

Due diligence on ABS

Examples of issues and situations in the cosmetic sector





Situation 1.

- Research collaboration with local research institutes.
- Two countries: Brazil and Viet Nam.
- Phase 0: In 2010, local research institutes identified interesting native, flowering plant species, based on interviews with local populations
- Phase 1: In 2012, screening of samples in collection for properties related to skin care was conducted by local partners, within parameters established by the company.
- Phase 2: In 2019, plans for characterization, tests on effectiveness and improvement of extraction process on selected plants to be conducted by company.



Situation 1.

- Is there “utilization of genetic resources”? From which to which points?
- Who is responsible for assessing the existence and applicability of ABS requirements? How can such assessment be undertaken?
- If conducted presently, what measures would be required prior to launching Phase 0 or 1 of the project? What about Phase 2?
- What would constitute due diligence in this context? What would constitutes compliance with national ABS requirements in the provider countries?



Situation 2.

- In trade fair, researcher in formulation lab of cosmetic company offered sample of an extract of a known and widely traded succulent plant native to South Africa. Plant is traditionally used to avoid sunburns on long treks through desert. This extract is newly developed and standardized for compounds known for UV protection, by a company based in Sweden with material obtained through South African trader.
- Laboratory conducts testing on identity and basic properties. Given potential, cosmetic company orders further samples. It considers ABS does not apply as this is not a novel property. Formulation is developed and product about to be launched in United States.



Situation 2.

- Is there “utilization of genetic resources”? From which to which points?
- Who is responsible for assessing the existence and applicability of ABS requirements? How can such assessment be undertaken?
- What would constitute due diligence in this context? What would constitutes compliance with national ABS requirements in the provider countries?

A vertical decorative image on the left side of the slide showing a close-up of autumn leaves in shades of yellow, orange, and brown, some with dark spots, suggesting mold or decay.

Situation 3.

- Cosmetics ingredient laboratory has public private partnership. Collaboration includes an agreement with Indian university, under which graduate students collect soil samples and characterize fungi and microorganisms.
- Based on the information, an Indian biotechnology start-up identifies interesting material and conducts initial testing. After the first year, it sends the cosmetics company a fungal extract and a fungal compound that has been chemically modified. It also says it can offer a microbial production system for both substances.
- The cosmetics ingredient laboratory, based in Germany, is ready to conduct research on the raw material, but is uncertain about its legal obligation. It has been told by its partners in India that no ABS permit are required for local researchers in India.



Situation 3.

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- What would constitute due diligence in this context? What would constitutes compliance with national ABS requirements in the provider countries?