



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

RESOLUTION 1/2015

MEASURES TO ENHANCE THE FUNCTIONING OF THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT- SHARING

THE GOVERNING BODY,

Recalling that, at its Fifth Session, it noted with concern the large shortfall of funding that had accumulated in the Benefit-sharing Fund in relation to the target established by the Governing Body, at its Third Session, for the period between July 2009 and December 2014;

Recalling Resolution 2/2013, by which it decided to establish the *Ad Hoc* Open-ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-sharing (the “Working Group”), with the tasks of:

- (a) Increasing user-based payments and contributions to the Benefit-sharing Fund in a sustainable and predictable long-term manner, and
- (b) Enhancing the functioning of the Multilateral System by additional measures;

Having considered the report of the Working Group on the results from its work, including the results of the fourth meeting, contained in document IT/GB-6/15/6 Rev.1;

Having heard the report of the Co-Chairs and **thanking** the Co-chairs for their leadership and commitment which facilitated the advances of the Working Group;

Welcoming the consultations that have taken place with a wide range of stakeholders, including the seed sector, in the Working Group;

Taking into account the possibility for the Governing Body to undertake the reviews and assessments foreseen in Articles 11.4 and 13.2.d(ii) of the Treaty;

1. **Welcomes** the important progress made by the Working Group in the biennium;
2. **Decides to extend** the mandate of the Working Group, for the 2016-2017 biennium;
3. **Requests** the Working Group:
 - To elaborate a full draft revised SMTA focusing especially on the development of a Subscription System and aiming to avoid the necessity of any other legal instrument primarily through a revision of Article 6.11 of the SMTA;
 - If a legal instrument would nevertheless be deemed necessary to develop an effective subscription system, to elaborate a complete proposal for an appropriate legal instrument,

- (including an amendment of or a Protocol to the Treaty);
- To elaborate options for adapting the coverage of the Multilateral System based on different scenarios and income projections;
 - To work on the basis of text proposals to be presented by the Co-Chairs, including a full draft revised SMTA for the first meeting of the Working Group;
 - To invite written inputs or reports from all relevant stakeholders where needed and/or to establish small *ad hoc* Friends of the Co-Chairs groups, where needed, e.g. on user categories, on crop categories, on legal modalities, on payment rates, and on a termination clause, at the request of the Working Group or its Co-Chairs; the small *ad hoc* friends of the Co-Chairs groups would be requested to provide written input to the Co-chairs;
 - To consult with existing and potential SMTA users on the attractiveness of the proposals referred to above and to obtain a realistic picture of the proposed changes;
 - To submit the results of the Working Group discussions as referred to above at least six months in advance of the Seventh Session of the Governing Body, to allow for necessary consultations and preparations for the Seventh Session of the Governing Body within Contracting Parties;
 - To consider the issues regarding genetic information associated with the material accessed from the Multilateral System;
4. **Requests** a commitment from all Contracting Parties to fulfil the mandate given to the Working Group, which is to develop a range of measures to secure increased user based payments and income to the benefit sharing fund in a sustainable and predictable long term manner and additional measures to enhance the functioning of the Multilateral System;
 5. **Calls** on the regions to review and secure that all necessary expertise is available in the Working Group;
 6. **Urges** Contracting Parties to provide support and financial resources, as necessary, for the Working Group to be able to fulfil its mandate on schedule;
 7. **Reiterates** the urgency of putting user-based income on a sound and predictable footing to achieve agreed targets, including through an effective Subscription System that reduces transaction costs and provides legal certainty for users, which has received considerable support from both Contracting Parties and stakeholders;
 8. **Requests** the Working Group to liaise closely with the *Ad Hoc* Advisory Committee on the Funding Strategy, which will undertake preparatory work for the review of the Funding Strategy, including on the link between increased user-based payments and exploration of proposals to develop a mechanism of contributions by Contracting Parties, in accordance with Article 18.4 of the Treaty;

**REVIEWS AND ASSESSMENTS UNDER THE MULTILATERAL SYSTEM,
AND OF THE IMPLEMENTATION AND OPERATION OF THE STANDARD MATERIAL
TRANSFER AGREEMENT**

9. **Decides** to again postpone the reviews and assessments foreseen under Articles 11.4 and 13.2.d(ii) of the Treaty to its Seventh Session;

INCREASING THE AVAILABILITY OF PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE THROUGH THE MULTILATERAL SYSTEM

10. **Recalls** its previous decisions on inclusion of material, particularly Resolution 1/2013, and **urges** Contracting Parties to notify the Secretary and cooperate financially and technically to make related information available through the Online Inclusion Facility of the Global Information System, and also encourages natural and legal persons to make their materials available;
11. **Welcomes** the efforts by Contracting Parties to encourage natural and legal persons, including the seed sector, to make its materials available, and requests that the Secretary be notified of any such initiatives;
12. **Emphasizes** the importance of collections that are fully characterized and evaluated, including for specific traits, genomic and phenotypic characterization, and appeals to both Contracting Parties and natural and legal persons to make them available in the Multilateral System together with the relevant characterization information;
13. **Decides** to include in the agenda of the Seventh Session a general review of the availability of material in the Multilateral System including the new accessions during the biennium, and requests the Secretariat to prepare a document providing information on materials included in the Multilateral System by Contracting Parties and from natural and legal persons, both in Contracting Parties and in countries that are not Contracting Parties.

OPERATION OF THE THIRD PARTY BENEFICIARY

14. **Recalling** that the Governing Body, at its Third Session, had approved the Third Party Beneficiary Procedures for the carrying out of the roles and responsibilities of Third Party Beneficiary as identified and prescribed in the Standard Material Transfer Agreement under the direction of the Governing Body;
15. **Recalling further** that, in accordance with Article 4.2 of the Third Party Beneficiary Procedures, the Third Party Beneficiary may receive information on possible non-compliance with the obligations of the provider and recipient under a Standard Material Transfer Agreement from any natural or legal persons;
16. **Recognizing** that the Third Party Beneficiary will require adequate financial and other resources and that FAO acting as Third Party Beneficiary shall not incur any liabilities in excess of the funds available in the Third Party Beneficiary Operational Reserve;
17. **Notes** the Report on the Operation of the Third Party Beneficiary and further **requests** the Secretary and FAO to continue providing, at each Session of the Governing Body, such a report;
18. **Stresses the importance** for the effective functioning of the Third Party Beneficiary, of Article 4.2 of the Third Party Beneficiary Procedures, according to which the Third Party Beneficiary may receive information on possible non-compliance with the obligations of the provider and recipient under a Standard Material Transfer Agreement from the parties under the Standard Material Transfer Agreement or any other natural or legal persons;
19. **Decides** to maintain the Third Party Beneficiary Operational Reserve for the 2016-2017 biennium at the current level of USD 283,280, and to review same at its Seventh Session, and **calls** upon Contracting Parties that have not done so yet, intergovernmental organizations, non-governmental organizations and other entities to contribute to the Reserve;
20. **Authorizes** the Secretary to draw upon the Third Party Beneficiary Operational Reserve as may be

needed for the implementation of the functions of the Third Party Beneficiary;

21. **Welcomes** the functional and cost-effective information technology tools and infrastructure that the Secretary has developed to facilitate the submission, collection and storage of information in the implementation of Article 4.1 of the Third Party Beneficiary Procedures and **requests** the Secretary to apply adequate measures to ensure the integrity and, where required, confidentiality of information, while continuing the further development of the Treaty information technology tools and infrastructure.

THE PRACTICE OF CGIAR CENTRES FOR PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE UNDER DEVELOPMENT

22. **Recalling** the provisions of Article 15.1 a) of the International Treaty;
23. **Recalling** further the provisions of Articles 6.5 and 6.6 of the SMTA;
24. **Welcomes** the use by CGIAR Centres of the SMTA for transfers of PGRFA under Development that: incorporate germplasm previously held “in trust” and placed within the purview of the Multilateral System under the Article 15 Agreements with the Governing Body; or incorporate germplasm received by a Centre under the SMTA or under another legal instrument that allows the Centre to redistribute the germplasm under the SMTA;
25. **Requests** the Secretariat, in cooperation with CGIAR Centres and other CGIAR relevant institutions and mechanisms, to: a) gather information on the content of additional conditions attached to the transfer of PGRFA under Development; b) explore ways of facilitating the implementation of the obligation of Article 6.5 of the SMTA to identify material received from the Multilateral System in Annex 1 to the SMTA; c) report back on the above to the Governing Body at its Seventh Session.