



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

RESOLUTION 4/2017

OPERATIONS OF THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING

THE GOVERNING BODY,

Recalling previous Resolutions on the operations of the Multilateral System and in particular Resolution 1/2015;

Recalling the need to provide regular guidance to Contracting Parties and institutions that have concluded agreements under Article 15 of the International Treaty for the effective and efficient operations of the Multilateral System;

Recalling the provisions of Article 15.1 (a) of the International Treaty;

Recalling further the provisions of Articles 6.5 and 6.6 of the Standard Material Transfer Agreement;

Noting the continuing relevance of the CGIAR Principles on the Management of Intellectual Assets to the implementation of the obligations of CGIAR Centers pursuant to the agreements concluded with the Governing Body under Article 15 of the International Treaty, including on the CGIAR Centers management and distribution of plant genetic resources for food and agriculture under development;

Noting further that those Intellectual Assets Principles explicitly require Centres to comply with their obligations under the framework of the International Treaty, and serve as a mechanism for monitoring and compliance;

PART I: AVAILABILITY OF MATERIAL IN THE MULTILATERAL SYSTEM

1. *Welcomes* the information provided on the availability of material in the Multilateral System and *thanks* the Contracting Parties that have identified at accession level the material that is available in the Multilateral System;
2. *Urges* Contracting Parties that have not yet done so to identify at accession level the material that forms part of the Multilateral System and include the respective passport data into the Global Information System, and *invites* Contracting Parties to use FAO WIEWS, Genesys or other existing information systems that the Global Information System is built on, for the notification of the data;
3. *Emphasizes* the importance of collections that are fully characterized and evaluated, and *appeals* to both Contracting Parties and natural and legal persons to make them available in the Multilateral System together with the relevant non-confidential characterization and evaluation data;
4. *Invites* Contracting Parties and other holders of material to use, on a voluntary basis, the Digital Object Identifiers (DOIs) of the Global Information System as one of the methods for the identification of material available in the Multilateral System;

5. **Requests** the Secretary to update, for the Eighth Session of the Governing Body, the report on availability of material in the Multilateral System, including the new accessions notified during the biennium by Contracting Parties, and made available from natural and legal persons.

PART II: OPERATIONS OF THE MULTILATERAL SYSTEM

6. **Takes note** of the progress made during the 2016-2017 biennium with Easy-SMTA and the Data Store and **requests** the Secretary to provide, for the Eighth Session of the Governing Body, information on the germplasm distribution within the Multilateral System, including a separate analysis for Contracting Parties and Article 15 institutions;

7. **Takes note of** the need to provide adequate support to Contracting Parties and users of the Multilateral System and **requests** the Secretary, subject to the availability of financial resources, to maintain the help-desk function on the operations of the Multilateral System and to finalise the related Educational Module;

8. **Invites** Contracting Parties and relevant international organizations to make available resources for, and collaborate with the Secretary on, organizing training programmes and workshops on the Multilateral System;

9. **Further requests** the Secretary, subject to the availability of financial resources, to organise regional training workshops to support Contracting Parties in strengthening the operations of the Multilateral System, including for the identification and notification of material available in the Multilateral System, and for the operations of the Standard Material Transfer Agreement, including the reporting of transfers;

10. **Requests** the Secretary to continue the collaboration with Bioversity International in particular for the implementation of the Joint Capacity Building Programme and in support of Contracting Parties;

11. **Requests** the Secretary to continue work with the CGIAR Centers to build capacity among a wider range of providers, including natural and legal persons, to implement the Multilateral System and to report on Standard Material Transfer Agreements.

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

12. **Thanks** the CGIAR Centers that have submitted information on the content of additional conditions to the transfer of plant genetic resources for food and agriculture under development and **invites** the Centers to continue providing updated information in their biennial reports to the Governing Body on implementation of the agreements concluded under Article 15 of the International Treaty;

13. **Invites** the CGIAR System to provide the Governing Body, through the Secretary, with the annual reports concerning the status of the implementation of the CGIAR Principles on the Management of Intellectual Assets that relate to germplasm that the CGIAR Centers manage under the framework of the International Treaty, including in cases where such germplasm, parts thereof, or information generated from the use of this germplasm are the subject matter of patent or plant variety protection applications, or are included in partnerships that qualify as restricted use or limited exclusivity agreements pursuant to the CGIAR Principles.

PART IV: OPERATION OF THE THIRD PARTY BENEFICIARY

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;

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;

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;

14. **Takes note** 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;

15. **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;

16. **Decides** to maintain the Third Party Beneficiary Operational Reserve for the 2018-2019 biennium at the current level of USD 283,280 and to review same at its Eighth 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;

17. **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;

18. **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, the confidentiality of information, while continuing the further development of the International Treaty information technology tools and infrastructure, including in accordance with the Vision and Programme of Work of the Global Information System of Article 17.

PART V: REVIEWS AND ASSESSMENTS UNDER THE MULTILATERAL SYSTEM AND OF THE IMPLEMENTATION AND OPERATION OF THE STANDARD MATERIAL TRANSFER AGREEMENT

19. **Decides** to undertake the reviews and assessments foreseen under Articles 11.4 and 13.2 (d) (ii) of the International Treaty, at its Eighth Session and **requests** the Secretary to prepare the relevant documentation.