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粮食和农业遗传资源委员会

接触小组第一次闭会期间会议

1999年9月20-24日，罗马

修改国际植物遗传资源约定，使其与 生物多样性公约一致

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接触小组在第一次闭会期间会议上商定的 第14条·利益分享的条文

主席接触小组第一次闭会期间会议只讨论了一项议题，继续谈判修改国际植物遗传资源约定，使其与生物多样性公约一致。会议对第14条的条文进行了谈判并同意将无会议正式报告。

本文件提供下述内容，作为记录。

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**接触小组在第一次闭会期间会议上
商定的第 14 条· 多边系统内的利益分享的条文**

第 14 条· 多边系统中的利益分享¹

14.1 各缔约方同意获取多边系统内的粮食和农业植物遗传资源须按本条分享利益²。各缔约方认识到在多边系统内方便获取粮食和农业植物遗传资源本身就是多边系统的一项重要利益，并同意从中产生的利益应按照本条的规定公平合理地分享。

14.2 各缔约方同意因利用[，包括商业利用]多边系统内的粮食和农业植物遗传资源而产生的利益应在领导机构的指导下，同时考虑到滚动式《全球行动计划》的重点活动领域，通过技术转让、能力建设、信息交流及[资助][公平合理分享研究与开发成果以及因粮食和农业植物遗传资源的商业和其它利用而产生的利益，]予以分享³。[并]规定如下：

(a) 信息交流

各缔约方同意提供信息，其中尤其包括关于多边系统内的粮食和农业植物遗传资源的目录和清查、技术信息、技术、科学及社会经济研究成果，包括特性鉴定、评价和利用。这些信息凡非机密性的即应提供，但须遵循适用的法律并按照国家的能力。⁴这些信息应通过多边系统的信息系统向《国际约定》的所有缔约方提供。⁵

(b) 技术的获取和转让

(i) [各缔约方保证提供和/或方便获取多边系统内粮食和农业植物遗传资源保存、特性鉴定、评价及利用的技术。认识到一些技术仅能

¹ 有待通过第 12 条和 13 条中的对称措辞。

² 有待通过第 13 条中的对称条文。

³ 有待通过第 17 条。

⁴ 有待对第 12 条和 13 条讨论。

⁵ 信息系统将在以后说明。

通过遗传材料予以转让，各缔约方应提供和/或方便获取这些技术和多边系统中的遗传材料以及通过利用多边系统中的粮食和农业植物遗传资源而开发的改良品种及遗传材料，应在尊重适用产权和获取法律的情况下并按照国家的能力提供和/或方便获取这些技术、改良品种及遗传材料。

(ii) 向各国，尤其是发展中国家及经济转型国家提供和转让技术应通过一系列措施进行，如建立、保持和参与关于粮食和农业植物遗传资源利用的以作物为基础的主题小组⁶，关于所收到材料的研究与开发及商业合资企业的各种伙伴关系、人力资源开发、有效获取研究设施。

[(iii) 应为多边系统内粮食和农业植物遗传资源保存的目的以及为发展中国家及经济转型国家小农的使用而自由获取和利用受知识产权保护的秘密信息及技术，如系商业用途，则应按照公平和最有利的条件，包括通过多边系统内研究与开发方面的伙伴关系相互商定的优惠条件向发展中国家及经济转型国家提供和/或方便获取和转让上述(i)和(ii)款中提到的技术，如属专利和其它知识产权保护的技术，则应按照承认并符合充分有效保护知识产权的条件获取和转让。]

(c) 能力建设

考虑到发展中国家及经济转型国家[通过在其计划和方案中对粮食和农业植物遗传资源方面的能力建设给予的重视所表达的]对多边系统包含的粮食和农业植物遗传资源的需要，各缔约方[应努力]/[同意](i)制订和/或加强粮食和农业植物遗传资源保存及可持续利用方面的科技教育和培训计划，(ii)尤其在发展中国家及经济转型国家发展并加强粮食和农业植物遗传资源保存及可持续利用的设施，(iii)最好并在可能时与发展中国家及经济转型国家合作在这些国家进行科学研究，并在所需要的领域发展这类研究的能力。

(d) 分享商业化的[货币]利益

[(i) 本约定的每一缔约方保证按照第16条商定的供资战略支付一笔年度捐款，该捐款相当于在其领土上通过利用本约定第12条所列粮食和农业植物遗传资源而产生的作物价值的百分之……，而这些作物是由或通过已按照其国家法律寻求知识产权保护的植物遗传材料或有关过程生产的。为

⁶ 有待酌情在其它条款内讨论。

此，这些作物的价值应以所收获作物的公顷数乘以这些作物全国平均每公顷单产以及上季作物当年平均价格计算得出。

(ii) 为本约定缔约方的发达保证按其国家在联合国分摊会费中的比例向根据第16条建立的商定供资战略提供年度捐款。

主席的说明：成员国首次就这一关键问题进行了极为丰富和建设性的辩论。若干国家和国家集团表示他们正在非常认真考虑这一问题，并保证向接触小组下次会议提出实际表达公平合理分享利益及吸收私营部门参与可能性的方式。

14.3 各缔约方同意因利用多边系统内的粮食和农业植物遗传资源而产生的利益应[特别]首先直接和间接流向保存和可持续利用粮食和农业植物遗传资源的各国，尤其是发展中国家及经济转型国家的农民。[...]

14.4 领导机构第一次会议将审议根据第16条建立的商定供资战略向对多边系统内粮食和农业遗传资源多样性作出重要贡献和/或有特殊需要的发展中国家及经济转型国家的粮食和农业植物遗传资源保存提供特别援助的有关政策及标准。

14.5 各缔约方认识到全面实施，尤其是发展中国家及经济转型国家全面实施《全球行动计划》的能力在很大程度上将取决于有效落实本条以及第16条中规定的供资战略。

APPENDIX A – ANNEXE A – ANEXO A -**LIST OF DELEGATES AND OBSERVERS
LISTE DES DELEGUES ET OBSERVATEURS
LISTA DE DELEGADOS Y OBSERVADORES**

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