

January 2017



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



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

**Item 3 of the Provisional Agenda**

**INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES  
FOR FOOD AND AGRICULTURE**

**SECOND MEETING OF THE COMPLIANCE COMMITTEE**

**Rome, Italy, 21 – 22 February 2017**

**SYNTHESIS OF REPORTS RECEIVED FROM CONTRACTING PARTIES  
ON MEASURES TAKEN TO IMPLEMENT THE PROVISIONS OF THE  
INTERNATIONAL TREATY**

**Executive Summary**

Pursuant to Section V of the *Compliance Procedures*, the Compliance Committee shall consider the reports received up to 12 months before the next session of the Governing Body. The Committee shall also submit to the Governing Body, for its consideration, a synthesis on the basis of the reports that it has considered, in order to assist the Governing Body in its monitoring of the implementation by Contracting Parties of their obligations under the Treaty. This document contains an analysis of reports received from Contracting Parties pursuant to Section V of the *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance* and related issues.

## I. INTRODUCTION

1. The Compliance Committee was established by Resolution 3/2006 pursuant to Articles 19.3e and 21 of the Treaty. It held its first meeting from 20 April to 22 April 2013. At that meeting, it agreed on the Draft Rules of Procedure of the Compliance Committee and on the Draft Standard Reporting Format. The Governing Body, at its Fifth Session, approved the *Rules of Procedure of the Compliance Committee*,<sup>1</sup> as well as the (voluntary) *Standard Reporting Format*<sup>2</sup> Pursuant to Section V.1 of the *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance*. The *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance*<sup>3</sup> (Compliance Procedures) had been approved at the Fourth Session of the Governing. The compliance mechanism of the Treaty is therefore fully operational.
2. The Governing Body in Resolution 6/2015 on Compliance requested “*Contracting Parties to submit their reports according to Section V of the Compliance Procedures in a timely manner, so that the Compliance Committee could consider them before the Seventh Session of the Governing Body.*”
3. According to Section V of the Compliance Procedures, each Contracting Party shall submit to the Compliance Committee, through the Secretary, a report on the measures it has taken to implement its obligations under the Treaty. The first of such reports was due by October 2016, three years after the approval of the *Standard Reporting Format* by the Governing Body. Subsequent reports will be due every five years.
4. In order to further facilitate reporting by Contracting Parties and monitoring of the implementation of the Treaty, the Governing Body requested the Secretary to deploy the Online Reporting System (ORS) to streamline the reporting process through electronic means. The Secretariat finalised the development of the ORS, in collaboration with the United Nations Environment Programme World Conservation Monitoring Centre (UNEP-WCMC), and informed Contracting Parties accordingly, through Notification on 29 April 2016,<sup>4</sup> that the ORS was online.<sup>5</sup> As requested by the Governing Body, it was developed to support Contracting Parties in submitting compliance related information in electronic format, following the *Standard Reporting Format* approved by the Governing Body.
5. Pursuant to Section V of the *Compliance Procedures*, the Committee shall consider the reports received up to 12 months before the next session of the Governing Body, tentatively scheduled for the fall of 2017. The Committee is also tasked to submit to the Governing Body, for its consideration, a synthesis on the basis of the reports that it has considered, in order to assist the Governing Body in its monitoring of the implementation by Contracting Parties of their obligations under the Treaty.
6. This document contains an analysis of all the reports received as of 9 December 2016. The list of Contracting Parties that submitted reports before this date is given in *Appendix I*. Section II provides some explanations of the manner the available information is presented in this document, given the limited number of reports received. Section III contains the synthesis of reports received, with a summary and some preliminary conclusions in Section IV. Section V provides further considerations the Committee may wish to address. Section VI contains guidance sought from the Committee and Section VII, elements of a draft Resolution the Committee may wish to consider for inclusion in its report to the Governing Body.

## II. PRESENTATION OF INFORMATION AND LIMITATIONS

7. The aim of this analysis is to assist the discussions of the Compliance Committee at its second meeting. The information is presented according to the *Standard Reporting Format*. The analysis aims at identifying progress in and constrains to the implementation of the Treaty at national level.
8. Due to the limited number of reports received from several regions, an analysis of the results from a regional perspective could not be generated, since the results from a very small sample might not necessarily be representative of a whole region. Instead, where appropriate, the analysis addresses economic groupings

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<sup>1</sup> [Resolution 9/2013 Rev. 1](#), Annex 1.

<sup>2</sup> [Resolution 9/2013 Rev.1](#), Annex 2.

<sup>3</sup> [Resolution 2/2011](#), Annex.

<sup>4</sup> Notification NCP GB7-007, <http://www.fao.org/plant-treaty/notifications/detail-events/en/c/430812/>.

<sup>5</sup> Available at <http://faoitpgrfa.ort-production.linode.unep-wcmc.org/>.

(i.e., developing country Contracting Parties and developed country Contracting Parties) where notable differences among the Parties can be identified from that perspective. In some cases, representative comments from as broad a regional base as possible have been excerpted from the reports and provided in the analysis as illustrative examples only, but they should not be interpreted in isolation and without taking into account the complete report as submitted by the respective Contracting Parties.

9. Furthermore, given the limited number of reports received, any results presented in this document should be interpreted carefully. It should also be noted that reports could only be analysed from those Contracting Parties that submitted them, so that the ensuing uneven geographical distribution of reports received may have indicated biased results towards certain regions. Moreover, reports vary in the amount and precision of information they contain, with some providing extensive information to explain their answers, and others only providing limited information. There is also the issue of some ambiguous and even contradictory replies received, which had to be interpreted when analysing the results by quantitative methods. Finally, some reports do not provide answers to all the questions, so that in the analysis below, the total number of replies may vary from one question to the other.

### **III. SYNTHESIS OF THE REPORTS RECEIVED**

#### **A. Overview**

10. The Secretariat received a total of twelve reports from Contracting Parties on the measures they have taken to implement their obligations under the Treaty pursuant to Section V of the *Compliance Procedures*. This means that less than 10% of Contracting Parties have submitted their reports in accordance with Section V of the Compliance Procedures.

11. The reports included one from the Africa Region, eight from the European Region, two from the Latin America and the Caribbean Region and one from the Near East Region.

12. All the reports received utilized the voluntary *Standard Reporting Format Pursuant to Section V.1 of the Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance*.

#### **B. General Obligations (Article 4)**

13. Pursuant to Article 4 of the Treaty each Contracting Party shall ensure the conformity of its laws, regulations and procedures with its obligations as provided in the Treaty.

14. Ten Contracting Parties replied that they had laws, regulations, procedures or policies in place that implement the Treaty, whereas two Contracting Parties, both developing countries, do not have any such laws, regulation, procedures or policies in place.

15. The further details provided in the reports show that most Contracting Parties either implement the Treaty through laws or through policies, and that the majority of such measures deal with the Treaty alone.

16. Eleven Contracting Parties stated that they have other laws, regulations, procedures or policies in place that apply to plant genetic resources and only one developing country Contracting Party indicated that it has none. These other measures are mostly in the areas of biodiversity, environment protection, plant variety protection and marketing of seeds.

17. Regarding changes to existing laws, regulations, procedures or policies to ensure conformity with the Treaty, four Contracting Parties (three of which are developing countries) indicated that they would have to make changes, and eight Contracting Parties (seven of which are developed countries) indicated they would not. The changes mostly relate to Farmers' Rights, including Article 9.3 of the Treaty.

#### **C. Conservation, Exploration, Collection, Characterization, Evaluation and Documentation of Plant Genetic Resources for Food and Agriculture (Article 5)**

18. All the reports state that their Contracting Parties promoted an integrated approach to the exploration, conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA) and that PGRFA have been surveyed and inventoried in their Contracting Parties. The range of crops and

species is broad, including both *in situ* and *ex situ* conservation, with several Contracting Parties providing detailed lists in their reports.

19. All Contracting Parties state that there are threats to PGRFA in their territories. The threats repeatedly mentioned include diseases, climate change, drought, lack of use, need for sensitization of decision makers and farmers, changes in land management schemes, funding shortfalls, limited qualified personnel, and outdated technical capacity.

20. With the exception of one developed country Contracting Party, Contracting Parties report that the collection of PGRFA and relevant associated information that are under threat or are of potential use have been promoted. Most reports mention research, *ex situ* collections, with particular emphasis on traditional varieties, or development projects.

21. All reporting Contracting Parties indicate that they have promoted or supported farmers and local communities' efforts to manage and conserve PGRFA on-farm, including through rural development programmes, training activities such as capacity-building workshops, financial support, and support for the registration of varieties in the plant variety registers.

22. Seven Contracting Parties report that *in situ* conservation of wild crop relatives and wild plants for food production has been promoted, with seven having taken measures to promote *in situ* conservation in protected areas and two having taken measures to support the efforts of indigenous and local communities, in particular awareness raising and sensitization about the importance of crop wild relatives. Five Contracting Parties, comprising both developing and developed countries, report that no such measures have been promoted by them.

23. All reporting Contracting Parties state that there are *ex situ* collections in their territories and the vast majority of the reports contain detailed lists of *ex situ* collections, mostly including numbers of accessions ranging from 4,000 to more than 170,000. Also, all the reports state that the Contracting Parties have promoted the development of an efficient and sustainable system of *ex situ* conservation of PGRFA, mainly through national or regional programmes, and that the maintenance of the viability, degree of variation, and the genetic integrity of *ex situ* collections of PGRFA have been monitored.

24. Finally, all reporting Contracting Parties indicate that they have cooperated with other Contracting Parties in the conservation, exploration, collection, characterization, evaluation or documentation of PGRFA. Nine Contracting Parties report cooperation at regional level and five through bilateral channels.

#### **D. Sustainable Use of Plant Genetic Resources for Food and Agriculture (Article 6)**

25. All the reports indicate that policy or legal measures that promote the sustainable use of PGRFA are in place in the Contracting Parties. Regarding such policy and legal measures, eleven Contracting Parties report that they pursue fair agricultural policies that promote the development and maintenance of diverse farming systems that enhance the sustainable use of agricultural biological diversity and other natural resources; eleven that they strengthen research that enhances and conserves biological diversity by maximizing intra- and inter-specific variation for the benefit of farmers; nine that they promote plant breeding efforts, with the participation of farmers, that strengthen the capacity to develop varieties particularly adapted to social, economic and ecological conditions, including in marginal areas;

26. Additionally, ten Contracting Parties report that they have broadened the genetic base of crops and increased the range of genetic diversity available to farmers; ten, that they promote the expanded use of local and locally adapted crops, varieties and underutilized species; eight, that they support the wider use of diversity of varieties and species in on-farm management, conservation and sustainable use of crops and creating strong links to plant breeding and agricultural development; and eight, that they review and adjust breeding strategies and regulations concerning variety release and seed distribution.

#### **E. National Commitments and International Cooperation (Article 7)**

27. Eleven reporting Contracting Parties note that the conservation, exploration, collection, characterization, evaluation, documentation and sustainable use of PGRFA have been integrated into their agriculture and rural development programmes and policies. One developed country Contracting Party reports not having done so.

28. Eleven Contracting Parties report that they have cooperated with other Contracting Parties, through bilateral or regional channels, in the conservation and sustainable use of PGRFA. Seven Contracting Parties report that the aim of such cooperation was to strengthen the capability of developing countries and countries with economies in transition with respect to conservation and sustainable use of PGRFA. Eight Contracting Parties report that the aim was to enhance international activities to promote conservation, evaluation, documentation, genetic enhancement, plant breeding, seed multiplication, and sharing, providing access to and exchanging PGRFA and appropriate information and technology, in conformity with the Multilateral System of Access and Benefit-Sharing under the Treaty.

29. One developed country Contracting Party reports not to “cooperate directly with other Contracting Parties through bilateral or regional channels in the conservation and sustainable use of PGRFA”, but notes its cooperation through international entities, such as the Global Crop Diversity Trust, the CGIAR System, the International Fund for Agricultural Development, the Global Environment Facility and the Green Climate Fund, and through the support of specific projects in various Contracting Parties that are listed in detail in the report.

#### **F. Technical Assistance (Article 8)**

30. All eight developed country Contracting Parties report to have promoted the provision of technical assistance to developing countries and countries with economies in transition, with the objective of facilitating the implementation of the Treaty. Three developing country Contracting Parties report not having promoted the provision of such technical assistance to other developing countries or to countries with economies in transition. One developing country Contracting Party did not respond to this question. The majority of developed country Contracting Parties referred to their replies under Questions 13 (relating to Article 5 of the Treaty) or Question 16 (relating to Article 7 of the Treaty).

31. Accordingly, all four developing country Contracting Parties report of having received technical assistance with the objective of facilitating the implementation of the Treaty and all eight developed country Contracting Parties report they have not.

#### **G. Farmers' Rights (Article 9)**

32. Eight Contracting Parties, both developing and developed countries, report that they have taken measures to protect and promote farmers' rights, namely, five measures relating to the recognition of the enormous contribution that local and indigenous communities and farmers of all regions of the world have made and will continue to make for the conservation and development of plant genetic resources; five measures relating to the protection of traditional knowledge relevant to PGRFA; three measures relating to the right to equitably participate in sharing benefits arising from the utilization of PGRFA; seven measures relating to the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of PGRFA; and six measures relating to any rights that farmers have to save, use, exchange, and sell farm-saved seed / propagating material.

33. Most reports provide further details on the measures taken, in particular on participation of farmers in decision-making, as well as on seed legislation and plant variety protection laws.

34. Three developed country Contracting Parties report not having taken any such measures.

#### **H. Multilateral System of Access and Benefit-Sharing (Articles 10 to 13)**

##### **a) Coverage**

35. Eight Contracting Parties indicate that they have included in the Multilateral System (MLS), all PGRFA listed in *Annex I* to the Treaty that are under the management and control of their governments and in the public domain. Only one Contracting Party indicates that the inclusion has been partial, but provides no further information on the reasons. Finally, three developing countries Contracting Parties report that they have not included any material. One of these countries indicates that there are no technical difficulties to do so, but that the position of the country is to take action when all the elements of the Multilateral System are working, including Funding Strategy of the Treaty. The other Contracting Party explains that the national legislation in force does not contemplate such inclusion.

36. Five developed Contracting Parties report measures to encourage natural and legal persons within their jurisdiction, who hold *Annex I* PGRFA, to include those resources in the MLS. No detailed information were reported on the difficulties encountered in this regard. The measures include the development of awareness raising materials and the organization of workshops with stakeholder groups, mainly universities, and plant breeders associations and groups. One Contracting Party indicates that the support of a national initiative of plant breeders with the specific aim to include material in the MLS. Another notes that the national genebank is encouraging private companies to include material and that is maintaining material which will be made available once the plant variety protection (PVP) expires. A third country reports that NGOs and natural persons are including the material through donations to the national genebank and that there are ongoing discussions for the inclusion of an entire private collection.

#### **b) Facilitated access**

37. Eight Contracting Parties report having taken measures to provide facilitated access to PGRFA included in *Annex I*, in accordance with the conditions set out in Article 12.4 of the Treaty. The measures reported include the provision of information or guidance to relevant stakeholders, the inclusion of information on the use of the SMTA, the notification to the Treaty Secretariat of the material available in the MLS, the increased visibility of PGRFA in the genebank catalogues, communication of the material available to several websites – at accession level – and the setting up of a national committee to review the incoming requests of material.

38. Also eight Contracting Parties report that facilitated access had been provided to *Annex I* PGRFA pursuant to the standard material transfer agreement (SMTA). Some of these provide the total figures of the agreements concluded – one Party reported more than 7,000 SMTAs transferring almost 140,000 materials, while one indicated that it had difficulties to get the numbers because the distribution of material is decentralized. Most of these Contracting Parties state that the national providers are reporting to the Governing Body through EASY-SMTA and that the figures can be easily generated from that System in the future. One Contracting Party reports that no transfers were made due to the lack of seeds in the national genebank.

39. The same number of Contracting Parties report having been using the SMTA voluntarily to provide access to non-*Annex I* PGRFA and in a few cases provided the number of agreements concluded. Two Contracting Parties refer to a regional political commitment in the context of their ongoing cooperation to facilitate the PGRFA transfer regardless of their inclusion in *Annex I* when used for research, training and breeding – excluding the private hobby or equivalent use. Other countries justify this approach in the national policy, as a way to reduce transactions and handling costs by using the same approach for both *Annex I* and non-*Annex I* material.

40. Regarding the possibility for parties to material transfer agreements to seek recourse in case of contractual disputes arising under such agreements, seven developed countries report that this is possible under their civil codes and the regulation of private contracts, and that a civil litigation process may be brought before a court. The same countries state that their national legal systems provide for the enforcement of arbitral decisions related to disputes arising from the SMTA.

41. Only one country reports that it had provided facilitated access to *Annex I* PGRFA for the purpose of contributing to the re-establishment of agricultural systems in a case of a national emergency disaster situation. This Contracting Party indicates that national genebanks and projects had distributed seed to national farmers severely affected by hurricanes, including both material previously collected in those regions and new varieties of *phaseolus vulgaris*, *phaseolus lunatus*, *zea mays*, *oryza sativa*, *ipomea batata*, *brassica rapa*, an *raphanus sativus*. The national programme on urban and suburban family agriculture recommends the distribution of short-cycle crops. Nevertheless, this Party recognizes that there was no detailed information on the amount of material distributed.

#### **c) Benefit-sharing in the Multilateral System**

42. Nine Contracting Parties report having made information available regarding *Annex I* PGRFA through several channels: a) national online inventories on PGRFA, b) Reports sent to FAO for the

monitoring of the second GPA; c) doctoral theses on characterization, evaluation and use of PGRFA; c) third-party information systems; d) scientific articles.

43. Eight Contracting Parties inform through their national reports about facilitated access they provide to technologies for the conservation, characterization, evaluation and use of *Annex I* PGRFA. In particular, six Contracting Parties have established or participated in crop-based thematic groups on utilization of PGRFA – through ECPGR and the NordGen – and three indicated to be aware of partnerships in their countries on research and development in commercial joint ventures related to the material received through the MLS. One Contracting Party reports in detail on a number of relevant national initiatives on documentation of PGRFA, including the development of databases on barley and wheat, but also on other crops. Another Contracting Party provides a detailed list of PhD and MSc degrees in collaboration with a national university and universities in developing countries. Finally, one Contracting Party also indicates that it organizes every year a 3-week course on plant genetic resources conservation and use.

44. Eight Contracting Parties report that they have provided or benefitted from capacity building measures. Five Contracting Parties declare that they are carrying out scientific research and developing capacity for such research and that they have established or strengthened programmes for scientific and technical education and training in conservation and sustainable use of PGRFA. Four Contracting Parties report that they have supported the development and strengthening of facilities for conservation and sustainable use of PGRFA.

45. Analysing the replies in detail, one Contracting Party reports that it has provided capacity development opportunities in the Southern African Development Community (SADC), East Africa Plant Genetic Resources (EAPGREN), Central Asia and Southeast Europe through several projects. Another Contracting Party reports on an extensive list of activities with FAO, the Commission on Genetic Resources for Food and Agriculture (CGRFA), the Consultative Group for International Agricultural Research (CGIAR), the Global Crop Diversity Trust (GCDDT), and the ITPGRFA. Three Contracting Parties report their participation in the European Cooperative Programme for Genetic Resources (ECPGR). One Contracting Party refers to the organization of a training course and the support provided to a scientific journal on plant genetic resources management. Furthermore, one Party reports that it has benefited from two projects of the Benefit-sharing Fund of the International Treaty under two different cycles in support of capacity on *zea mays*, *phaseolus vulgaris* and forages.

#### **I. The Global Plan of Action (Article 14)**

46. Ten Contracting Parties declare that they are promoting the implementation of the Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture and most of them report doing so through national and international cooperation. At the country level, six Contracting Parties reported, under this section, the existence of national conservation biodiversity plans and ongoing activities on sustainable use.

47. Some Contracting Parties indicate that information related to Question 11 of the *Standard Reporting Format* related to priority activities 6 (sustaining and expanding *ex situ* conservation of germplasm) and 7 (regenerating and multiplying *ex situ* accessions) of the GPA.

#### **J. Ex Situ Collections (Article 15)**

48. Five Contracting Parties report that they have facilitated access to *Annex I* PGRFA to the International Agricultural Research Centres of the Consultative Group on International Agricultural Research (IARCs) or other international institutions that have signed agreements with the Governing Body of the Treaty. In this context, three Contracting Parties provide the number of STMAs and the crops or indicate that the information is contained in Easy-SMTA. Moreover, other two Contracting Parties reply positively to the question but note that no requests had been received, whereas three Contracting Parties state that they have not provided any material because they have not received any request and one further explained that the materials of the national collections are of limited interest to these centres.

49. Six Contracting Parties report that they have provided access to non-*Annex I* PGRFA to IARCs or other international institutions that have signed agreements with the Governing Body of the Treaty and that

the information is in Easy-SMTA. Two Contracting Parties indicate that they have received no requests for such material and one that the national legislation does not foresee such transfer, whereas one Contracting Party states that it has not provided any material because it has not received any request. One Contracting Party noted that the question does not refer to whether the material was transferred with an SMTA or not and that the definition of IARCs was unclear.

#### **K. International Plant Genetic Resources Networks (Article 16)**

50. Most Contracting Parties report activities to encourage government, private, non-governmental, research, breeding and other institutions to participate in the international plant genetic resources networks. The type of networks are regional or subregional –ECPGR, the European Association for Research on Plant Breeding (EUCARPIA), NordGen, the Technology Platform on Plant Biotechnology (Biovegen) and WIEWS. One Contracting Party also refers to its participation in the Global Wheat Initiative and the DivSeek initiative. A few Contracting Parties also inform of their participation in crop-based networks or workshops or bilateral projects on the documentation of PGRFA or plant breeding.

#### **L. Financial Resources (Article 18)**

51. Only one Contracting Party did not reply positively to the question of whether it has provided or received financial resources for the implementation of the Treaty through bilateral, regional or multilateral channels. Two developing country Contracting Parties report direct financial support from the Benefit-sharing Fund of the International Treaty and one from the Global Environment Facility (GEF) for PGRFA activities.

52. Analysing the replies in detail, three Contracting Parties report contributions to the Benefit-sharing Fund of the Treaty of several million US dollars. In particular, one of them reports on a mechanism to provide predictable and sustainable income to the Benefit-sharing Fund on an annual basis. Some Contracting Parties also report on their support to the Core Administrative Budget (CAB) of the Treaty. Three Contracting Parties also report on their support to the Global Crop Diversity Trust and FAO programmes on PGRFA as supporting components of the Treaty and to several NGOs working on the implementation of the Treaty.

53. Furthermore, one Contracting Party reports direct financial and technical support to the Global Seed Vault since 2008 as the facility provides a backup storage for all *ex situ* collection worldwide.

54. Additionally, three Contracting Parties also report on funding capacity building programmes, two in support of the implementation of the Multilateral System in various developing countries and another one on CAPFITOGEN in Latin America and the Caribbean. One of these Parties also indicates the provision of 120,000 USD in support of the development of the Programme of Work on the Global Information System of Article 17 of the International Treaty. The same Contracting Party also reports the provision of 1,118,000 USD to DivSeek II (Genesys Catalogue) and to the Global Crop Diversity Trust. One Contracting Party reports on a national grant scheme to support protection of biodiversity and the natural environment through locally based projects worldwide, including to meet countries' obligations under other biodiversity related conventions, in particular the CBD and its Nagoya Protocol.

55. In this context, two developed Contracting Parties also report the support to the Special Fund to Support the Participation of Developing Countries in Treaty meetings.

56. Several developed and developing country Contracting Parties report the funding of national activities related to the conservation and sustainable use of PGRFA, in particular, the national genebanks and research and breeding of PGRFA. One Contracting Party reports the funding of several projects on genomics, one on genotyping by sequencing (GBS) and by employing the genome zipper, and another on wheat and barley to identify drought stress tolerant varieties in Ethiopia.

#### **M. Observations and recommendations on the first reporting format**

57. Most Contracting Parties indicate no problems in completing the reporting format. Nevertheless, one Contracting Party reports internet connectivity limitations, one notes technical problems with the



reporting format, and another one indicates that it faced difficulties in gathering all the information requested at the national level.

58. Several Contracting Parties make observations and recommendations for the future review of the reporting format. Some Parties indicate that some questions look similar given that the reporting format is organized by Articles of the Treaty and that sometimes it has not been easy to know where to report certain activities. In fact, the same information is provided to several questions or the respondent has inserted references to the replies provided under other questions. For example, questions related to Article 8 (Technical Cooperation), Article 18 (Financial Resources) and Article 16 (Participation in international networks). One Contracting Party suggests to aggregate all international collaboration activities in one single section and to refer to them from the related questions.

59. Two Contracting Parties note that some information is now available in other systems like EASY-SMTA for the information related to the transfers of PGRFA. In fact, several Contracting Parties indicate that the figures provided in their report refer only to the national central genebank or to the activities coordinated by the main national research institution. They also report that some of the information requested had already been sent to FAO and was available in the World Information and Early Warning System (WIEWS), for example, question 31 related to Article 14 on the Global Plan of Action (GPA). Also question 11 of the reporting format relates to the priority activity 6 (sustaining and expanding *ex situ* conservation of germplasm) and 7 (regenerating and multiplying *ex situ* accessions) of the GPA. Two Contracting Parties attach the reports submitted to FAO for the monitoring of the second GPA as relevant for question 31 as well as information on the national programmes on PGRFA conservation.

60. One Contracting Party indicates that some information provided in its report has to be read together with the reports from other Contracting Parties as they do conserve and manage *ex situ* material collectively through NordGen. This same Contracting Party indicates that some of the questions are not relevant and that future reporting format should allow the possibility to choose “Not applicable” in a few cases, without however specifying which cases.

#### **N. General remarks on the implementation of the ITPGRFA**

61. Several Contracting Parties indicate that the application of the International Treaty requires time and financial resources. In particular, attention is drawn to the need to develop and sustain capacity building activities at various levels and topics, possibly in collaboration with IARCs. Two Contracting Parties suggest the development of more guidelines by the Governing Body in order to assist countries with the implementation of several provisions.

62. Concerning the Multilateral System, one Contracting Party comments that the SMTA is not self-explanatory, especially for users not speaking one of the six official languages of the United Nations. Furthermore, it suggests the provision of courtesy translations into other national languages, the development of explanatory notes and the elaboration of frequently asked questions. It also proposes the development of guidelines on how to include material in the Multilateral System.

63. Another Contracting Party remarks that the interests of Contracting Parties are very different and while developed countries put the emphasis on access to germplasm, developing countries put more emphasis on the implementation of farmers' rights, conservation and sustainable use and fair and equitable distribution of benefits. This Party suggests that compliance has to go hand in hand with the provision of international support to developing countries that are centres of origin of crops.

#### **IV. SUMMARY PRELIMINARY CONCLUSIONS**

64. A number of preliminary conclusions may be drawn from the twelve reports received:

- The information provided by Contracting Parties through the use of the *Standard Reporting Format* is very valuable to provide an overview of the state of implementation of the Treaty;

- Most respondents did not encounter difficulties when providing their reports using the *Standard Reporting Format* and the Online Reporting System, but some suggestions for streamlining the questionnaire were made;
- The vast majority of reporting Contracting Parties have established measures for the conservation and sustainable use of PGRFA, with most reports containing detailed information on such measures, and are cooperating with other Contracting Parties in this area;
- The majority of reporting Contracting Parties have taken measures to promote Farmers' Rights, with a slight tendency to focus on measures related to the participation in decision-making and less on those related to sharing benefits arising from the utilization of PGRFA;
- While the reporting of inclusion of material in the MLS has still not been done by several Contracting Parties and only a minority has taken measures to encourage natural and legal persons to include their *Annex I* resources in the MLS, a third of the reporting Contracting Parties have not taken measures to provide facilitated access to the MLS;
- A majority of reporting Contracting Parties is using the SMTA for the transfer of non-*Annex I* PGRFA;
- A majority of reporting Contracting Parties has provided or received non-monetary benefits from the utilization of PGRFA in the MLS;
- A vast majority of reports note that financial resources have been provided or received for the implementation of the Treaty, with three developing country Contracting Parties receiving support from the BSF and one from the GEF; financial resources have mostly been provided to the BSF, the CAB of the Treaty, the GCDT, FAO programmes, to NGOs working on the implementation of the Treaty, and to capacity-building programmes;
- In order to undertake a comprehensive assessment of Treaty implementation, a higher sample of reports would be recommendable.

## V. FURTHER CONSIDERATIONS

65. None of the 12 Contracting Parties that submitted a report on the measures they have taken to implement their obligations under the Treaty, pursuant to Section V of the *Compliance Procedures*, indicates that it considers the information provided in the report as confidential. Nevertheless, pending guidance from the Compliance Committee, choosing a precautionary approach, the reports received have not yet been made publicly available.

66. The Compliance Committee may wish to provide guidance to the Secretary as to whether and how reports received under the *Compliance Procedures*, including pursuant to their Section V, should be published.

67. In this regard, the Committee may wish to consider that the reports contain valuable information for other areas of work of the Treaty, for example on the implementation of the Global Plan of Action. It might therefore be beneficial to other committees established by the Governing Body, as well as for other work areas of the Secretariat, if such information may be used without confidentiality restrictions.

68. The Committee may also wish to consider that pursuant to Rule VII of the Rules of Procedure of the Compliance Committee, no information held by the Committee shall be kept confidential, unless otherwise provided for by this Rule (Rule VII.1). The Committee and any person involved in its work shall seek to ensure the confidentiality of information that has been provided to it in confidence by a Contracting Party in respect of its own compliance (Rule VII.2). Records and reports of the Committee shall not contain any information that the Committee must keep confidential; in the case of closed meetings, the discussions and information must be kept confidential unless otherwise decided by the Committee (Rule V.5).

69. According to Rule X, the Secretary shall make all documents of the Committee available to the public, subject to Rule VII.

70. Moreover, in case of a submission received from a Contracting Party relating to the issue of non-compliance in respect to itself, the reporting Contracting Party shall include in such submission any measures requested from the Committee pursuant to Section VII of the *Compliance Procedures* (Rule X.2c).

71. No such indication is required for reports submitted pursuant to Section V of the *Compliance Procedures* and the Committee is requested to submit to the Governing Body for its considerations a synthesis on the basis of the reports it has considered, but not the full reports.

72. According to Section III.6 of the *Compliance Procedures*, bearing in mind Rule I of the Rules of Procedure of the Governing Body, the Committee shall develop and submit any further rules of procedure, as appropriate, including rules on confidentiality, to the Governing Body for its consideration and approval.

## VI. GUIDANCE SOUGHT

73. The Compliance Committee is invited to consider the analysis of reports received pursuant to Section V of the *Compliance Procedures* provided in this document, as a potential basis for preparing its synthesis report for consideration of the Governing Body at its Seventh Session, and to provide guidance to the Secretary as to whether and how reports received under the *Compliance Procedures*, including pursuant to their Section V, should be made publicly available.

74. The Committee is also invited to review the elements of a draft Resolution on Compliance, as provided below, for the consideration of the Governing Body at its Seventh Session, and to include the finalized draft elements in its report to the Governing Body.

## VII. ELEMENTS OF A DRAFT RESOLUTION ON COMPLIANCE

75. On the basis of the analysis of reports received pursuant to Section V of the *Compliance Procedures* by the Compliance Committee, the Governing Body:

- a) *Thanks* those Contracting Parties that have submitted their reports pursuant to Section V of the *Compliance Procedures* on time;
- b) *Urges* Contracting Parties that have not yet done so, to submit, as soon as possible, their reports pursuant to Section V of the *Compliance Procedures*, and *emphasizes*, in this context, that the first such reports were due by October 2016;
- c) *Thanks* the Compliance Committee for the analysis provided in the document IT/GB7/17/xx, *Report of the Compliance Committee*;
- d) *Requests* the Secretary to maintain and keep updated the Online Reporting System and to continue providing assistance to Contracting Parties during their reporting process;
- e) *Elects* the members of the Compliance Committee for the 2018-2021 term in accordance with Section III.4 of the *Compliance Procedures*, as contained in the *Annex* to this Resolution.

***Appendix 1: List of Contracting Parties having submitted a report pursuant to Section V.1 of the Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance***

Cuba

Ecuador

Germany

Libya

Namibia

Netherlands

Norway

Slovenia

Spain

Sweden

Switzerland

United Kingdom