

June 2013



# The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

**Item 19 of the Draft Provisional Agenda****FIFTH SESSION OF THE GOVERNING BODY****Muscat, Oman, 24-28 September 2013****REPORT ON PARTNERSHIPS, SYNERGIES AND COOPERATION  
WITH OTHER ORGANIZATIONS**

*Note by the Secretary*

- 1. This document contains a report on the relevant activities undertaken by the Secretariat and progress made since the last Session of the Governing Body to maintain, strengthen and extend partnerships, synergies and cooperation with relevant treaty bodies and international organizations.*
- 2. Possible elements of a resolution integrating elements for Agenda Items 12, 14 and 19 will be provided for the consideration of the Governing Body in an addendum to this document.*

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**TABLE OF CONTENTS**


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	<i>Para.</i>
I. Introduction	1-9
II. Cooperation with relevant treaty bodies and intergovernmental organizations	10-50
a) Bioversity International	10-17
b) Global Forum on Agricultural Research (GFAR)	18-20
c) International Fund for Agricultural Development (IFAD)	21-23
d) International Union for the Protection of New Plant Varieties (UPOV)	24-26
e) Liaison Group of Biodiversity-related Conventions	27-31
f) United Nations Development Programme (UNDP)	32-36
g) United Nations Environment Programme (UNEP)	37-40
h) United Nations Framework Convention on Climate Change (UNFCCC)	41-43
i) United Nations Information and Computing Centre (UNICC)	44
j) World Health Organization (WHO)	45-46
k) World Intellectual Property Organization (WIPO)	47-50
III. Conclusions on partnerships	51-55
IV. Compilation of elements for a draft resolution by the Governing Body on cooperation and partnerships	56

## I. INTRODUCTION

1. Article 19.3(g) of the Treaty provides that the Governing Body shall “*establish and maintain cooperation with other relevant international organizations and treaty bodies, including in particular the Conference of the Parties to the Convention on Biological Diversity, on matters covered by this Treaty, including their participation in the funding strategy.*”
2. At its First Session, the Governing Body “*noted that cooperation with other international organizations was of particular importance for the Treaty, in many aspects of its work.*”<sup>1</sup>
3. At its Second Session, the Governing Body also “*recognized the importance of collaboration between the Secretary of the Treaty and the International Agricultural Research Centres in the implementation of the Treaty. It expressed appreciation for the joint programme set up by FAO and Bioversity International to provide technical assistance to facilitate developing country implementation of the Treaty, and in particular, to initiate the Multilateral System.*”
4. At its Third Session, the Governing Body “*recognized the important role of the International Agricultural Research Centres of the CGIAR in supporting the International Treaty*”<sup>3</sup>. It also highlighted the need to maintain and develop the relationship between the International Treaty and the Global Crop Diversity Trust in a complementary manner.
5. At its Fourth Session, the Governing Body “*acknowledged the importance and value of building partnerships with international organizations to enhance the impact of the Benefit-sharing Fund*”<sup>4</sup>. It also highlighted the need to rely as much as possible on designated implementing entities and individuate international partners that will act as donors to the Benefit-sharing Fund.
6. The Governing Body, by Resolution 8/2011, recognized the importance of the cooperation between the Secretary of the Treaty and other organizations in accordance with the Treaty and the guidance of the Governing Body, and further acknowledged the ongoing fruitful collaboration between the Treaty and the Convention on Biological Diversity (CBD), the International Union for the Protection of New Varieties of Plants (UPOV), the United Nations Framework Convention on Climate Change (UNFCCC), the World Health Organization (WHO), the World Intellectual Property Organization (WIPO), and the World Trade Organization (WTO).
7. The Governing Body also recognized the need to expand the duration of the Joint Capacity Building Programme set up by the International Treaty, FAO and Bioversity International to the full biennium 2012-2013 and the number of countries that receive assistance thanks to voluntary contributions to the Special Funds for agreed purposes.
8. It requested the Secretary, *inter alia*, to:
  - i) continue enhancing the collaboration with other international organizations, especially the CBD in regard to the conservation and sustainable use of agricultural biological diversity, access to plant genetic resources and benefit-sharing, and to continue participating in relevant meetings of WIPO, UPOV, WTO and WHO;
  - ii) to explore areas of cooperation with other international organizations to further develop and implement the Funding Strategy of the International Treaty and its Benefit-sharing Fund;
  - iii) to continue pursuing initiatives for coordination and cooperation with the FAO Commission on Genetic Resources for Food and Agriculture and provide, in

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<sup>1</sup> IT/GB-1/06/Report, paragraph 45.

<sup>2</sup> IT/GB-2/07/Report, paragraph 84.

<sup>3</sup> IT/GB-3/09/Report, paragraph 52.

<sup>4</sup> IT/GB-4/11/Resolution 8, paragraph 15.

collaboration with the Secretary of the Commission, a paper on the legal, administrative and financial implications of transferring activities or tasks related to plant genetic resources for food and agriculture from the Commission to the Governing Body of the International Treaty;

- iv) to explore possible areas of cooperation with the United Nations Framework Convention on Climate Change, given the connection between climate change adaptation in agriculture and genetic resources, such as the participation of the Treaty as a partner in the REDD initiative; and
- v) report to the Governing Body at this Fifth Session on relevant activities undertaken by the Secretary to maintain, strengthen and extend the partnerships, synergies and cooperation with other organizations.

9. The report on cooperation with the Convention on Biological Diversity is contained in document IT/GB-5/13/14, *Report on matters concerning the relationship between the Governing Body and the Commission on Genetic Resources for Food and Agriculture*. Possible elements of a draft resolution on the joint cooperation with the Convention are provided in the draft resolution attached to that Report. This document contains the other reports requested by the Governing Body for this Session.

## II. COOPERATION WITH RELEVANT TREATY BODIES AND INTERGOVERNMENTAL ORGANIZATIONS

### A. Bioversity International

10. During this intersessional period, the Secretariat has continued to strengthen the collaborative processes with Bioversity International by co-organizing, together with the Convention on Biological Diversity, an expert workshop on the *International Treaty and the Nagoya Protocol - Supporting mutual supportiveness in the implementation of both instruments at the national level* held in Rome, Italy, from 29 to 31 January 2013. The workshop aimed at increasing the understanding of the linkages between the International Treaty and the Nagoya Protocol and to advance on their implementation in a mutually supportive manner.

11. The workshop further highlighted the possible issues for consideration by regulators and other relevant stakeholders involved in national implementation processes with a view to promoting their harmonious implementation. Among the outcomes of the workshop, it was established that more integration and collaboration among the stakeholders in the Parties to the two instruments would be vital in order to establish successful national ABS systems in the future. Thus, from the Treaty's perspective, the workshop provided further opportunity to foster awareness that, in the formulation of national ABS measures, a more comprehensive approach should be taken, and appropriate space made for the fulfilment of the Treaty's objectives and obligations.

12. At its Fourth Session, the Governing Body reaffirmed the need to expand the duration of the Joint Capacity Building Programme to the full biennium 2012-2103 and invited additional funding and partners.<sup>5</sup> In the context of the second phase of the project "Genetic Resources Policy Assistance", Bioversity International was able to secure funding from the Government of The Netherlands for technical assistance and capacity building activities aligned with the Joint Capacity Building Programme<sup>6</sup>. Information regarding the second phase of the joint programme is included in document IT/GB-5/13/21.

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<sup>5</sup> Resolution 8/2011, paragraph 17.

<sup>6</sup> For more information on the second phase of the joint programme, see IT/GB-5/13/21.

13. Under the project, Bioversity International is strengthening national capacities to participate in the Multilateral System. The Secretariat of the International Treaty published a notification to Contracting Parties calling for expressions of interest in the project<sup>7</sup>. Bioversity International was exclusively responsible for the selection of recipient countries based on pre-determined criteria, and is the implementing entity of the project.<sup>8</sup>

14. Bioversity International is also providing inputs for the joint publication titled “*Identifying benefits flow*” that will present the findings of five interlinked technical studies, which address the overall economic impact of the International Treaty and, in particular, the benefits that are likely to flow from the use of the SMTA. The studies provide an overview of the conceptual bases for assigning monetary and non-monetary values to plant genetic resources for food and agriculture, and constitute first steps towards a projection of benefit flows over time.

15. Bioversity International expressed its commitment to actively contribute to the implementation of the *Rio Six-Point Action Plan* adopted during the Second High-level Roundtable on the International Treaty, held on 21 June 2012, in Rio de Janeiro, during the Rio+20 Summit. Bioversity has convened a consultation to discuss the implementation of the third action point of the Action Plan, to ‘*facilitate a new Keystone-type dialogue*’ regarding governance of all plant genetic resources under the Treaty. Bioversity reported on its efforts to the Bureau of the Fifth Session, at its second meeting in March and has announced that it will report to the Third High-level Roundtable in Bandung (Indonesia).

16. Bioversity International and the Treaty Secretariat are supporting the training course that Wageningen University and the Centre for Development Innovation of the Wageningen University (WUR/CDI) are developing as part of the establishment the first international centre of excellence on the International Treaty.

17. Bioversity has also reported to the Governing Body on the transfer of plantain and banana material from its collections maintained in France.

## **B. Global Forum on Agricultural Research (GFAR)**

18. During this intersessional period, the Treaty Secretariat continued cross-cutting collaboration with the Secretariat of the Global Forum on Agricultural Research (GFAR). On the occasion of the Global Conference on Agricultural Research for Development (GCARD 2), held in October 2012 in Punta del Este, Uruguay, the Treaty Secretariat in collaboration with the Working Partners of the Platform, ran a pre-conference side event on the Platform for Co-development and Transfer of Technology. This side event illustrated the initial ideas on how the Platform could assist small-scale farmers in developing countries. The Secretariat of GFAR has prepared a study on best practices regarding the interactions between Farmers’ Rights and breeders’ rights. In this context, collaboration with the International Agricultural Research Centres (IARCs) has been established as to further incorporate the considerations on Farmers’ Rights as outlined in Article 9 of the Treaty in their research programmes<sup>9</sup>.

19. The Secretariats of the Treaty and GFAR are co-organizing a two-day Regional Coordination Workshop for Latin America and the Caribbean with a session dedicated to the implementation of Farmers’ Rights where the GFAR Secretariat will present its work and progress made in this area. GFAR has also scheduled a side event on 15 July, at the margins of the Sixth Africa Agriculture Science week on “*Farmers’s Rights on Plant Genetic Resources: from Principles to practice*”.

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<sup>7</sup> The notification of Bioversity International’s project is available at the following url: [http://www.planttreaty.org/sites/default/files/NCP\\_GB5\\_CBbioversity\\_en.pdf](http://www.planttreaty.org/sites/default/files/NCP_GB5_CBbioversity_en.pdf)

<sup>8</sup> The eight selected countries are: Bhutan, Burkina Faso, Costa Rica, Côte d’Ivoire, Guatemala, Nepal, Rwanda and Uganda.

<sup>9</sup> For more information on this joint study on Farmers Rights implementation, refer to IT/GB-5/13/10.

20. GFAR also participated in the first meeting of the *Ad Hoc Technical Committee on Sustainable Use* (ACSU-1) and provided extensive inputs on the sustainable use of plant genetic resources for food and agriculture for the development of the Programme of Work on Sustainable Use. It is also a technical advisory partner of the Platform for the Co-development and Transfer of Technology.

### **C. International Fund for Agricultural Development (IFAD)**

21. By Resolution 8/2009, the Governing Body “requested the Secretary to explore areas of cooperation with other international organizations to further develop and implement the Funding Strategy of the International Treaty and its Benefit-sharing Fund”.

22. Based on the elements approved by the Governing Body, and as advised by the *Ad Hoc Advisory Committee on the Funding Strategy* at its sixth meeting, a Grant Agreement has been signed with IFAD that pledged a contribution of one million, five hundred thousand US Dollars (USD 1.5 million) for the second Call for Proposals of the Benefit-sharing Fund. A part of funds has already been disbursed to the executing agencies of the projects approved by the Bureau of the Fifth Session of the Governing Body<sup>10</sup>.

23. The Treaty Secretariat is further exploring the possibility of a long-term collaboration with IFAD, which is intended to go beyond the current round of the call for proposals and seeks to further individuate international partners that to act as donors to the Benefit-sharing Fund.

### **D. International Union for the Protection of New Plant Varieties (UPOV)**

24. The two Secretariats are in constant communication and are exploring ways of further strengthening the relationship, in particular in the areas of technology transfer and information exchange.

25. In Resolution 8/2011, the Governing Body “*request[ed]* the Secretary to continue participating in relevant meetings of the International Union for the Protection of New Varieties of Plants” (UPOV), given its close linkages with the Multilateral System. Consequently, the UPOV Union has been kept abreast of developments in the Multilateral System and two decisions were taken by the UPOV Council in the course of the biennium to advance the collaboration between the Treaty and the UPOV Convention. First, the UPOV Council authorized its Secretariat to provide dedicated access to the International Treaty to the UPOV Pluto Database for the preparation of a Study entitled, *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*.

26. The UPOV Secretariat also participated in the peer-review of the study and provided valuable inputs. Second, at its Forty-Sixth Ordinary Session on 1 November 2012, the UPOV Council “approved the participation of the Office of the Union in the [...] ITPGRFA Platform for the Co-Development and Transfer of Technologies” and the Secretariat has therefore participated as a technical advisory partner in the meetings of the Platform partners.

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<sup>10</sup> For more information on the approved projects under the Second Call for proposals of the benefit-sharing Fund, visit <http://www.planttreaty.org/content/call-proposals-2010-2011>.

## **E. Liaison Group of Biodiversity-related Conventions**

27. At its Fourth Session, the Governing Body of the International Treaty, through Resolution 8/2011, requested the Secretary to continue participating in relevant meetings of the Liaison Group of Biodiversity-related Conventions.

28. Pursuant to the requests of the Governing Body, and taking into account the Decisions of the Conference of Parties to the Convention, the Secretariat has actively participated in the Liaison Group of the Biodiversity-related Conventions coordinated by the Secretariat of the Convention on Biological Diversity. A number of initiatives to promote synergies and cooperation are under discussion, including facilitation of increased coordination among national focal points of the various conventions.

29. At the Second Retreat of the Liaison Group of the Biodiversity-related Conventions held on 4 September 2011, at Chateau de Bossey, Switzerland, the executive heads of the Secretariats of the six biodiversity-related conventions adopted a *Modus Operandi* to guide the work of the Liaison Group of the Biodiversity-related Conventions<sup>11</sup>.

30. The Secretariat has participated in the meetings of the Liaison Group of Biodiversity related Conventions and Treaties, together with the Convention on Biological Diversity (CBD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Convention on Migratory Species (CMS), the Ramsar Convention on Wetlands and the World Heritage Convention (WHC), to discuss potential synergies by expanding collaboration at secretariat level.

31. Four key areas have been informally identified for potential collaboration: the science-policy interface (including the role of the Intergovernmental Platform on Biodiversity and Ecosystem Services, (IPBES); National Biodiversity Strategies and Action Plans (NBSAPs) and the national implementation of the Strategic Plan for Biodiversity 2011-2020; national reporting and capacity-building. Additionally, the Secretariat of the International Treaty is sharing information –like national focal points of the Treaty, status of ratification, and major decisions– with these and other instruments on the Internet at no cost thanks to the efforts of the InforMEA initiative and its portal launched in 2011<sup>12</sup>.

## **F. United Nations Development Programme (UNDP)**

32. UNDP was invited to participate in the fifth meeting of the *Ad Hoc* Advisory Committee on the Funding Strategy following their expression of interest to partner with the Benefit-sharing Fund.

33. UNDP has collaborated with applicants of the Benefit-sharing Fund to submit eight project proposals for funding in the second round of the Benefit-sharing Fund cycle. After going through the screening and appraisal process, in accordance with established procedures, six of these projects were approved by the Bureau. The Treaty Secretariat and UNDP, in the spirit of their established partnership, have secured funds to finance three out of the six projects that have been approved for funding.

34. UNDP has re-iterated its commitment towards the partnership with the Treaty Secretariat which will focus on the implementation and management of high quality projects funded by the Benefit-sharing Fund and co-financed by UNDP, as well as jointly exploring additional funding opportunities including participation in cultivation events.

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<sup>11</sup> For more information on the Modus Operandi refer to IT/GB-5/13/14.

<sup>12</sup> <http://www.informe.org/>

35. In addition, UNDP has agreed to reduce its management fees for all future projects from a standard 12% to 7% which is a significant cost saving and further enhances the “value-added” of this partnership.

36. The Treaty, in accordance with the advice of *Ad Hoc* Advisory Committee on the Funding Strategy, is further exploring the possibility of a long-term collaboration with UNDP and seeks to further develop partnerships for it to act as multilateral implementing entity of the Benefit-sharing Fund, to enhance the impact and capacity of the Fund.

### **G. United Nations Environment Programme (UNEP)**

37. The United Nations Environment Programme (UNEP) and the International Treaty share common goals and objectives with regard to the conservation, sustainable use and benefit-sharing for plant genetic resources for food and agriculture.

38. At its Third Session the Governing Body of the International Treaty, by Resolution 8/2009, recognized the importance of the cooperation between the Secretary of the Treaty and other organizations in accordance with the Treaty and under the Governing Body’s guidance, and further acknowledged the ongoing fruitful collaboration between the Treaty and other international treaties and conventions. At its Fourth Session, the Governing was informed by the Secretariat on the ongoing collaboration.

39. At the Second High-level Round Table on the Treaty, convened at the margins of the Rio +20 Summit on Sustainable Development under the auspices of the High-level Task Force of the Benefit-sharing Fund, the collaboration between the Secretariats of the International Treaty and that of UNEP continued and expanded through the signature in 2012 of a Memorandum of Understanding (MoU). This has the overall aim to strengthen collaboration towards common goals and objectives with regard to the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of benefits arising out of their use. The main areas of technical and strategic collaboration under the MoU are (1) the implementation of the Benefit-sharing Fund of the Treaty, (2) the exchange of experiences in the management and implementation of biodiversity projects, and (3) capacity building on access and benefit-sharing issues related to plant genetic resources for food and agriculture.

40. This partnership provides a valuable opportunity to contribute to the process of the harmonious implementation of the International Treaty and Nagoya Protocol with a focus on access and benefit sharing. Additionally, the Memorandum identifies UNEP as a *Multilateral Implementing Entity* of the Benefit-sharing Fund of the Treaty and it envisages that UNEP could implement a part of the benefit-sharing portfolio in the future rounds of its funding cycle.

### **H. United Nations Framework Convention on Climate Change (UNFCCC)**

41. During this biennium the Secretariat has been in constant communication with the UNFCCC Secretariat to explore and expand areas of cooperation in relation to climate change adaptation in agriculture and genetic resources.

42. The Benefit-sharing Fund of the Funding Strategy was integrated into the UNFCCC database of funding options available for climate change adaptation.

43. The activities that the Benefit-sharing Fund of the Treaty is currently sponsoring through its second round of the project cycle, projects which specifically aim at ensuring food security and resilience in the face of climate change challenges. That is why the Secretariat is cooperating with UNFCCC to ensure that the Treaty is recognized as part of the international climate change policy process.

## **I. United Nations Information and Computing Centre (UNICC)**

44. Since the Fourth Session of the Governing Body, the Secretariat has continued collaborating with the United Nations Information and Computing Centre (UNICC) to advance cooperation on information technology tools for the management of the Multilateral System, and in particular to maintain the high standards of performance, security and data confidentiality of Easy-SMTA.

## **J. World Health Organization (WHO)**

45. At its Third and Fourth Sessions the Governing Body acknowledged the ongoing fruitful collaboration between the Treaty and the World Health Organization (WHO) and requested the Secretary to continue enhancing the cooperation by participating in relevant meetings.

46. In the context of their recent work on virus-sharing and sharing of benefits arising from the use of those resources, the WHO Secretariat had approached the Treaty Secretariat, requesting information on its experiences regarding the functioning and practical operation of the Treaty's Multilateral System of Access and Benefit-sharing. The Secretariat of the Treaty provided WHO with information on the Treaty as well as on the experiences and lessons learned in the operation of the Multilateral System and implementation of the Standard Material Transfer Agreement (SMTA). These experiences and lessons have assisted members of the WHO in addressing the problems and challenges related to the sharing of samples of, as well as the sharing of benefits arising from research on, avian flu viruses, which are also of common global concern. The Secretariat of the Treaty had also participated in a number of meetings organized by the WHO in this regard.

## **K. World Intellectual Property Organization (WIPO)**

47. As requested by the Governing Body at its Fourth Session, the Secretariat participated in relevant meetings of WIPO, including its Twentieth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) held in Geneva, Switzerland from 14 to 22 February 2012.

48. At the margins of the Twentieth Session, the Secretariat organized a side event to share experiences on the implementation of Farmer's Rights, in the form of consultations requested by Resolution 6/2011, which provided information and helped to identify gaps and needs for the realization of Farmers' Rights as specified in Article 9 of the Treaty.

49. Areas of possible intersection between the Treaty and the IGC's work, include intellectual property-related clauses under the Standard Material Transfer Agreement (SMTA) and access and benefit-sharing contracts in general; the patentability of genetic resources within and outside of the Multilateral System; the protection of traditional knowledge in the context of Article 9 of the Treaty; and the relevance of patent information systems in the context of Article 17 of the Treaty.

50. During the intersessional period, the Intergovernmental Committee advanced on the negotiation and consolidation of draft texts on access relating to intellectual property and the protection of genetic resources. At the Twentieth Session the draft elaborated by the Committee was left with a number of brackets. At its Twenty Third Session in February 2013, the Committee further streamlined the ten-page text and at the Twenty Fourth Session in April 2013 it continued its work, with a special focus on provisions related to protection, beneficiaries, scope of

protection, and limitations and exceptions. The new document<sup>13</sup> will be sent to the WIPO General Assembly in September 2013.

### **III. CONCLUSIONS ON PARTNERSHIPS**

51. The growth of the International Treaty and the consolidation of these systems have led to a considerable increase in the number of processes, treaties and organizations that the Treaty interfaces with. As these interfaces continue to expand in number and scope, developing and maintaining partnerships will increasingly be key to the future of the International Treaty in order to achieve synergies and complementarities.

52. Cooperation activities are of increasing relevance to Treaty processes, not only to expand synergies for efficient technical implementation of the Treaty but also to further develop and maintain an adequate positioning of the Treaty in relevant international policy processes. Since its coming into force, the Treaty has progressively been recognized by other relevant international agreements and processes as playing an important role in addressing current and emerging global challenges ranging from food security to climate change.

53. Cooperation with governments, FAO, other treaties and conventions, international organizations and other institutions, has proven to be an essential element for the operationalizing the Multilateral System and the Benefit-sharing Fund during the past biennia and the current intersessional period.

54. Nevertheless, the establishment and maintenance of these partnerships requires extensive work, time and resources from the Treaty Secretariat. Moreover, the development and maintenance of partnerships is highly context-driven and complex. The building of each partnership depends on a wide variety of shifting institutional and programmatic factors and it evolves at different speeds.

55. Therefore, high priority should be given to the further development of partnerships in order to derive the maximum benefit from them.

### **IV. COMPILATION OF ELEMENTS FOR A DRAFT RESOLUTION BY THE GOVERNING BODY ON COOPERATION AND PARTNERSHIPS**

56. The Governing Body is invited to consider the elements above and the content of all the working documents under Agenda Items 12, 14 and 19 for the consideration and adoption of the draft resolution contained in the *Addendum* to this Report.

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<sup>13</sup> Revision 2 of the WIPO/GRTKF/IC/24/4 includes the changes to the policy objectives and the guiding principles, Articles 1, 2 3 and 6.