



Pacific Agri-Food Research Centre (PARC)
P.O. Box 5000, 4200 Highway 97
Summerland, British Columbia, Canada
V0H 1Z0

Direct Dial: (250) 494-6412
Facsimile: (250) 494-2122
E-mail: graceb@agr.gc.ca

Wednesday, September 17, 2008

Mr. Shakeel Bhatti, Secretary
The International Treaty Plant Genetic Resources for Food and Agriculture
Viale delle Terme di Caracalla 1 00100
Rome, Italy,

Dear Sir,

Re: Plant Genetic Resources ("PGR") and the Multi-Lateral System ("MLS")
Clarification of **Included, Exempted, Excluded** PGR
Canada, Federal Jurisdiction

By operation of article 11.2 of the Treaty, all PGR – (i) listed in Annex 1, (ii) under the management and control of a contracting party, and (iii) in the public domain – automatically fall within the compass of the MLS. Our intention is to clarify the operation of the Treaty regarding these PGR vis-à-vis Canada.

Kindly note that following Canadian federal gene bank collections holding Annex 1 public domain PGR under the management and control of Canada are **included** within the MLS, to wit:

- (a) Plant Gene Resources of Canada, Saskatoon, Saskatchewan; and
- (b) Canadian Clonal Genebank, Harrow, Ontario; and
- (c) Potato Gene Resources Repository, Fredericton, New Brunswick.

These PGR are available under the terms of the Standard Material Transfer Agreement ("SMTA") as prescribed under the Treaty.

However, these PGR are **exempted** from the structures of the MLS and Treaty whenever sought or used for chemical, pharmaceutical or other non-food/feed uses as contemplated by Treaty Article 12.3(a). Furthermore, any Annex 1 PGR under the management and control of Canada, but not in the public domain are **excluded** from the MLS and Treaty.

We trust that this information is helpful and clarifies the Canadian approach.

Sincerely,

Dr. Barry Grace, PhD.
Science Director, Biodiversity, Research Branch