



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

Item 5 of the Provisional Agenda

INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

FOURTH MEETING OF THE COMPLIANCE COMMITTEE

3 – 4 February 2021 (Teleconference-1)

REVIEWS UNDER THE MANDATE OF THE COMPLIANCE COMMITTEE

I. INTRODUCTION

1. At its Eighth Session, the Governing Body requested the Compliance Committee to undertake two reviews, namely:
 - (1) a review of the *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of non-Compliance (Compliance Procedures)*, as provided in the text of the Compliance Procedures; and
 - (2) a review of compliance with the International Treaty.
2. This document provides background information on these reviews and further considerations that may be of relevance for the work of the Committee.
3. The document also provides a brief update on the follow-up to the review of the Standard Reporting Format that the Committee undertook at its last meeting.

II. REVIEW OF THE STANDARD REPORTING FORMAT

4. At its last meeting, the Compliance Committee reviewed the Standard Reporting Format and recommended an updated version to the Eighth Session of the Governing Body for approval.¹
5. The Governing Body approved the reviewed Standard Reporting Format. It also requested the Secretary to update the Online Reporting System accordingly, and to continue assisting Contracting Parties during the next reporting cycle.²
6. Following the request of the Governing Body, the Secretary updated the Online Reporting System incorporating the changes recommended by the Compliance Committee and approved by the Governing Body.³ These changes were implemented together with further technical improvements to the Online Reporting System, which now make navigation and submission of national reports easier for users.
7. The updated version of the Standard Reporting Format is on the website of the International Treaty, as requested.⁴ The Secretariat has also informed the Standing Committee on the Funding Strategy and Resource Mobilization of these updates at its second meeting in November 2020.⁵

¹ [IT/GB-8/CC-3/19/Report](#), *Report of the Third Meeting of the Compliance Committee*, Annex 3, p. 39.

² [Resolution 7/2019](#), *Compliance*, para. 12.

³ <http://faoitpgrfa.ort-production.linode.unep-wcmc.org/>

⁴ Available at <http://www.fao.org/plant-treaty/areas-of-work/compliance/howtoreport/en/>.

⁵ <http://www.fao.org/plant-treaty/meetings/meetings-detail/en/c/1259565/>

8. The Compliance Committee is invited to take note of these developments.

III. REVIEW OF THE EFFECTIVENESS OF THE COMPLIANCE PROCEDURES

9. The *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of non-Compliance (Compliance Procedures)*⁶ were adopted at the Fourth Session of the Governing Body in 2011.
10. Pursuant to Section X of the *Compliance Procedures*, the Governing Body shall review the effectiveness of the *Compliance Procedures* and take appropriate action, within six years of their approval and periodically thereafter. Accordingly, the first review of their effectiveness was due in 2017.
11. At its Seventh Session in 2017, the Governing Body “*decide[d] to postpone the review foreseen in Section X of the Compliance Procedures to its Eighth Session*”.
12. At its Eighth Session in 2019, the Governing Body “*request[ed] the Compliance Committee to review the Compliance Procedures [...] for consideration by the Governing Body at the Ninth Session.*”⁷
13. The Governing Body did not provide any further guidance on what it might require for the review of the effectiveness of the *Compliance Procedures* or how the Committee could proceed with the review.
14. It will be recalled that the Committee had discussed the possible review of the *Compliance Procedures* at its last meeting and considered that the available information was not sufficient to carry out such review at the time.
15. During this biennium, the Secretary invited Contracting Parties to provide inputs and views to the Committee in undertaking the review of the *Compliance Procedures*, as requested by the Governing Body.
16. At the time of the preparation of this document, no inputs or submissions were received.
17. The national reports received since the last meeting of the Committee do not contain any suggestions on the review of the *Compliance Procedures*, nor did the ones already considered by the Committee at its last meeting.
18. The Committee may wish to discuss on which aspects of the effectiveness or which areas of the *Compliance Procedures* the review could focus. Without prejudice, the Committee could initially consider or focus on selected section or sections. One possibility could be Section V concerning the monitoring and reporting mechanism, for which some data and narrative information are available. In this context, the Committee could, for instance, suggest criteria to be used for the assessment of their effectiveness.
19. Should the Committee come to the conclusion that the information currently available is still not sufficient for the Governing Body to undertake a comprehensive review, it may wish to suggest to the Governing Body to again postpone the review of the effectiveness foreseen in Section X of the *Compliance Procedures* to its next Session, indicating what preparations would need to be made to assist the review.
20. The Committee may, alternatively, wish to recommend to the Governing Body to focus the review at the Ninth Session on specific aspects, while postponing the review of other aspects to its subsequent Session.
21. In this regard, the Committee would need to propose elements for the draft Resolution to be prepared for the consideration of the Governing Body.

IV. REVIEW OF COMPLIANCE WITH THE INTERNATIONAL TREATY

22. Pursuant to Section IV of the *Compliance Procedures*, the Committee shall, with a view to promoting compliance and addressing issues of non-compliance, and under the overall guidance of the Governing Body, have the following functions:

⁶ [Resolution 2/2011](#), *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of non-Compliance*, Annex.

⁷ [Resolution 7/2019](#), *Compliance*.

- a) Consider information submitted to it regarding matters relating to compliance and issues of non-compliance;
- b) Offer advice and/or facilitate assistance, as appropriate, to any Contracting Party, on matters relating to compliance with a view to assisting it to comply with its obligations under the International Treaty;
- c) Assist the Governing Body in its monitoring of the implementation by Contracting Parties of their obligations under the International Treaty on the basis of reports of the Contracting Parties in accordance with Section V of the *Compliance Procedures*;
- d) Address issues of non-compliance and identify the specific circumstances of the issue referred to it, in accordance with Sections VI to VIII of the *Compliance Procedures*;
- e) Promote compliance by addressing statements and questions concerning the implementation of obligations under the International Treaty, in accordance with Section IX of the *Compliance Procedures*;
- f) Carry out any other functions as may be assigned to it by the Governing Body pursuant to Article 21 of the International Treaty;
- g) Submit a report to each regular session of the Governing Body reflecting:
 - i) the work that the Committee has undertaken;
 - ii) the conclusions and recommendations of the Committee; and
 - iii) the future programme of work of the Committee.

23. At its Eighth Session, the Governing Body “request[ed] the Compliance Committee, in consultation with Contracting Parties and with the support of the Secretariat, to review compliance with the International Treaty and in particular the Articles that specify binding obligations on Contracting Parties, and to present its conclusions and suggestions for action to the Ninth Session of the Governing Body”.⁸

24. The Secretary, through Notification NCP GB9-013, drew the attention of Contracting Parties to this request and invited them to submit questions and inputs at any time. No submissions, inputs or suggestions were received as at the time of preparation of this document.

25. The Committee has before it the synthesis and analysis it submitted to the Eighth Session of the Governing Body, where it raised several items that it may wish to consider as a starting point when undertaking the review requested by the Eighth Session of the Governing Body.⁹

26. All the national reports so far received are available on the website of the International Treaty.¹⁰

27. The Committee is invited to consider the preliminary conclusions in the updated synthesis of national reports prepared for this meeting in the document, IT/GB-9/CC-4/21/4.

28. The Committee is also invited to undertake the review requested by the Governing Body and prepare elements for the draft Resolution accordingly.

V. CONCLUSION AND GUIDANCE SOUGHT

29. The Committee may wish to consider the information and observations provided in this document and is invited to (1) undertake the review of the *Compliance Procedures* and (2) prepare its conclusions and recommendations regarding compliance with the International Treaty.

30. The Committee may also wish to indicate how the Secretary could further assist the Committee in undertaking its tasks, as assigned by the Governing Body.

⁸ [Resolution 7/2019](#), *Compliance*, para. 10.

⁹ [IT/GB-8/19/13](#), *Report of the Compliance Committee*.

¹⁰ <http://www.fao.org/plant-treaty/areas-of-work/compliance/compliance-reports/en/>.