



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



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

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

SECOND MEETING OF THE COMPLIANCE COMMITTEE

Rome, Italy, 21 – 22 February 2017

REPORT

Opening of the meeting

1. The Secretary, *ad interim*, of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA, henceforth known as the International Treaty), Mr Kent Nnadozie, opened the session and welcomed participants to the second meeting of the Compliance Committee. He recalled the Committee's mandate and emphasized the importance of its work for the objectives of the International Treaty. He stressed that the focus for the meeting was the review of reports that Contracting Parties had submitted on the measures taken to implement their obligations under the International Treaty. He informed the Committee that, prior to the meeting, the Secretariat had received reports from only 14 Contracting Parties for its review. He confirmed that, in accordance with the Committee's Rules of Procedure, the members in attendance reached the quorum required for the meeting to proceed. The list of participants is contained in *Appendix 2*.

Agenda

2. The Committee adopted its agenda as contained in *Appendix 1*.

Election of Chairperson and Vice-Chairperson

3. The Committee elected Mr René Lefeber as Chairperson, and Ms Amparo Ampil as Vice-Chairperson.

Organization of work

4. The Committee agreed to allow the participation of one observer.

5. The Committee also commended the Secretariat for the excellent quality of the documentation prepared for this meeting, which was delivered well ahead of the session.

Consideration of reports from Contracting Parties

6. Pursuant to Section V of the *Procedures and operational mechanisms to promote compliance and address issues of non-compliance* (Resolution 2/2011, the Compliance Procedures), the Committee considered document, IT/GB7/CC-2/17/3, *Synthesis of reports received from Contracting Parties on measures taken to implement the provisions of the International Treaty*, and analysed 14 reports received from Contracting Parties on measures taken to implement the Treaty. In doing so, the Committee developed a preliminary methodology to elaborate its report. The Committee drew up a synthesis of the reports to assist the Governing Body in monitoring implementation by Contracting Parties of their obligations under the International Treaty. The result of the work is contained in its report.

Future work of the Compliance Committee

7. Pursuant to Section IV of the Compliance Procedures, the Committee considered document, IT/GB7/CC-2/17/4, *Future work of the Compliance Committee*, containing information on possible future work of the Committee. Based on the document, the Committee discussed a number of issues and formulated conclusions and recommendations provided in Section III of the report, contained in *Appendix 3*.

Other business

8. The Committee did not discuss any other business.

Adoption of the report

9. The Committee adopted this report, containing the proceedings of the meeting and its report to the Seventh Session of the Governing Body, pending further incorporation of comments in the synthesis of its report, and subsequent adoption by the Committee by electronic means.

AGENDA

1. Opening of the meeting
2. Organizational matters:
 - Election of the Chairperson and Vice-Chairperson
 - Adoption of the agenda
 - Organization of work
3. Consideration of reports from Contracting Parties on measures taken to implement the International Treaty
4. Future work of the Compliance Committee
5. Other business
6. Adoption of the report

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REPORT OF THE COMPLIANCE COMMITTEE TO THE SEVENTH SESSION OF THE GOVERNING BODY

I. INTRODUCTION

1. The second meeting of the Committee on Compliance of the International Treaty on Plant Genetic Resources for Food and Agriculture was held in Rome from 21 to 22 February 2017. The Compliance Committee was established by Resolution 3/2006 of the Governing Body, pursuant to Articles 19.3e and 21 of the International Treaty.
2. The Governing Body, at its Fifth Session, approved the *Rules of Procedure of the Compliance Committee*¹, as well as the (voluntary) *Standard Reporting Format*,² 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*³ (Compliance Procedures) were approved at the Fourth Session of the Governing Body.
3. The meeting was organized in accordance with Section III.5 and Section V of the *Compliance Procedures* and Rule VI of the *Rules of Procedure of the Compliance Committee*.
4. The committee elected Mr René Lefeber as Chairperson, and Ms Amparo Ampil as Vice-Chairperson.
5. This report describes the work undertaken by the Compliance Committee during the current biennium in exercising its function to assist the Governing Body in monitoring implementation by Contracting Parties under the International Treaty, on the basis of reports of the Contracting Parties in accordance with Section V of the Compliance Procedures. Accordingly, the Committee prepared a synthesis based on the reports received, along with an analysis. The Committee noted that for the analysis, the Governing Body had not set any priorities.
6. Based on its work, the Committee prepared, for the consideration of the Governing Body, the draft Resolution on Compliance contained in *Annex 3*.

II. MONITORING IMPLEMENTATION BY CONTRACTING PARTIES OF THEIR OBLIGATIONS UNDER THE TREATY

7. In accordance with Section IV of the *Compliance Procedures*, the Committee considered the reports received from 14 Contracting Parties pursuant to Section V of the Compliance Procedures, as listed in *Annex 1*. The synthesis and analysis, contained in *Annex 2*, are based on those reports, with a view to assisting the Governing Body in monitoring implementation by Contracting Parties of their obligations under the International Treaty.
8. Pursuant to Section V.2 of the Compliance Procedures, the Committee shall consider reports that it has received, up to 12 months before the next session of the Governing Body, taking into account any guidance given by the Governing Body. At its Sixth Session, the Governing

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

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

³ [Resolution 2/2011](#), Annex.

Body decided to convene its Seventh Session in the last quarter of 2017. At the time of the Committee meeting, the exact dates of the Seventh Session had not yet been decided.

9. The synthesis and analysis provided in this report are based on the 14 reports received. One of them was received before the last quarter of 2016, eleven were received during the last quarter of 2016, and two were received during the first quarter of 2017.

10. The Committee noted that countries that became Contracting Parties to the International Treaty since the Fifth Session of the Governing Body were not expected to submit their reports three years after adoption of the *Standard Reporting Format* at the Fifth Session of the Governing Body (by October 2016). The Committee deemed it necessary for the Governing Body to consider the reporting deadline for the countries that became Contracting Parties between the Fifth and the Seventh Session of the Governing Body.

11. The Committee agreed that since its mandate of reviewing reports is ongoing, it will provide a rolling synthesis and analysis, since more reports will be received in the future.

12. All the reports received, with the exception of one, used 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*.

13. The Committee requested the Secretariat to publish online all the reports on compliance on the International Treaty's website. The Committee took the view that publication of the reports would not raise any issues related to confidentiality, and that it would increase the transparency of the monitoring process.

Preliminary methodology

14. The information is presented following the same structure of the *Standard Reporting Format*. The synthesis aims to identify progress in and constraints to implementation of the International Treaty at national level, as well as some general observations.

15. Where appropriate and relevant, the Committee agreed to categorize the submissions into economic and regional groupings in certain sections, including the reference to developing and developed country Contracting Parties, according to the UNDP and World Bank official classifications. The Committee was of the opinion that, given the limited number of reports received, any results presented in this document should be interpreted carefully, and not considered to be indicative of any trends.

III. ORGANIZATIONAL MATTERS

16. At its Sixth Session, the Governing Body elected the members of the Compliance Committee to serve for the 2016-2019 term, in accordance with Section III.4 of the Compliance Procedures. Six members were elected to serve for a full term (i.e. four years). The term to be served by six members will expire on 31 December 2017, each of whom will have served for four years. The list of members of the Compliance Committee is given in *Annex 4*.

17. According to the Compliance Procedures, the Governing Body shall elect, as appropriate, new members for a full term to replace those whose term was about to expire, bearing in mind that no member shall serve for more than two consecutive terms.

18. In early 2017, the Secretary received a communication announcing the resignation of one committee member from the South West Pacific Region, whose term was due to expire in 2019.

19. When electing the members of the Compliance Committee for the new term, the Governing Body may wish to take into account that pursuant to the Compliance Procedures, the Committee shall consist of a maximum of 14 members, with up to two drawn from each of the FAO regions, and not more than one drawn from a Contracting Party. The members shall be elected by the Governing Body on the basis of up to two nominations from each of the seven FAO regions.

20. According to Rule III of the Rules of Procedures of the Committee, each member of the Committee shall perform his or her duties and exercise his or her authority as a member of the Compliance Committee honourably, faithfully, impartially and conscientiously, and will seek to avoid any conflict of interest.

21. The Governing Body may wish to consider that members of the Compliance Committee shall have recognized competence in the field of genetic resources or other fields relevant to the International Treaty, including legal or technical expertise, and that they shall serve objectively and in their individual capacity.

22. In previous Resolutions on Compliance, the Governing Body reiterated the importance of maintaining sufficient resources for operation of the Compliance Procedures and the functioning of the Compliance Committee. It also decided that costs of Compliance Committee meetings, including those to facilitate the participation of Committee members, shall be included in the Core Administrative Budget as may be adopted by the Governing Body, supplemented by any voluntary contributions made available for that purpose. The Governing Body requested the Secretary to include such costs in the Core Administrative Budget that is presented to the Governing Body for approval at its regular sessions. The Draft Work Programme and Budget for the 2018-19 biennium will, accordingly, include the estimated costs of Compliance Committee meetings.

IV. FUTURE PROGRAMME OF WORK OF THE COMMITTEE

23. The Committee considered document IT/GB7/CC-2/17/4, which contains information on possible future work for the next biennium, based on its functions pursuant to Section IV of the Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance.

24. At its Fifth Session, the Governing Body approved the *Rules of Procedure of the Compliance Committee*⁴ and 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*.

25. With regard to the *National reports on measures taken to implement obligations under the Treaty*, the Committee reiterated the importance of the Compliance Procedures, which provide that the Committee shall consider the reports received up to 12 months before the next session of the Governing Body. In the light of the number of reports received to date, the Committee recommended extending the deadline to 1 October 2018 for those Contracting Parties that have not yet submitted their reports, in accordance with Section V.1 of the Compliance Procedures, so that they can be considered by the Committee before the Eighth Session of the Governing Body. The Committee invited those Contracting Parties that have submitted their reports to update them, as necessary. The reports will remain valid until such date as they are updated.

26. The Committee also discussed the *review of the Compliance Procedures within six years of their approval*, and it agreed that the information currently available is not sufficient for the

⁴ [Resolution 9/2013 Rev. 1](#), Annex 1.

⁵ [Resolution 9/2013 Rev.1](#), Annex 2.

Governing Body to carry out an assessment and to review the effectiveness of the Compliance Procedures. It suggested that the Governing Body postpone the review foreseen in Section X of the Compliance Committee to its Eighth Session. This would allow for more practical experiences with the Compliance Procedures to be accumulated.

27. The Committee agreed to review the *Standard Reporting Format*, taking into consideration suggestions from Contracting Parties and experiences in its use.

28. The Committee further agreed that the Secretariat would consider the number of reports received up to 12 months before the Eighth Session of the Governing Body, and consult with the Chairperson and Vice-Chairperson about whether the Committee needs to meet or not, and if so, when, taking into consideration the *Rules of Procedures of the Compliance Committee*.

*Annex 1**Reports received pursuant to Section V of the Compliance Procedures*

Cuba	01/11/2016
Ecuador	05/12/2016
Germany	05/12/2016
Lebanon	31/01/2017
Libya	05/05/2016
Namibia	05/12/2016
Netherlands	05/12/2016
Norway	05/12/2016
Philippines	13/01/2017
Slovenia	24/11/2016
Spain	05/12/2016
Sweden	26/10/2016
Switzerland	05/12/2016
United Kingdom	07/12/2016

*Annex 2****SYNTHESIS AND ANALYSIS OF REPORTS RECEIVED PURSUANT TO SECTION V OF THE COMPLIANCE PROCEDURES***

1. According to Section V.3 of the Compliance Procedures, the Committee shall submit to the Governing Body for its consideration a synthesis based on the reports that it has received, together with an analysis that addresses any priorities set by the Governing Body. The Committee noted that no priorities had been set by the Governing Body for this analysis.
2. The Committee considered the reports received from Contracting Parties pursuant to Section V of the Compliance Procedures. The following sections contain a synthesis of the reports received and an analysis based on those reports.
3. The Committee considered the reports from 14 Contracting Parties on the measures they have taken to implement their obligations under the International Treaty, pursuant to Section V of the Compliance Procedures, as listed in Annex 1 of this report.
4. The reports included one from the Africa Region, eight from the European Region, two from the Latin America and the Caribbean Region, two from the Near East Region and one from the Asia Region.

I. SYNTHESIS**General obligations (Article 4)**

5. In accordance with Article 4 of the International Treaty, each Contracting Party shall ensure the conformity of its laws, regulations and procedures with its obligations as provided in the Treaty.
6. Thirteen Contracting Parties replied that they had laws, regulations, procedures or policies in place that implement the International Treaty, while three Contracting Parties reported that they had not developed any specific laws, regulations, procedures or policies to implement the Treaty. The further details provided in the reports showed that most Contracting Parties either implement the International Treaty through laws or policies, and that the majority of such measures deal with the Treaty alone.
7. Thirteen Contracting Parties stated that they have other laws, regulations, procedures or policies in place that apply to plant genetic resources, and only one Contracting Party indicated that it has none. These other measures are mostly in the areas of biodiversity, environmental protection, plant variety protection and marketing of seeds.
8. Regarding changes to existing laws, regulations, procedures or policies to ensure conformity with the International Treaty, four Contracting Parties indicated that they would have to make changes, and ten Contracting Parties indicated they would not. The changes mostly relate to Farmers' Rights, including Article 9.3 of the International Treaty.

Conservation, exploration, collection, characterization, evaluation and documentation of Plant Genetic Resources for Food and Agriculture (Article 5)

9. All the reports stated that the 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 countries. 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.
10. All Contracting Parties stated that there are threats to PGRFA in their territories. The threats repeatedly mentioned included 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.

11. All Contracting Parties, except one, reported that the collection of PGRFA and relevant associated information that are under threat, or are of potential use, have been promoted. Most reports mentioned research, *ex situ* collections – with particular emphasis on traditional varieties – or development projects.

12. All reporting Contracting Parties indicated 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.

13. Eight Contracting Parties reported that *in situ* conservation of wild crop relatives and wild plants for food production has been promoted, with eight 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. Six Contracting Parties reported that they have taken no such measures.

14. All reporting Contracting Parties stated that there are *ex situ* collections in their territories, and the vast majority of the reports contained detailed lists of *ex situ* collections, mostly including numbers of accessions ranging from 4 000 to more than 170 000. All the reports also stated 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.

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

Sustainable use of Plant Genetic Resources for Food and Agriculture (Article 6)

16. All the reports indicated that policy or legal measures to promote the sustainable use of PGRFA are in place in the Contracting Parties. Regarding these measures, eleven Contracting Parties reported pursuing fair agricultural policies that promote the development and maintenance of diverse farming systems, which enhance the sustainable use of agricultural biological diversity and other natural resources. Thirteen Contracting Parties reported strengthening research that enhances and conserves biological diversity by maximizing intra- and inter-specific variation for the benefit of farmers. Eleven Contracting Parties reported promoting plant breeding efforts, with the participation of farmers, which strengthen the capacity to develop varieties particularly adapted to social, economic and ecological conditions, including in marginal areas.

17. Additionally, twelve Contracting Parties reported having broadened the genetic base of crops and increased the range of genetic diversity available to farmers. Twelve reported promoting the expanded use of local and locally adapted crops, varieties and underutilized species. Nine reported supporting the wider use of diversity of varieties and species in on-farm management, as well as conservation and sustainable use of crops, and creating strong links to plant breeding and agricultural development. And ten Contracting Parties reported having reviewed and adjusted breeding strategies and regulations concerning variety release and seed distribution.

National commitments and international cooperation (Article 7)

18. Twelve reporting Contracting Parties noted 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. Two Contracting Parties report not having done so.

19. Twelve Contracting Parties reported having cooperated with other Contracting Parties, through bilateral or regional channels, in the conservation and sustainable use of PGRFA. Eight

Contracting Parties reported 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. Nine Contracting Parties reported 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 International Treaty.

20. One Contracting Party reported that it did not “cooperate directly with other Contracting Parties through bilateral or regional channels in the conservation and sustainable use of PGRFA”, but noted its cooperation through international entities, such as the Global Crop Diversity Trust (GCDT), the CGIAR system, the International Fund for Agricultural Development, the Global Environment Facility (GEF) and the Green Climate Fund, and through the support of specific projects in various Contracting Party countries that were listed in detail in the report. Another Contracting Party reported that it has not cooperated with other Contracting Parties, through bilateral or regional channels, in the conservation and sustainable use of PGRFA, without providing further details.

Technical assistance (Article 8)

21. Eight Contracting Parties reported having promoted the provision of technical assistance to developing countries and countries with economies in transition, with the objective of facilitating the implementation of the International Treaty. Five developing country Contracting Parties reported 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).

22. Accordingly, all six developing country Contracting Parties reported having received technical assistance with the objective of facilitating the implementation of the International Treaty, and all eight developed country Contracting Parties reported they have not received such assistance.

Farmers’ Rights (Article 9)

23. Nine Contracting Parties reported having taken measures to protect and promote Farmers’ Rights, namely, six 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; six 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 national level, on matters related to the conservation and sustainable use of PGRFA; and seven measures relating to any rights that farmers have to save, use, exchange, and sell farm-saved seed/ propagating material.

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

25. Four Contracting Parties reported not having taken any such measures.

Multilateral System of Access and Benefit-sharing (Articles 10 to 13)

a) Coverage

26. Nine Contracting Parties indicated that they have notified the availability, in the Multilateral System (MLS), of all PGRFA listed in *Annex I* to the International Treaty that are under the management and control of their governments, and in the public domain. Two Contracting Parties indicated that the provision of materials has been partial, but provided no

further information on the reasons. Finally, three Contracting Parties reported that they have not notified the availability of any material. One Contracting Party indicated that there are no technical difficulties in doing so, but that the position of the country is to take action when all the elements of the Multilateral System are working, including the funding strategy of the International Treaty. Another Contracting Party explained that the national legislation in force does not contemplate such inclusion.

27. Six Contracting Parties reported having taken measures to encourage natural and legal persons within their jurisdiction, who hold *Annex I* PGRFA, to include those resources in the MLS. These measures included 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 indicated support of a national initiative of plant breeders, with the specific aim of including material in the MLS. Another noted that the national genebank is encouraging private companies to include material, and that it is maintaining material which will be made available once the plant variety protection (PVP) expires. A further country reported 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

28. Ten Contracting Parties reported having taken measures to provide facilitated access to PGRFA that are in *Annex I*, in accordance with the conditions set out in Article 12.4 of the International Treaty. The measures reported include the provision of information or guidance to relevant stakeholders, the inclusion of information on the use of the Standard Material Transfer Agreement (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.

29. Also, ten Contracting Parties reported providing facilitated access to *Annex I* PGRFA, through the SMTA. Some of these provided the total figures of the agreements concluded. One Party reported more than 7 000 SMTAs transferring almost 140 000 materials, while another indicated that it had difficulties in obtaining the numbers, because the distribution of material is decentralized. Most of these Contracting Parties stated 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 reported making no transfers, due to the lack of seeds in the national genebank.

30. Eight Contracting Parties reported using the SMTA voluntarily, to provide access to non-*Annex I* PGRFA, and in a few cases, they provided the number of agreements concluded. Two Contracting Parties referred to a regional political commitment in the context of their ongoing cooperation to facilitate the PGRFA transfer, regardless of whether or not they are in *Annex I*, when used for research, training and breeding – excluding private hobby or equivalent use. Other countries justified this approach in the national policy, as a way to reduce transaction and handling costs by using the same approach for both *Annex I* and non-*Annex I* material.

31. Regarding the possibility of parties to material transfer agreements seeking recourse in the event of contractual disputes arising under such agreements, eight Contracting Parties reported 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 stated that their national legal systems provide for the enforcement of arbitral decisions related to disputes arising from the SMTA.

32. Two countries reported having provided facilitated access to *Annex I* PGRFA for the purpose of contributing to the re-establishment of agricultural systems in the case of a national emergency disaster situation. One of these indicated 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*, and *raphanus sativus*. The national programme on urban and suburban family agriculture recommends the distribution of short-cycle crops. Nevertheless, this Party recognized that there was no detailed information on the amount of material distributed.

c) Benefit-sharing in the Multilateral System

33. Eleven Contracting Parties reported 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 Global Plan of Action (GPA); c) doctoral theses on characterization, evaluation and use of PGRFA; c) third-party information systems; and d) scientific articles.

34. Ten Contracting Parties gave information, through their national reports, about facilitated access that they provide to technologies for the conservation, characterization, evaluation and use of *Annex I* PGRFA. In particular, seven Contracting Parties have established or participated in crop-based thematic groups on utilization of PGRFA – through the European Cooperative Programme for Plant Genetic Resources (ECPGR) and NordGen – and five indicated an awareness of partnerships in their countries on research and development in commercial joint ventures related to the material received through the MLS. One Contracting Party gave a detailed report of a number of relevant national initiatives on documentation of PGRFA, including the development of databases on barley and wheat, as well as on other crops. Another Contracting Party provided a detailed list of PhD and MSc degrees in collaboration with a national university and universities in developing countries. Finally, one Contracting Party indicated that each year, it organizes a 3-week course on the conservation and use of plant genetic resources.

35. Nine Contracting Parties reported having provided or benefited from capacity-building measures. Six declared that they are carrying out scientific research and developing capacity for such research, adding that they have established or strengthened programmes for scientific and technical education and training in conservation and sustainable use of PGRFA. Five Contracting Parties reported supporting the development and strengthening of facilities for the conservation and sustainable use of PGRFA.

36. A detailed analysis of the replies revealed that one Contracting Party reported having 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 reported on an extensive list of activities with FAO, the Commission on Genetic Resources for Food and Agriculture (CGRFA), global research partnership CGIAR, the Global Crop Diversity Trust (GCDT), and the International Treaty. Three Contracting Parties reported participating in the European Cooperative Programme for Genetic Resources. One Contracting Party referred to the organization of a training course and the support provided to a scientific journal on plant genetic resource management. In addition, one Party reported having benefited from two projects of the Benefit-sharing Fund of the International Treaty under two different cycles, to enhance capacity on *zea mays*, *phaseolus vulgaris* and forages.

The Global Plan of Action (Article 14)

37. Twelve Contracting Parties declared that they are promoting 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 reported doing so through national and international cooperation. At country level, seven Contracting Parties reported, under this section, the existence of national conservation biodiversity plans and ongoing activities on sustainable use.

38. Some Contracting Parties indicated that information provided in response 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.

Ex situ collections (Article 15)

39. Seven Contracting Parties reported having facilitated access to *Annex I* PGRFA to CGIAR International Agricultural Research Centers (IARCs) or other international institutions that have signed agreements with the Governing Body of the International Treaty. In this context, four Contracting Parties provided the number of STMAs and the crops, or indicated that the information is contained in Easy-SMTA. In addition, two other Contracting Parties replied positively to the question, but noted that no requests had been received. Three Contracting Parties stated 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.

40. Eight Contracting Parties reported having provided access to non-*Annex I* PGRFA to IARCs or other international institutions that have signed agreements with the Governing Body of the International Treaty, and indicated that the information is in Easy-SMTA. Two Contracting Parties reported having received no requests for such material, while one indicated that national legislation does not provide for such transfers. Another Contracting Party stated 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.

International plant genetic resources networks (Article 16)

41. Most Contracting Parties reported activities to encourage government, private, non-governmental, research, breeding and other institutions to participate in international plant genetic resources networks. These networks are regional or subregional – the Near East North African Plant Genetic Resources Network (NENAPGREN), ECPGR, the European Association for Research on Plant Breeding (EUCARPIA), NordGen, the Technology Platform on Plant Biotechnology (Biovegen) and WIEWS. One Contracting Party referred to its participation in the Global Wheat Initiative and the DivSeek initiative. A few Contracting Parties also reported on their participation in crop-based networks, or workshops or bilateral projects on the documentation of PGRFA or plant breeding.

Financial resources (Article 18)

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

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

44. One Contracting Party reported having provided direct financial and technical support to the Global Seed Vault since 2008, as the facility provides backup storage for all *ex situ* collections worldwide.

45. Additionally, three Contracting Parties reported on funding capacity-building programmes, two to supporting implementation of the Multilateral System in various developing countries, and another to supporting CAPFITOGEN in Latin America and the Caribbean. One of

these Parties also indicated the provision of US\$120 000 to support development of the Programme of Work on the Global Information System of Article 17 of the International Treaty. The same Contracting Party reported the provision of \$1 118 000 to DivSeek II (Genesys Catalogue) and to the Global Crop Diversity Trust. One Contracting Party reported on a national grant scheme to support protection of biodiversity and the natural environment through locally based projects worldwide, including efforts to meet countries' obligations under other biodiversity related conventions, in particular the Convention on Biological Diversity (CBD) and its Nagoya Protocol.

46. In this context, two developed Contracting Parties also reported providing backing to the Special Fund to Support the Participation of Developing Countries in Treaty meetings.

47. Several developed and developing country Contracting Parties reported funding 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 reported funding 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.

Observations and suggestions on the reporting format

48. Most Contracting Parties indicated that they had no problems in completing the reporting format. However, one Contracting Party reported internet connectivity limitations, another noted technical problems with the reporting format, and a third found it difficult to answer only the yes-no-questions in the questionnaire. Yet another Contracting Party indicated that it faced difficulties in gathering all the information requested at national level.

49. Several Contracting Parties made observations and recommendations for the future review of the reporting format. Some Parties observed that certain questions appear to be similar, given that the reporting format is organized by Articles of the International Treaty, and stated that at times it had not been easy to know where to report certain activities. As a result, the same information was provided in response to several questions, or the respondent inserted references to the replies provided under other questions. For example, this was the case in replies to questions related to Article 8 (technical cooperation), Article 18 (financial resources) and Article 16 (participation in international networks). One Contracting Party suggested aggregating all international collaboration activities in one single section, and referring to them from the related questions.

50. Two Contracting Parties noted that some information related to transfers of PGRFA is now available in other systems, such as Easy-SMTA. In fact, several Contracting Parties indicated 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 reported that some of the information requested had already been sent to FAO, and was available in the World Information and Early Warning System (WIEWS). One example was Question 31, related to Article 14 on the Global Plan of Action (GPA). Also, Question 11 of the reporting format relates to 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 attached the reports submitted to FAO for monitoring the second GPA as relevant for Question 31, as well as information on the national programmes on PGRFA conservation.

51. One Contracting Party indicated that some information provided in its report should be read together with reports from other Contracting Parties, since they conserve and manage *ex situ* material collectively through NordGen. This same Contracting Party claimed that some of the questions are not relevant, and suggested that a future reporting format should offer an option for selecting 'not applicable' in a few cases, without however specifying which cases.

General remarks on implementation of the International Treaty

52. Several Contracting Parties indicated that application of the International Treaty will require time and financial resources. In particular, attention was drawn to the need to develop and sustain capacity-building activities at various levels and on different topics, possibly in collaboration with IARCs. Two Contracting Parties suggested developing “*more guidelines by the Governing Body to assist countries with the implementation of several provisions*”.

53. Concerning the Multilateral System, one Contracting Party commented that the SMTA is not self-explanatory, especially for users not speaking one of the United Nations’ six official languages. It suggested providing courtesy translations into other national languages, the development of explanatory notes and the elaboration of frequently asked questions. It also proposed developing guidelines on how to include material in the Multilateral System.

54. Another Contracting Party remarked that the interests of Contracting Parties are very different, and while developed countries place the emphasis on access to germplasm, developing countries are more concerned with implementing farmers’ rights, and the conservation and sustainable use and fair and equitable distribution of benefits. This Party observed that compliance should go hand-in-hand with the provision of international support to developing countries, which are centres of origin of crops.

II. ANALYSIS

55. Based on the synthesis, this analysis is provided according to Section V.3 of the Compliance Procedures. Given the limited number of reports received, the results presented in this section should be interpreted with care. It should also be noted that reports could only be analysed from those Contracting Parties that submitted them. The uneven geographical distribution of reports received may therefore have indicated biased results towards certain regions. Moreover, reports varied in the amount and precision of information they contained, with some providing extensive information to explain their answers, and others offering only limited information. The Committee noted that no priorities were set by the Governing Body for this analysis.

General observations

- a) The Committee noted the information provided by Contracting Parties through the use of the *Standard Reporting Format* is extremely valuable in offering an overview of the state of implementation of the International Treaty;
- b) The Committee took the view that in order to undertake a comprehensive assessment of Treaty implementation, a larger number of reports would be required;

General obligations (Article 4)

- c) The Committee requested the Secretariat to contact those reporting Contracting Parties that have stated that they have not developed any specific law, regulations, procedures or policies to implement the International Treaty. Since it appears from other parts of their reports that these Parties have taken such measures, the Committee requested the Secretariat to seek clarification.

Conservation, exploration, collection, characterization, evaluation and documentation of plant genetic resources for food and agriculture (Article 5)

- Based on the information and reports provided to date, the Committee was not in a position to provide any analysis on this point.

Sustainable use of plant genetic resources for food and agriculture (Article 6)

- d) The Committee noted that most reporting Contracting Parties have set in place measures for the conservation and sustainable use of PGRFA, with most reports containing detailed information on such measures, and assertions that they are cooperating with other Contracting Parties in this area.

National commitments and international cooperation (Article 7)

- Based on the information and reports provided to date, the Committee was not in a position to provide any analysis on this point.

Technical assistance (Article 8)

- Based on the information and reports provided to date, the Committee was not in a position to provide any analysis on this point.

Farmers' Rights (Article 9)

- e) The Committee noted that the majority of reporting Contracting Parties have taken multiple measures to promote Farmers' Rights, particularly measures related to participation in decision-making.

Multilateral System of Access and Benefit-sharing (Articles 10 to 13)

- f) The Committee noted that most reporting Contracting Parties had reported material included in the Multilateral System. The Committee also noted that several reporting Contracting Parties had not notified material included in the Multilateral System, and requested the Secretariat to liaise with these Parties to request clarification regarding the reasons.
- g) The Committee agreed to bring to the attention of the Governing Body the fact that one Contracting Party did not indicate any technical difficulty, but that this country's position was to take actions when all the elements of the Multilateral System were working, including the Funding Strategy of the International Treaty. At this stage, the Committee was unable to determine whether this was a structural issue or an incidental one.
- h) The Committee noted that only a few reporting Contracting Parties had taken measures to encourage natural and legal persons to include their *Annex I* resources in the Multilateral System.
- i) The Committee noted that two-thirds of the reporting Contracting Parties had taken measures to provide facilitated access to material that has been placed in the Multilateral System. However, the Committee also noted that one-third of the reporting Contracting Parties have not taken measures to provide facilitated access to the MLS.
- j) The Committee noted that most reporting Contracting Parties have used the SMTA for the transfer of non-*Annex I* PGRFA.
- k) The Committee noted that most reporting Contracting Parties have provided or received non-monetary benefits from the utilization of PGRFA in the MLS.

The Global Plan of Action (Article 14)

- Based on the information and reports provided up to date, the Committee was not in a position to provide any analysis on this point.

***Ex situ* collections (Article 15)**

- Based on the information and reports provided up to date, the Committee was not in a position to provide any analysis on this point.

International plant genetic resources networks (Article 16)

- Based on the information and reports provided to date, the Committee was not in a position to provide any analysis on this point.

Financial resources (Article 18)

- l) The Committee noted that most of reports stated that financial resources have been provided or received for implementation of the International Treaty, with three

developing country Contracting Parties receiving support from the the Benefit-sharing Fund (BSF), and one from the GEF.

- m) The Committee noted that financial resources have mostly been provided to the BSF, the Core Administrative Budget of the International Treaty, the GCDT, FAO programmes, NGOs working on implementation of the Treaty, and to capacity-building programmes.

Observations and suggestions on the reporting format

- n) The Committee noted that most reporting Contracting Parties 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.

General remarks on implementation of the International Treaty

- o) The Committee requested the Secretariat to liaise with those Contracting Parties that suggested the Governing Body develop more guidelines to assist countries with implementation of the Treaty, so as to seek clarification on the type of activities and topics to be included.

DRAFT RESOLUTION **/2017**COMPLIANCE****The Governing Body,**

Recalling its previous decisions on compliance,

- (i) **Thanks** those Contracting Parties that submitted their reports pursuant to Section V of the Compliance Procedures on time;
- (ii) **Thanks** the Compliance Committee for the rolling synthesis and analysis of the reports submitted by Contracting Parties pursuant to section V of the Compliance Procedures;
- (iii) **Urges** Contracting Parties that have not yet done so, including States that have become Contracting Parties since the Fifth Session and before the Seventh Session of the Governing Body, to submit, as soon as possible, and no later than 1 October 2018, their reports pursuant to Section V of the Compliance Procedures;
- (iv) **Invites** Contracting Parties to update their reports pursuant to Section V of the Compliance Procedures, as necessary, and *notes* that such reports are to be submitted every five years or periodically, in accordance with the Compliance Procedures;
- (v) **Decides** that the Compliance Committee shall consider all further reports that it receives up to 1 October 2018, in accordance with Section V of the Compliance Procedures;
- (vi) **Requests** the Compliance Committee to review the Standard Reporting Format and make recommendations for its improvement, based on suggestions from Contracting Parties and experiences in its use;
- (vii) **Thanks** the Secretariat for the publication of the Online Reporting System on Compliance (ORS) *and requests* the Secretary to continue assisting Contracting Parties during their reporting process;
- (viii) **Reiterates** that one of the functions of the Compliance Committee is to offer advice and facilitate assistance, including legal advice and legal assistance, to any Contracting Party on matters relating to compliance, with a view to assisting it to comply with its obligations under the International Treaty, and accordingly *invites* Contracting Parties to make submissions on such matters for consideration by the Compliance Committee;
- (ix) **Decides** to postpone the review foreseen in Section X of the Compliance Procedures to its Eighth Session;
- (x) **Invites** the Compliance Committee to hold at least one meeting during the 2018-2019 biennium, if needed, to be convened by the Chairperson of the Compliance Committee in consultation with the Secretariat;
- (xi) **Decides** that costs of meetings of the Compliance Committee, including those to facilitate the participation of members of the Committee, shall be included in the Core Administrative Budget, as may be adopted by the Governing Body; and
- (xii) **Elects** the members of the Compliance Committee in accordance with Section III.4 of the Compliance Procedures, as contained in the *Annex* to this Resolution.

*Annex 4***MEMBERS OF THE COMPLIANCE COMMITTEE**

Region	Expiring on 31 December 2017	Expiring on 31 December 2019
AFRICA	Ms Angeline MUNZARA	Mr Koffi KOMBATE
ASIA	Ms Amparo AMPIL, <i>Vice-Chairperson</i>	Mr Sadar Uddin SIDDIQUI
EUROPE	Mr René LEFEBER, <i>Chairperson</i>	Ms Susanna PAAKKOLA
LATIN AMERICA AND THE CARIBBEAN	Ms Lianne FERNÁNDEZ GRANDA	Mr Armando Bustillo CASTELLANOS
NEAR EAST	Mr Ali CHEHADE	Mr Hojjat KHADEMI
NORTH AMERICA	Ms Felicitas KATEPA-MUPONDWA	
SOUTH WEST PACIFIC	Mr Geoff BUDD	Ms Valerie TUIA (Resigned in January 2017)