



Guidelines for workshop facilitators

This document provides an overview of the material for the training module on “Implementing the Nagoya Protocol on Access and Benefit Sharing,” with the objective of guiding workshop facilitators in designing, moderating and assessing the workshop.

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1. Outreach and invitation

This training workshop is aimed at companies working with biodiversity-based ingredients in the cosmetics, personal care and fragrance sectors. Outreach and invitations should be directed to representatives from research, innovation, formulation, sourcing, sustainability, legal and procurement departments that may be involved in activities that may trigger requirements on access and benefit sharing, whether in Germany or other countries.

Points to consider in outreach to potential participants:

- It is essential to collaborate with industry groups and associations. In the cosmetics sector, such groups and associations include Cosmetics Europe, the International Fragrance Association (IFRA), UNITIS (the European Association of Cosmetic Ingredients Industries and Services), IKW (the German Cosmetic, Toiletry, Perfumery and Detergent Association, the German Association of the Fragrance Industry (DVRH), and various groups and associations linked to natural, organic and sustainable cosmetic products and ingredients.
- Information on the workshop should be shared with industry press. In the cosmetics sector, relevant newsletters or information services include Cosmetics Design, Special Chem, Premium Beauty News and Cosmetics Business.
- Companies should be encouraged to share invitations with their suppliers, clients and other partners in the sector.

The invitation for companies in the cosmetic sector is included in Annex 1. This invitation to register should be sent at least eight weeks prior to the workshop. A reminder should be sent two weeks later to those that did not respond.

2. Survey for participants

The pre-workshop survey for participants is included in Annex 2. The objective of this survey is to gather information on participants' level of awareness, expertise and experience on the Nagoya Protocol on ABS and related topics and adapt the training module material accordingly.

The survey includes a combination of multiple-choice and open-ended questions in a Microsoft Word form. Questions could also be adapted for use in online formats (e.g. SurveyMonkey). Information is gathered on topics such as the following:

- Name, position and company affiliation of participant
- Economic sectors, research and development activities, countries and types of biological resources relevant for company
- Company's awareness and experience on ABS, including measures taken to date
- Participant's awareness and experiences on ABS, including how and how often issue comes up in daily activities
- Main challenges and opportunities identified in relation to ABS implementation within company
- Questions that would be useful to discuss in context of a training workshop
- Interest in presenting case or scenario for discussion

The survey should be sent to registered participants four weeks prior to the workshop with a deadline for responses two weeks later.

Participants' responses should be systematized and assessed prior to each workshop. Based on participants' understanding, experience and concerns, as expressed in survey responses, moderators should:

- *Adapt agenda and material.* For example, participants with significant awareness of ABS may not need an introductory presentation. Or, there may be topics not covered in the material on which participants would like more information (e.g. intellectual property or benefit sharing requirements).
- *Identify specific cases or scenarios.* In training business, it is preferable to use real-life cases or scenarios as basis for exercises and discussions. The pre-workshop survey is a good opportunity to identify concrete cases or scenarios based on such cases that may be presented and discussed by participants (see section 5 for how to select relevant cases and support participants in preparing them for the workshop).
- *Summarize concerns and expectations.* This information can be presented to participants as part of the introductory session to facilitate a joint understanding of what the workshop can and cannot do.

3. Agenda

The public agenda is included in the invitation. An internal agenda, which breaks down sessions and activities, providing guidance on the flow, key points, dynamics and material foreseen for the workshop, is included in Annex 3. This agenda may be adapted according to partners' suggestions, participants' interests, available time or other logistics (e.g. whether space allows for work in small groups or not).

4. Presentations

Annexes 4 to 6 include all presentations to be made by the workshop facilitator. The internal agenda outlines the key points in each presentation. Additionally, Annex 4b includes presentation for the "True or False" exercise, which has the answers in the PPT notes.

5. Practical examples

Annex 7 puts forth three situations that exemplify types of issues and challenges that may come up for companies in the cosmetics sector. Slides describe each situation and put forth questions for discussion with participants. Considerations for the workshop facilitator include:

- **Situation 1.** This situation involves research into new raw material or new properties of raw material for use in cosmetic ingredients or products. The research project involves local partners in different countries: Brazil and Viet Nam have ABS laws and regulations in place, Mauritius does not. Another important point is that some activities, particularly in-situ collection, took place prior to the entry into force of EU regulations on ABS – though not necessarily prior to ABS requirements in those countries. One of the points that may come up is the idea of "continuum" in the interpretation of EU requirements on due diligence, as research in the provider countries is undertaken in the context of the projects.
- **Situation 2.** This situation involves two companies – one developing a new extract and another using it in formulation. It is important to define which one is engaged in utilization of genetic resources, but to highlight that even the cosmetics company may have legal obligations and reputational considerations. Other potential points for discussion include the nature of the plant as a "commodity," the commercialization of the product outside of the European Union and the different legal situation in the two provider countries (South Africa has ABS requirements, while Botswana does not).
- **Situation 3.** This situation involves fragrances, which have proven to raise specific challenges for due diligence on ABS, given the complexity of the compositions and the prevalence of trade secrets. Additionally, this situation illustrates the dynamic of a European Union-based company formulating a product with the outcomes of

research and development conducted outside of the European Union. In terms of ABS requirements in the provider countries, there is also complexity: most ingredients cannot be traced as they are not known. The claims ingredient comes from China, which is still developing its ABS requirements. Another consideration is manufacturing activities taking place in India – this would not trigger ABS requirements in that country, but increases the likelihood of some of the other ingredients being sourced there.

If, in the pre-workshop survey, participants express interest in presenting their own scenarios – whether precise situations or hypothetical cases – the moderator should share and support them in filling out the template in Annex 8. Ideally, all cases put forth by participants are presented, unless the moderator considers some confusion exists or could be created by discussing the cases or the points are better addressed through the examples of the training module. If there are too many cases proposed by participants, the moderator may select one or two that raise the most interesting or common scenarios.

6. Case study

The case study exercise illustrates and allows participants to discuss how, in practice, a company moves forward on due diligence. The case study in Annex 9 describes in some detail the operations of a company in the cosmetics and personal care sector, engaged in various types of research and product development. It also poses questions that someone responsible for developing a due diligence system would need to consider. For the exercise, as described in the annex, participants are divided into small groups to allow for active engagement.

7. Evaluation form

Annex 10 contains the evaluation form, which should be distributed to participants in the closing session. This form aims to gather feedback on the relevance and usefulness of the training material, as well as on the workshop structure and approach.

8. Participants' booklet

Annex 11 contains a booklet to be distributed to all participants, which is a summary of issues raised in the workshop. The booklet is not meant to be comprehensive or self-standing, but rather serve as a companion to the workshop and a quick reference for participants.