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Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

Item 2 of the Draft Provisional Agenda

**COMMISSION ON GENETIC RESOURCES FOR FOOD AND
AGRICULTURE ACTING AS INTERIM COMMITTEE FOR THE
INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

**EXPERT GROUP ON THE TERMS OF THE STANDARD
MATERIAL TRANSFER AGREEMENT**

First Meeting

Brussels, 4-8 October 2004

Provisional Annotated Agenda and Time-Table

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PROVISIONAL ANNOTATED AGENDA

1. Election of Chairperson, Vice-Chairperson and Rapporteur

2. Adoption of Agenda and Timetable

The present document contains the *Draft Provisional Annotated Agenda* and the *Provisional Timetable*. The draft Agenda is based on the Terms of Reference for the Expert Group adopted by the first Meeting of the Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture, see document CGRFA/IC/MTA-1/04/3.

3. Consideration of questions addressed to the Expert Group by the first meeting of the Interim Committee

The Expert Group is asked by the Interim Committee to provide advice on, and, where appropriate, to propose options and/or elements for inclusion in the standard MTA on nine specific questions. The first six questions relate specifically to words or phrases in Article 13.2(d)(ii) of the Treaty. These phrases are shown in bold in the extract below. The agenda reference item is indicated in brackets:

*“The Contracting Parties agree that the standard Material Transfer Agreement referred to in Article 12.4 shall include a requirement that a recipient who commercializes a product that is a plant genetic resource for food and agriculture and that **incorporates material accessed from the Multilateral System (3.5)**, shall pay to the mechanism referred to in Article 19.3f, an equitable share of the benefits arising from the **commercialization (3.4)** of that product, except whenever such a product is **available without restriction to others for further research and breeding (3.6)**, in which case the recipient who commercializes shall be encouraged to make such payment.*

*The Governing Body shall, at its first meeting, determine **the level, form and manner of the payment, in line with commercial practice (3.1)**. The Governing Body may decide to establish **different levels of payment for various categories of recipients who commercialize such products (3.2)**; it may also decide on the need to exempt from such payments **small farmers in developing countries and in countries with economies in transition (3.3)**. The Governing Body may, from time to time, review the levels of payment with a view to achieving fair and equitable sharing of benefits, and it may also assess, within a period of five years from the entry into force of this Treaty, whether the mandatory payment requirement in the MTA shall apply also in cases where such commercialized products are available without restriction to others for further research and breeding.”*

The questions which the Expert Group is asked to address are set out below:

3.1 What should be the level, form and manner of payments in line with commercial practice?

3.2 Should different levels of payment be established for various categories of recipients who commercialise such products or for different sectors and, if so, what those levels, various categories of recipients and sectors should be?

- 3.3** Should small farmers in developing countries and in countries with economies in transition be exempt from the payments and, if so, who qualifies as such a small farmer?
- 3.4** What constitutes commercialisation in terms of Article 13.2.d(ii) of the Treaty?
- 3.5** What constitutes incorporation of material accessed from the Multilateral System?
- 3.6** When would a product be considered to be available without restriction to others for further research and breeding?
- 3.7** How will monetary and other benefits be defined, for the purposes of the standard MTA?
- 3.8** By what means will the MTA ensure the application of Article 12.3?
- 3.9** What terms should be included in the MTA, so that recipients are bound by it on acceptance of the material from the Multilateral System?

4. Further work

The Expert Group will report to the Second Meeting of the Interim Committee for the Treaty, and may wish to recommend further activities, including a further meeting or meetings of this Expert Group, to be carried out before the First Meeting of the Governing Body. It may wish to propose a timetable for such meetings. It may also wish to consider if this work could be further facilitated by requesting the Secretariat to assemble information, or carry out of technical studies.

5. Other business

6. Adoption of the Report to the Second Meeting of the Interim Committee.

PROVISIONAL TIME-TABLE

Time	Agenda Item	Title	Working Documents
Monday, 4 October 2004			
morning			
10:00-10:30	1	Election of the Chairperson, Vice-Chairperson and Rapporteur	CGRFA/IC/MTA – 1/04/1
10:30-11:00	2	Adoption of the Agenda and Timetable	CGRFA/IC/MTA – 1/04/1 and CGRFA/IC/MTA-1/04/2
11:00-13:00	3.1	What should be the level, form and manner of payments in line with commercial practice?	CGRFA/IC/MTA – 1/04/3
Monday, 4 October 2004			
afternoon			
15:00-17:00	3.2	Should different levels of payment be established for various categories of recipients who commercialise products or for different sectors and, if so, what should those levels, various categories or recipients and sectors be?	CGRFA/IC/MTA – 1/04/3
17:00-18:00	3.3	Should small farmers in developing countries and in countries with economies in transition be exempt from payments and, if so, who qualifies as a small farmer?	CGRFA/IC/MTA – 1/04/3
Tuesday, 5 October 2004			
morning			
10:00-11:00	3.3 continued	Should small farmers in developing countries and in countries with economies in transition be exempt from payments and, if so, who qualifies as a small farmer?	CGRFA/IC/MTA – 1/04/3
11:00-13:00	3.4	What constitutes commercialisation in terms of Article 13.2(d)(ii) of the Treaty?	CGRFA/IC/MTA – 1/04/3

Tuesday, 5 October 2004-06-25			
afternoon			
15:00-17:00	3.5	What constitutes incorporation of material accessed from the Multilateral System?	CGRFA/IC/MTA – 1/04/3
17:00-18:00	3.6	When would a product be considered to be available without restriction to others for further research and breeding?	CGRFA/IC/MTA – 1/04/3
Wednesday, 6 October 2004			
morning			
10:00-11:00	3.6 continued	When would a product be considered to be available without restriction to others for further research and breeding?	CGRFA/IC/MTA – 1/04/3
11:00-13:00	3.7	How should monetary and other benefits be defined, for the purposes of the standard MTA?	CGRFA/IC/MTA – 1/04/3
Wednesday, 6 October 2004			
afternoon			
15:00-17:00	3.8	By what means will the MTA ensure the application of Article 12.3 of the Treaty?	CGRFA/IC/MTA – 1/04/3
17:00-18:00	3.9	What terms should be included in the MTA, so that recipients are bound by it on acceptance of the material from the Multilateral System?	CGRFA/IC/MTA – 1/04/3
Thursday, 7 October 2004			
morning			
10:00-11:00	3.9 continued	What terms should be included in the MTA, so that recipients are bound by it on acceptance of the material from the Multilateral System?	CGRFA/IC/MTA – 1/04/3
11:00-13:00		Continued discussion on Agenda Items 3.1 to 3.9 as necessary	

Thursday, 7 October 2004			
afternoon			
15.00-17:00	4	Further work	
17.00-18:00	5	Other business	
Friday, 7 October 2004			
afternoon			
15:00-18:00	6	Adoption of the Report to be submitted to the Second Meeting of the Interim Committee	