



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

Item 5 of the Provisional Agenda

INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

THIRD MEETING OF THE COMPLIANCE COMMITTEE

Rome, Italy, 31 January – 1 February 2019

FUTURE WORK OF THE COMPLIANCE COMMITTEE

I. INTRODUCTION

1. The functions of the Compliance Committee are defined under Section IV of the *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance*¹ (Compliance Procedures). They include monitoring, offering advice or assistance to Contracting Parties, including legal advice or legal assistance, when needed and requested, in particular to developing countries and countries with economies in transition.
2. The functions of the Committee also include the promotion of compliance with the provisions of the International Treaty and addressing possible issues of non-compliance. As per the *Compliance Procedures*, the Compliance Committee shall hold meetings as necessary and shall exercise its functions under the overall guidance of the Governing Body, which may also assign to it further functions pursuant to Article 21 of the Treaty.
3. Furthermore, the Compliance Committee shall consider any questions concerning the implementation of obligations under the International Treaty referred to it by decision of the Governing Body. As requested by the Governing Body, in Resolution 2/2011, the Compliance Committee prepared, in 2013, Draft Rules of Procedure of the Compliance Committee and Draft Standard Reporting Format.
4. The Governing Body approved the *Rules of Procedure of the Compliance Committee*² and the (voluntary) *Standard Reporting Format Pursuant to Section V.1 of the Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance*.³
5. At its Fifth and Sixth Sessions, the Governing Body did not provide any specific guidance or particular requests to the Compliance Committee.
6. At its Seventh Session in 2017, the Governing Body “Request[ed] the Compliance Committee to review the Standard Reporting Format [...] and make recommendations for its improvement, based on suggestions from Contracting Parties and experiences in its use”.
7. At the same Session, the Governing Body “Reiterate[ed] that one of the functions of the Compliance Committee is to offer advice and facilitate assistance, including legal advice and legal assistance, to any Contracting Party on matters relating to compliance, with a view to assisting it to comply with its obligations under the International Treaty”. Accordingly, the Governing Body “invite[ed] Contracting Parties to make submissions on such matters for consideration by the Compliance Committee”.

¹ [Resolution 2/2011](#), Annex.

² [Resolution 9/2013 Rev. 1](#), Annex 1.

³ [Resolution 9/2013 Rev.1](#), Annex 2.

8. The issues related to the review of the effectiveness in Section X of the *Compliance Procedures* are reflected in the document, IT/GB8/CC-3/19/4, *Review of the Compliance Procedures*. This document is provided with a view to assist the Committee in considering the work it may wish to undertake in the next biennium, including possible meetings.

II. REVIEW OF THE STANDARD REPORTING FORMAT

9. The review of the Standard Reporting Format is already on the Agenda of the Committee for this meeting and the document, IT/GB8/CC-3/19/5, was prepared to facilitate its discussions on the issue. Should the review not be completed at this meeting, the Committee could consider a mechanism to complete or advance on this task, as much as possible, so that it can send draft text or specific recommendations to the Governing Body for its consideration. While budgetary provision had been made for two possible meetings of the Committee during the biennium, the Committee could also work electronically on this matter, should it consider it sufficient to undertake any outstanding tasks.

10. The Standard Reporting Format was also considered at the first meeting of the Committee. On that occasion, the Committee could not complete the task and decided to delegate the development of the reporting format to two members of the Committee with a given deadline. The Committee requested the Bureau of the Compliance Committee to revise the Format and submit it to its members for approval.⁴

11. It also specified in its Report that “*if further work were requested and approval could not be obtained, the revised draft would be submitted as an interim draft to the Governing Body for its consideration, with the possibility, subject to availability of financial resources and capacity, of a second meeting of the Committee to finalize the draft*”. It further added that “*once finalized and approved by the members of the Committee, the draft reporting format would be submitted to the Governing Body for its consideration and approval*”.

12. Should the Committee not conclude the review of the Reporting Format during this biennium, it may also wish to make recommendations to the Governing Body on how to advance this work in the future.

III. NATIONAL REPORTS ON MEASURES TAKEN TO IMPLEMENT OBLIGATIONS UNDER THE TREATY (SECTION V OF THE COMPLIANCE PROCEDURES)

13. The Committee can carry out many of its functions only upon receipt of submissions or reports from Contracting Parties. Since the second meeting of the Compliance Committee, no formal submissions have been received.

14. Following the advice of the Committee, all the reports received by the Secretary have been published online in the form and language in which they were received, with the only addition of a cover note. Furthermore, the document, IT/GB8/CC-3/19/3, *Synthesis of reports received from Contracting Parties on measures taken to implement the provisions of the International Treaty*, contains an analysis of the 39 reports received from Contracting Parties pursuant to Section V of the Compliance Procedures up to 10 December 2018. As of 1 December 2018, 42 Contracting Parties had submitted reports on measures taken to implement the provisions of the International Treaty.

15. Based on the information contained in the analysis and the reports, the Committee may wish to discuss possible actions to further encourage and facilitate reporting by Contracting Parties, for example, regarding its own role in the provision of support to Contracting Parties for the review and harmonization of legislation to implement the International Treaty at the national level.

16. The Committee may also wish to discuss how, in the future, it intends to consider compliance issues following the submission of reports pursuant to Section V of the Compliance Procedures, as well as the expected assistance from the Secretary in this regard. This might relate both to issues of general non-compliance that come to the attention of the Committee through the reports received or to indications by a Contracting Party of difficulties in complying with its obligations under the Treaty.

17. The Compliance Procedures provide that the Committee shall consider the reports that it has received up to 12 months before the next session of the Governing Body taking into account any guidance of

⁴ Document IT/CC 1/13/Record, available at <http://www.fao.org/3/a-be554e.pdf>

the Governing Body. In accordance with this stipulation, and taking into consideration the extended deadline provided by the Governing Body at its Seventh Session, the deadline for the submission of the second report, or the update of the existing one, is 1 October 2023. Consequently, the Committee may wish to propose this deadline in its recommendations to the Governing Body.

18. The Committee already provided guidance to the Secretary on the methodology for the preparation of the synthesis report and on its structure. Nevertheless, the Committee may wish to discuss and make recommendations to the Governing Body on how to compare and analyze the reports submitted under the first and the second reporting cycles with the aim to identify progress and constraints with the implementation of the International Treaty at the national level.

19. In considering the next reporting cycle, the Committee could take into account some of the suggestions contained in the country reports, as reproduced in the document, IT/GB8/CC-3/19/3, and in section III of the document, IT/GB8/CC-3/19/5.⁵ Some of the suggestions are:

- a. Provide a short introduction on how the data will be used and an example of how the data will be collated;
- b. Update the Online Reporting System with the revised Standard Reporting Format, while keeping the possibility to submit the reports by email for those countries that experience problems due to low internet connectivity;
- c. Submit regular reminders to the Contracting Parties with the reporting deadlines.

20. At its second meeting, the Committee requested the Secretary to contact two Contracting Parties that have reported technical difficulties with the notification of material included in the Multilateral System. Both countries replied during this period, one indicating that the problem had been solved and that the country had subsequently notified the Annex I material included in the MLS, and the other explaining that the Government was waiting for the imminent adoption of a new law to identify the material in the public domain, which was at that time under consideration in the Parliament. The Secretary, following the request of the Committee, also sought and received clarification on other reports regarding Article 4 and an update on these efforts will be provided at the meeting of the Committee.

21. The Committee may want to discuss how to follow up on any similar requests for information to Contracting Parties and provide advice to the Secretary on how to handle and process the replies.

IV. MEASURES TO PROMOTE COMPLIANCE AND ADDRESS ISSUES OF NON-COMPLIANCE (SECTIONS VI AND VII OF THE COMPLIANCE PROCEDURES)

22. Under Sections VI and VII of the *Compliance Procedures*, the Committee shall receive, through the Secretary, any submissions relating to issues of non-compliance from (a) any Contracting Party with respect to itself; (b) any Contracting Party with respect to another Contracting Party; or (c) the Governing Body.

23. As indicated above, no submissions pursuant to Sections VI and VII of the Compliance Procedures were received.

24. The Committee may wish to discuss how to consider, in the future, measures to promote compliance and address issues of non-compliance that are brought to its attention.

V. GUIDANCE SOUGHT

25. The Compliance Committee is invited to consider the information given in this document and agree on any action it wishes to take, indicating, as appropriate, any support it might wish the Secretary to provide to assist its work.

⁵ See paragraph 14 of document IT/GB8/CC-3/19/5