

**RESOLUTION 4/2009**  
**THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING**

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**THE GOVERNING BODY,**

*Convinced* of the crucial importance for the International Treaty of bringing the Multilateral System of Access and Benefit-sharing into full and effective operation;

*Convinced* of the need to address the various elements of the Multilateral System as an integrated whole;

*Recalling* that, in Article 11.3 of the International Treaty, Contracting Parties agreed to take appropriate measures to encourage natural and legal persons within their jurisdictions who hold plant genetic resources for food and agriculture listed in *Annex 1* to include such plant genetic resources for food and agriculture in the Multilateral System;

*Recalling* that Article 11.4 of the Treaty provided that, within two years of the entry into force of the International Treaty, the Governing Body should assess the progress in including these plant genetic resources for food and agriculture in the Multilateral System, and that, following this assessment, the Governing Body should decide whether access shall continue to be facilitated to those natural and legal persons that have not included their plant genetic resources for food and agriculture in the Multilateral System, or take such other measures as it deems appropriate;

*Noting further* that, at its Second Session, it had decided to postpone its assessment of progress in including these plant genetic resources for food and agriculture in the Multilateral System until this Third Session;

*Convinced* of the crucial importance for the International Treaty of the Standard Material Transfer Agreement, as the instrument for the facilitated exchange of plant genetic resources for food and agriculture, and the source of monetary benefit-sharing;

*Concerned* that little information is as yet available on the implementation and operation of the Standard Material Transfer Agreement;

**PART I. IMPLEMENTATION OF THE MULTILATERAL SYSTEM**

1. *Stresses* the importance of documenting the plant genetic resources for food and agriculture within the Multilateral System, so that they may be accessed for the purpose of utilization and conservation for research, breeding and training for food and agriculture using the FAO/IPGRI Multicrop Passport Descriptor List.
2. *Welcomes* the efforts underway to coordinate and improve information systems documenting plant genetic resources for food and agriculture, based on existing information systems, which should build the basis of the Global Information System, foreseen in Article 17, consistent with Article 12.3b, of the International Treaty;
3. *Stresses* the importance of assisting developing countries in this process bilaterally, or through existing multilateral frameworks, such as the Joint FAO/International Treaty Secretariat/Biodiversity International Capacity-building Programme.

4. **Requests** all Contracting Parties to report on their plant genetic resources for food and agriculture that are in the Multilateral System, in accordance with Article 11.2 of the International Treaty, and, according to national capacities, to take measures to make information on these resources available to potential users of the Multilateral System;
5. **Requests** the Secretary to prepare a comprehensive report to its Fourth Session on the status of non-monetary and monetary benefit-sharing, as provided for in Articles 13.2a, b, c and d of the International Treaty, and for this purpose to request information from Contracting Parties, international institutions having signed agreements under Article 15, and private sector entities;
6. **Decides** to again review the implementation of the Multilateral System at its Fourth Session;

## **PART II. INCLUSION OF PLANT GENETIC RESOURCE FOR FOOD AND AGRICULTURE IN THE MULTILATERAL SYSTEM BY NATURAL AND LEGAL PERSONS WITHIN THE JURISDICTION OF CONTRACTING PARTIES**

7. **Expresses its concern** that information on the inclusion of plant genetic resource for food and agriculture in the Multilateral System by natural and legal persons within the jurisdiction of Contracting Parties on which to base its assessment of the progress in including these plant genetic resources for food and agriculture in the Multilateral System, is not yet available;
8. **Reiterates** the urgency of obtaining the appropriate information it needs to assess progress in the inclusion in the Multilateral System of plant genetic resources for food and agriculture held by natural and legal persons within the jurisdictions of Contracting Parties. Such information should comprise:
  - The holders of the collections;
  - The crops included;
  - The total number of accessions;
9. **Encourages** Contracting Parties, as appropriate, in reporting on their plant genetic resources for food and agriculture in the Multilateral System, to provide information on the collections of legal persons not part of the government, whom they regard as forming part of their national plant genetic resources systems and who are willing to make such information available.
10. **Further invites** all Contracting Parties to include in their reports on the plant genetic resources for food and agriculture in the Multilateral System information on the appropriate measures that they are taking, in accordance with Article 11.3 of the Treaty, to encourage natural and legal persons within their jurisdictions to include plant genetic resources for food and agriculture in the Multilateral System, according to national capacities;
11. **Decides** to postpone the assessment provided for in Article 11.4 of the Treaty until its Fourth Session, because of the current lack of information;

## **PART III. IMPLEMENTATION AND OPERATION OF THE STANDARD MATERIAL TRANSFER AGREEMENT**

12. **Requests** all Contracting Parties to take the policy, legal and administrative measures necessary for their national plant genetic resource systems, and natural and legal persons within their jurisdictions, to be able to use the Standard Material Transfer Agreement to provide facilitated access to plant genetic resources for food and agriculture;

13. **Stresses** the importance of assisting developing countries in this process;
14. **Urges** developed country Contracting Parties to provide appropriate assistance to developing countries, bilaterally, or through established multilateral frameworks for:
- capacity-building;
  - awareness-raising;
  - promotion of the exchange of experiences among those responsible for implementing the Standard Material Transfer Agreement at national level;
  - electronic management of the Standard Material Transfer Agreement and related reporting.
15. **Requests** the Secretary to give priority to assisting users of the Standard Material Transfer Agreement to overcome any implementation problems such as those identified at the First Meeting of Experts on the Standard Material Transfer Agreement, including, subject to the availability of funds, through the convening of an *Ad Hoc* Advisory Technical Committee on the Standard Material Transfer Agreement and the Multilateral System, taking into account regional representation, according to the terms of reference as contained in the *Annex* to this Resolution.
16. **Decides** to again review the level of payments, with a view to achieving fair and equitable sharing of benefits, at its Fourth Session;
17. **Decides** to postpone the review of whether the mandatory payment requirement shall also apply in cases where commercialized products are available without restriction to others for further research and breeding to its Fourth Session;
18. **Welcomes** the decision of Norway to make an additional annual payment of 0.1% of the value of all seeds sold in its territory;
19. **Appeals** to other Contracting Parties to take similar decisions, with the aim of providing the International Treaty's Benefit-sharing Fund with substantial and reliable resources;
20. **Welcomes** the decision of those Recipients who have already opted for the crop-based modality of payment under Article 6.11 of the Standard Material Transfer Agreement, and **encourages** others to follow their example;
21. **Recalls** that Recipients opting for the crop-based payment modality under Article 6.11 of the Standard Material Transfer Agreement, by submitting *Annex 4* to the Standard Material Transfer Agreement, duly signed, should at the same time specify to which crop it applies; where the recipient has disclosed information to the provider before acceptance of the SMTA on the payment modality to be chosen, the provider should issue a separate SMTA for material to which the payment modality under Article 6.11 will apply. The instructions contained in explanatory notes about the SMTA should be amended accordingly;
22. **Decides** that payments due under the Standard Material Transfer Agreement should be made in US dollars, calculated at the market rate in effect on the day that the payment is made.

#### **PART IV. FOLLOW-UP BY THE SECRETARIAT**

23. **Stresses** the importance of adequate information being provided to the Secretary by January 2011, so that a full report may be prepared for its Fourth Session;

*Annex*

**TERMS OF REFERENCE FOR  
THE *AD HOC* ADVISORY TECHNICAL COMMITTEE ON THE STANDARD MATERIAL  
TRANSFER AGREEMENT AND THE MULTILATERAL SYSTEM**

1. The *Ad Hoc* Advisory Technical Committee will advise the Secretary on implementation questions raised by users of the Standard Material Transfer Agreement, which the Secretary brings to their attention on the basis of questions addressed and forwarded to the Secretary by Contracting Parties, international centres having signed agreements with the Governing Body under Article 15 of the Treaty and other users of the Standard Material Transfer Agreement. The *Ad Hoc* Advisory Technical Committee shall take into account implementation problems such as those identified at the First Meeting of Experts on the Standard Material Transfer Agreement.
2. The *Ad Hoc* Advisory Technical Committee will comprise up to two members designated by each Region and up to five technical experts, including representatives of the CGIAR. In inviting these technical experts to a meeting of the *Ad Hoc* Advisory Technical Committee, the Secretary will have regard of the specific nature of the questions brought to his notice and the expertise needed to address these. Experts will be identified with due attention to the knowledge and skills required, understanding of the International Treaty and its Multilateral System, impartiality, and geographical balance. There will be two Co-Chairs, one from a developing country and one from a developed country Contracting Party, who will be elected from the members of the *Ad Hoc* Advisory Technical Committee.
3. The *Ad Hoc* Advisory Technical Committee will hold up to two meetings subject to the availability of funds.
4. The *Ad Hoc* Advisory Technical Committee will prepare a report at the end of a meeting, with responses to matters brought to its attention, and, where necessary, opinions on specific questions. These reports will be made available as information documents to the Fourth Session of the Governing Body. Where necessary, the *Ad Hoc* Advisory Technical Committee should discuss and consider questions regarding the Standard Material Transfer Agreement and the Multilateral System that may need to be brought to the attention of the Governing Body through the Secretary.
5. The *Ad Hoc* Advisory Technical Committee will report on the progress to the Secretary who will in turn report on this progress to the Fourth Session of the Governing Body.