processes for ratification and implementation of the Protocol. However, the definition of operational details of the Nagoya Protocol, concrete implementation options at the national level and the establishment of fair ABS agreements with business remain a challenge that needs to be addressed in close cooperation between the public and the private sector.

In this context and **based on the previous two Business Dialogues**, held in Copenhagen in September 2010<sup>4</sup> and June 2012<sup>5</sup>, **this workshop aims at guiding policy makers at the national level in the establishment of effective ABS systems, including PIC and MAT.**

To achieve this main objective, the workshop will

1. Engage and **bring together representatives** from a variety of different user sectors and business scales, ABS authorities and other relevant stakeholders – from North and South;
2. Provide an **update on regulatory and other relevant developments** at the international, regional and national levels related to ABS (e.g. status of ratification and implementation of the Nagoya Protocol, implementation efforts of the private sector);

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<sup>4</sup> See report of the meeting at: [http://www.abs-initiative.info/copenhagen\\_09-10\\_010.html?&L=http](http://www.abs-initiative.info/copenhagen_09-10_010.html?&L=http)

<sup>5</sup> See report of the meeting at: [http://www.abs-initiative.info/copenhagen\\_06-12\\_0110.html?&L=http](http://www.abs-initiative.info/copenhagen_06-12_0110.html?&L=http)

3. Provide a forum to discuss **selected business and R&D models from different sectors** utilising genetic resources (**Pharmaceutical, Food & Beverages, Cosmetics and Biotechnology**).
4. Identify ways how **CSR policies** could integrate, as well as generally support ABS, and how **benefits** could be directed to the **conservation of biodiversity and the sustainable use** of its components

The workshop will be concluded with a **half-day high level segment**, hosted by **Ms. Ida Auken, Danish Minister of the Environment**, in which findings from the technical discussions will be conveyed to **high level representatives of Governments from North and South, relevant businesses and industries, as well as other international institutions**. Participants will have the opportunity to further discuss and elaborate on the outcomes and share their perspectives on ABS in the context of a Green Economy.

The international workshop will take place in Copenhagen, Denmark, on 4 and 5 September 2013. Working language is English. 50 to 60 participants from different user sectors, governments from the North and South, and other relevant stakeholder groups are expected.

**Contacts with regard to content:**

Suhel al-Janabi - *ABS Initiative*  
(s.al-janabi@geo-media.de, +49 228 909 6620)

Dr. iur. Susanne Heitmüller - *ABS Initiative*  
(s.heimmueller@geo-media.de, +49 228 909 6621)

**Contact with regard to logistical matters:**

Nadine Pauly - *ABS Initiative*  
(nadine.pauly@giz.de, + 49 6196 79 3277)

## Annotated agenda



Miljøministeriet  
Naturstyrelsen

# ***The Nagoya Protocol on ABS: Implementing the Green Economy!*** Copenhagen III The 3<sup>rd</sup> ABS Business Dialogue

organised by the *ABS Capacity Development Initiative*

hosted by the *Danish Minister of the Environment*

## **A n n o t a t e d   A g e n d a**

### **Wednesday, September 4**

#### **1. Opening of the workshop**

8h00	Arrival and registration
8h30	Technical introduction
9h00	High-level opening

#### *Keynotes by*

*Ms. Ida Auken, Danish Environment Minister*  
*Mr. Braulio Ferreira de Souza Dias, Executive Secretary of the CBD*  
*Mr. Lars Goldsmith, Director, Confederation of Danish Industry*  
*Mr. Janez Potočnik, EU Commissioner for the Environment (by video)*

#### **2. Setting the Scene: Update on regulatory and other relevant developments at the international and national level**

9h40	Presentation of the film “ABS – Simply explained”
9h50	The Nagoya Protocol and its international context

*Presentation by Ms. Beatriz Gómez-Castro, CBD Secretariat*

#### *Q&A session*

10h30	Coffee break
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- 11h00      Implementing ABS at the national and regional level: where are we?  
*Examples from the public sector*  
*e.g. AU Guidelines, EU Regulation, national processes from South and North*  
*Expert interviews*
- 11h50      Implementing ABS in business: where are we?  
*Examples from the private sector (e.g. CSR policies/ standards/codes of conduct; new platforms and partnerships etc.)*  
*e.g. Union for Ethical BioTrade (UEBT), German Industry Association Biotechnology (DIB), International Chamber of Commerce (ICC), companies from South and North*  
*Expert interviews*
- 12h30      Lunch

### **3. Typical business models and value chains for different business sectors**

- 14h00      Understanding private sector's operations and needs  
*Prerequisites to establish functional ABS systems and agreements*  
*Suhel al-Janabi and Julien Chupin, ABS Initiative*  
*Q & A session*
- 14h30      R&D and product development in practice: Examples from selected sectors  
*Introduction to each sector, including key features, application/adaptation of the standard model for R&D and product development*
- Pharmaceutical  
*Brendan Barnes, EFPIA*
- Food & Beverages  
*Katie Beckett, PhytoTrade Africa*
- Cosmetics  
*Christian Eberhardt, MANE Group*
- Biotechnology  
*Bo Hammer Jensen, Novozymes*
- 16h00      Coffee break
- 16h30      R&D and product development in practice: Examples from selected sectors  
*Introduction to each sector, including key features, application/adaptation of the standard model for R&D and product development (cont.)*

*Q & A session*

17h30 Summary of insights from the business presentations

*Reflection in plenary*

18h30 End of Day One

Dinner

**Thursday, September 5**

**4. Working sessions on business models in different sectors (run in parallel)**

8h00 Coffee

8h30 Implications of different R&D and product development models (i. Pharmaceutical; ii. Food & Beverages; iii. Cosmetics; iv. Biotechnology) for national ABS systems

*Group Work*

10h30 Coffee break

11h00 Synthesis of lessons learnt and tentative conclusions of the technical meeting: to be discussed at High-level Segment

*Reflection in plenary*

12h00 Lunch

**5. High-level segment hosted by Ms. Ida Auken, Danish Environment Minister**

13h00 Report on Outcomes of the technical meeting/Presentation of key messages and recommendations of the workshop

Statements and Panel Discussion with business executives and political decision-makers on key findings of the workshops

*How can we jointly build mutual trust between providers and users of genetic resources?*

*What can CSR policies contribute to building trust, as well as generally to ABS, in a green economy?*

*Note: See extra agenda for detailed information.*

17h00 End of the workshop

## Annotated agenda – High Level Segment



Miljøministeriet  
Naturstyrelsen

### ***The Nagoya Protocol on ABS: Implementing the Green Economy!***

Copenhagen III  
The 3<sup>rd</sup> ABS Business Dialogue

## **H i g h - l e v e l   S e g m e n t**

*hosted by Ms. Ida Auken, Danish Minister of the Environment*

## **A g e n d a**

13h00      Report on outcomes of the technical meeting/Presentation of key messages and recommendations of the workshop

13h15      Statement of the Danish Minister of the Environment

13h30      Panel Discussion with business executives and political decision-makers on key findings of the workshops

*How can we jointly build mutual trust between providers and users of genetic resources?*

14h30      Coffee break

15h00      Panel Discussion with business executives and political decision-makers on key findings of the workshops

*What can CSR policies contribute to building trust, as well as generally to ABS, in a green economy?*

*Host:*

*Ms. Ida Auken, Danish Minister of the Environment*

*Panelists:*

Dr. Abdul-Hakim Elwaer, *Director of Human Resources, Science and Technology (HRST), AU Commission*

Mr. Didier Dogley, *Special Advisor to the President; Principal Secretary, Government of Seychelles; CBD and ABS Focal Point, Ministry of Environment and Energy of the Seychelles*

Dr. Braulio Ferreira de Souza Dias, *Executive Secretary, CBD Secretariat*

Mr. Lars Goldsmith, *Director, Confederation of Danish Industry*

Mr. John Cheesmond, *CEO, PhytoTrade Africa*

Ms. Lone Dybdal Nilsson, *Director Microbial Discovery, Novozymes A/S*

Mr. Claude Fromageot, *Director of Sustainable Development, Yves Rocher Group; Director of the Yves Rocher Foundation*

Dr. Matthias Braun, *Managing Director, Sanofi-Aventis Deutschland GmbH; CEO of the German Biotechnology Association (DIB)*

*Moderators:*

Dr. Andreas Drews and Mr. Suhel al-Janabi, *Co-Managers of the ABS Initiative*

16h30

Closing

Mr. Jaime Cavelier, *Global Environment Facility (GEF)*

Dr. Andreas Drews, *ABS Initiative*

Ms. Kerstin Faehrmann, *German Ministry for Economic Cooperation and Development (BMZ)*

Mr. Søren Mark Jensen, *Danish Ministry of the Environment*

17h00

End of the High-level Segment