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**Food and Agriculture  
Organization of the  
United Nations**



**The International Treaty**  
**ON PLANT GENETIC RESOURCES**  
**FOR FOOD AND AGRICULTURE**

<b>Item 8 of the Provisional Agenda</b>
<b>SIXTH SESSION OF THE GOVERNING BODY</b>
<b>Rome, Italy, 5-9 October 2015</b>
<b>Draft Resolution 1/2015</b>
<b>Measures to enhance the functioning of the Multilateral System of Access and Benefit-Sharing</b>

*Note by the Secretary*

An earlier version of this draft Resolution was seen by the third meeting of the *Ad Hoc* Open-ended Working Group to Enhance the Functioning of the Multilateral System, during its third meeting in June 2015. Members of the Working Group made submissions regarding the text, and requested the Secretary to prepare the draft Resolution for the consideration of the Governing Body.

This draft resolution draws substantively on the *Proposed tasks for further work* agreed by the Working Group, during its third meeting in June 2015 (see page 4 of the report of the meeting, in document IT/GB-6/15/6), and is coordinated with draft Resolution 2/2015, *Implementation of the Funding Strategy* (appended to document IT/GB-6/15/11, *Report on the Funding Strategy*), which contains the tasks related to the Funding Strategy. Further information is provided in the cover note of document IT/GB-6/15/6 on the proposed process to consider and adopt these two Resolutions, for guidance by the Governing Body.

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**DRAFT RESOLUTION 1/2015**  
**MEASURES TO ENHANCE THE FUNCTIONING OF**  
**THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING**

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**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 (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;

**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;

1. **Welcomes** the important progress made by the Working Group in the biennium;
2. **Agrees** to the following package of measures to enhance the functioning of the Multilateral System, and in particular to increase user-based payments and contributions to the Benefit-sharing Fund in a sustainable and predictable long-term manner:
  - a) the SMTA will be revised to elaborate elements of a Subscription System for user-based payments within the Multilateral System;
  - b) within such revision, payment rates within the Treaty’s access and benefit-sharing mechanism will be re-considered;
  - c) a draft amendment of, or Protocol to, the Treaty, will be prepared to extend its crop coverage, in conjunction with enhanced benefit-sharing provisions;
  - d) a mechanism of contributions by Contracting Parties will developed to ensure sustained and predictable income to the Benefit-sharing Fund.
3. **Stresses**, however, the urgency of completing the preparation of all elements necessary to enhance the Multilateral System, as a single, fully coordinated package of measures, with all necessary texts and instruments to give it effect, for consideration for adoption at its Seventh Session;
4. **Therefore extends** the mandate of the *Ad Hoc* Working Group to Enhance the Functioning of the Multilateral System, for the 2016-2017 biennium;

5. **Approves** the *Proposed tasks for further work* as the basis for the development of the package of measures as identified in the Report of the Working Group, and **requests** the Working Group to complete the full package of measures and to use the following documents, as well as the submissions made by members of the Working Group, as the basis for further work in the next biennium: *Draft Revised Standard Material Transfer Agreement, Possible objectives and elements of a Protocol to the International Treaty, Exploring a proposal to develop a mechanism of contributions by Contracting Parties to the Benefit-sharing Fund*, as well as the accompanying document *Commentary on Structural Elements for the Development of a Subscription Model/System*.
6. **Recognizes** the complexity of the tasks involved, **stresses** the need for the Working Group to proceed methodically and on the basis of well-prepared technical and legal analyses and consultations, and **therefore requests** the Co-chairs to take all appropriate actions, such as to convene, where appropriate, small technical expert and legal drafting teams, to prepare the meetings of the Working Group;
7. **Urges** Contracting Parties to provide support and financial resources, as necessary, for the Working Group to be able to fulfil its mandate on schedule.
8. **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;
9. **Requests** the Working Group to:
  - a. Consider payment rates within the Treaty's access and benefit-sharing instruments, taking into account the role of Contracting Parties;
  - b. Prepare a draft [amendment of the Treaty] / [Protocol to the Treaty] completing the Subscription Model/System and extending the crop coverage to [the scope of the Treaty itself, namely all plant genetic resources for food and agriculture,] / [a defined list of crops], in harmony with enhanced benefit-sharing provisions;
10. **Stresses** the importance of promoting harmony and coherence in the overall international framework for the management of genetic resources, and **requests** the Secretary and the Co-chairs to liaise with the Executive Secretary of the Convention on Biological Diversity, in order to develop the foreseen [amendment of the Treaty] / [Protocol to the Treaty] in harmony with the CBD;
11. **Requests** the Secretary and the Co-chairs to consult the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other international organizations that have entered into agreements under Article 15 of the Treaty, on the implications of proposed new measures for their work, and work together in the spirit of resolving any technical problems that are identified;
12. **Reiterates** the importance of developing all measures for user-based payments in a coherent and integrated manner, as a single package, supported by realistic, evidence-based, overall income projections; and **requests** seed sector representatives to effectively and openly assist the Co-chairs to obtain a realistic picture of the willingness of individual companies to enter into the proposed Subscription System, and, on the basis of their net seed sales, to estimate the resulting income to the Benefit-sharing Fund.
13. **Notes** that the *Ad Hoc* Advisory Committee on the Funding Strategy — as mandated in Resolution 2/2015, *Implementation of the Funding Strategy* — will undertake preparatory work for the review of the Funding Strategy, including the development of a funding target for the Benefit-sharing Fund in the 2018–2023 period, and **requests** the two bodies to closely coordinate their work;

14. **Recognizes** that user-based monetary benefit-sharing will not, on its own, provide an adequate level of income to the Benefit-sharing Fund.
15. **Agrees** that an enhanced Multilateral System will comprise a number of income streams contributing to the Benefit-sharing Fund, some of which will be mandatory and some of which will be voluntary;
16. **Requests** the Working Group to explore a proposal to develop a mechanism of contributions by Contracting Parties that will ensure sustainable and predictable income to the Benefit-sharing Fund for consideration and decision at its Seventh Session.

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

17. **Decides** to again postpone the reviews foreseen under Articles 11.4 and 13.2d(ii) of the Treaty to its Seventh Session;
18. **Requests**, however, that the Working Group proceed with its work towards the completion of the Subscription System on the basis that the mandatory payment requirement in the Standard Material Transfer Agreement shall apply also in cases where such commercialized products are available without restriction to others for further research and breeding, with the understanding that a 0% payment rate may be applied to certain categories of products.

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

19. **Recalls** its previous decisions on inclusion of material, particularly Resolution 1/2013, and requests 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;
20. **Decides** to set a numerical target of [] new accessions to be included in the Multilateral System during the 2016-2017 biennium, including those from unique accessions transferred from *in situ* and on-farm conditions;
21. **Welcomes** the efforts by Contracting Parties to encourage the seed sector to make its materials available, and requests that the Secretary be notified of any such initiatives;
22. **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;
23. **Decides** to include in the agenda of the Seventh Session a general review of the availability of material in the Multilateral System, 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.