



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



TERMS OF REFERENCE FOR THE AD HOC OPEN-ENDED WORKING GROUP TO ENHANCE THE FUNCTIONING OF THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING

- I. To develop a range of measures for consideration and decision by the Governing Body at its Sixth Session that will:
 - (a) Increase user-based payments and contributions to the Benefit-sharing Fund in a sustainable and predictable long-term manner, and
 - (b) Enhance the functioning of the Multilateral System by additional measures.

Line (a) and line (b) are to be addressed in subsequent meetings, respectively.

- II. For this purpose, the Secretariat should prepare a number of short, strategic preliminary studies, taking into account all available information, including the recent study, *Assessing the potential for monetary payments from the exchange of plant genetic resources under the Multilateral System of the International Treaty on Plant Genetic Resources for Food and Agriculture*. These studies should include:
 - A study estimating income to be expected from possible changes, consistent with the objectives of the Treaty, in the provisions governing the functioning of the Multilateral System, taking into account reports of the *Ad Hoc* Advisory Committee on the Funding Strategy and the *Ad Hoc* Technical Advisory Committee on the Multilateral System and SMTA;
 - A policy and legal study on the feasibility and effects of such changes;
 - A study on how to enhance mechanisms for capacity-building, technology-transfer and information-exchange;
 - An analysis of the factors that influence the willingness of stakeholder groups to make contributions to the Benefit-sharing Fund and to access plant genetic resources for food and agriculture from the Multilateral System.

- III. On the basis of the above studies, with a view to achieving enhanced access and increased fair and equitable sharing of benefits, the Working Group will:
 - (a) Review the functioning of the Multilateral System and the SMTA, in particular, the benefit-sharing provisions of the SMTA;
 - (b) Analyse the options to enhance the functioning of the Multilateral System;
 - (c) Consult with relevant Stakeholder Groups; and
 - (d) Draft and prepare for consideration and decision of the Governing Body the range of measures that it proposes.