

CGRFA-MIC-1/02/REP

**First Meeting of the
Commission on Genetic
Resources for Food and
Agriculture acting as
Interim Committee of the
International Treaty on
Plant Genetic Resources
for Food and Agriculture**

Rome, Italy, 9 – 11 October 2002



Food and Agriculture Organization of the United Nations

CGRFA/MIC-1/02/REP

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

**First Meeting
Rome, 9 – 11 October 2002**

**FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
Rome, 2002**

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

I. INTRODUCTION

1. The First Meeting of the Commission on Genetic Resources for Food and Agriculture acting as the Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture, was held in Rome from 9 to 11 October 2002. A list of delegates is attached as *Appendix G*.

**II. ELECTION OF THE CHAIR AND VICE-CHAIRS
AND OPENING OF THE SESSION**

2. Mr. Fernando Gerbasi (Venezuela), Chair of the Commission, opened the meeting and welcomed the delegates and observers. He called for nominations for the Chair and Vice-Chairs. Mr. Gerbasi was elected as Chair of the Interim Committee. Six Vice-Chairs were elected: Ms. E. Matos (Angola), Mr. A. Abou Zeid (Egypt), Mr. C. Han Hee (Malaysia), Ms. K. Herrmann (Australia), Mr. G. Kleijer (Switzerland) and Mr. B. Fraleigh (Canada). Mr. M. Vernooij (The Netherlands) was elected as *Rapporteur*.

3. Ms. Louise O. Fresco, Assistant Director-General, Agriculture Department, welcomed the delegates and observers to the meeting. She stressed the special nature of plant genetic diversity, noting that the exchange of plant genetic resources has been of great mutual benefit of all countries and regions since agriculture began. Ms. Fresco observed that the Treaty was a modern and flexible instrument, and that the Director-General had appealed to all countries to ratify the Treaty as soon as possible. She informed the Interim Committee that the objectives of the Treaty would be supported by a number of initiatives, such as plans to establish a Global Conservation Trust, which would operate within the framework of the Treaty's funding strategy and in line with the Leipzig *Global Plan of Action*. Ms. Fresco noted that the Trust would provide a flow of funds to help national governments and international institutions develop an economically efficient and sustainable system for *ex situ* conservation. She asked delegates to bear in mind as they progressed with their deliberations that the implementation of the work programme agreed to by the Interim Committee would depend upon the availability of adequate extra-budgetary funds.

4. The Interim Committee adopted the Agenda, as given in *Appendix A*.

III. REPORT ON THE STATUS OF SIGNATURES AND RATIFICATION OF THE TREATY

5. Mr. J.T. Esquinas, Secretary of the Commission on Genetic Resources for Food and Agriculture, informed delegates of the status of signatures and ratification of the Treaty, noting that the Treaty would come into force 90 days after the fortieth ratification had been deposited. He reported that 60 countries and the European Community had already signed the Treaty and eight countries had ratified it. A list of signatures and ratifications of the Treaty is attached in *Appendix B*.

6. The Interim Committee noted that: the Sixth Meeting of the Conference of the Parties to the Convention on Biological Diversity (7-19 April 2002, The Hague), in its Ministerial Declaration, had “urged all States to ratify and fully implement [...] the International Treaty on Plant Genetic Resources for Food and Agriculture”; The Declaration adopted by the World Food Summit: *five years later* (10-13 June 2002, Rome) had recognized “the importance of the International Treaty on Plant Genetic Resources for Food and Agriculture, in support of food security”, and had called “on all countries that have not yet done so to consider signing and ratifying the International Treaty on Plant Genetic Resources for Food and Agriculture, in order that it shall enter into force as soon as possible”; in the Johannesburg Declaration on Sustainable Development, countries participating in the World Summit on Sustainable Development (26 August - 4 September, 2002), had stated that they committed themselves to the Johannesburg Plan of Implementation, in which they “invite countries that have not done so to ratify the International Treaty on Plant Genetic Resources for Food and Agriculture.”

7. Many country representatives informed the Interim Committee that national procedures are well underway to both sign and ratify the Treaty. Countries that had already signed or ratified the Treaty encouraged other countries to do so as soon as possible, in order to bring it into force. Four countries - Angola, Colombia, Cuba, and Iran - announced their intention to sign the Treaty during the Session.

8. The importance of assisting developing countries and countries with economies in transition in the preparation of national legislation to implement the Treaty was recognized. Members called on FAO to give priority consideration to such requests, and appealed to donors to make extra-budgetary funds available to support such work.

IV. ADOPTION OF RULES OF PROCEDURE FOR THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE ACTING AS THE INTERIM COMMITTEE

9. The Interim Committee recalled that the Conference, at its Thirty-first Session in November 2001, through Resolution 3/2001, had adopted the International Treaty on Plant Genetic Resources for Food and Agriculture, and mandated interim arrangements for the implementation of the Treaty. As part of these interim arrangements, the Conference had requested the Director-General to convene the First Meeting of the Interim Committee for the Treaty in 2002, and has called on the Commission acting as Interim Committee for the Treaty to adopt its Rules of Procedure at its first session.

10. The Interim Committee adopted its Rules of Procedure, as given in *Appendix C*. It recognized that the adoption of the Rules of Procedure was without prejudice to the consideration of the rules of procedure for the Governing Body of the Treaty.

**V. ELEMENTS OF THE WORK PROGRAMME AND BUDGET
FOR THE COMMISSION ON GENETIC RESOURCES
FOR FOOD AND AGRICULTURE, ACTING AS THE INTERIM COMMITTEE**

11. The Interim Committee for the Treaty considered the various elements of its Work Programme and Budget 2003-2004, in the light of the document, *Work Programme and Budget, 2003-2004*¹.

***Draft Rules of Procedure and Financial Rules, and Draft Procedures to Promote Compliance
for the consideration of the Governing Body***

12. The Interim Committee considered three items as a group: document the *Draft Rules of Procedure* for the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture² ; document the *Draft Financial Rules* for the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture³ and document *Procedures to Promote Compliance* with the International Treaty for Plant Genetic Resources for Food and Agriculture⁴.

13. The Interim Committee for the Treaty decided to establish an Open-Ended Expert Working Group, with appropriate technical support, to meet in the inter-sessional period. The Working Group would address, firstly, the Rules of Procedure for the Governing Body, using as a basis for its work the Annex of document *Draft Rules of Procedure*. It would then address the Draft Financial Rules for the Governing Body, using as a basis for its work Annex 1 of document *Draft Financial Rules*. Finally, it would address procedures to promote compliance with the Treaty, and for this purpose, requested the Director-General to collect countries' views on compliance with the Treaty. It was agreed that countries' submissions in this process should be placed on the FAO Internet web-site. The Interim Committee for the Treaty requested the Secretariat to compile and analyse the replies, and produce a report that might form the basis of the Working Group's deliberations on this question. It decided that the Working Group would submit the results of its deliberations to the Interim Committee for the Treaty.

14. The Interim Committee for the Treaty stressed the importance of ensuring that developing countries and countries with economies in transition were able to participate fully in the Open-Ended Expert Working Group, and appealed to donor countries to make the necessary funds available, as part of the 2003-2004 Work Programme and Budget of the Interim Committee for the Treaty.

***Terms of Reference for the Expert Group on the Terms of the Standard Material Transfer
Agreement***

15. The Interim Committee for the Treaty recalled that, in adopting the International Treaty on Plant Genetic Resources for Food and Agriculture, the Thirty-first Session of the Conference

¹ CGRFA/MIC-1/02/9

² CGRFA/MIC-1/02/4

³ CGRFA/MIC-1/02/5;

⁴ CGRFA/MIC-1/02/7

of FAO had, by Conference Resolution 3/2001, set out interim arrangements for the Treaty. These had included the establishment of an Expert Group to develop and propose recommendations on the terms of a standard Material Transfer Agreement (MTA) in accordance with Article 12.4 of the International Treaty, for consideration by the Interim Committee for the Treaty, and by the first meeting of the Governing Body. The Conference had requested the Interim Committee for the Treaty to agree upon the terms of reference for the Expert Group at its first meeting.

16. The Interim Committee then adopted the Terms of Reference for the Expert Group on the Terms of the Standard Material Transfer Agreement, which are given in *Appendix D*.

The Work Programme and Budget 2003-2004

17. The Interim Committee for the Treaty decided to postpone until its second meeting consideration of the following matters: consultations with the International Agricultural Centres and other relevant institutions; cooperation with relevant international bodies; and the funding strategy for the implementation of the Treaty.

18. In the light of its decisions on individual elements of its Work Programme, the Interim Committee for the Treaty took note of the Consolidated Work Programme and Indicative Budget in *Appendix E*. It requested the Secretariat to prepare job descriptions for the additional staff needed, taking into account its decisions on the Work Programme, to undertake the preparatory work necessary for the first session of the Governing Body.

19. Members of the Interim Committee recommended that the number of incremental secretariat staff be kept to a minimum, and suggested that funds also be found through seeking efficiencies.

20. The Secretariat reported that extra-budgetary resources for a total of some US\$420,000 had remained at the end of the negotiating process, and that the donors involved had been requested to allow these funds to be used for the preparation and running of the work of First Meeting of the Interim Committee for the Treaty. Most had already done so, which had allowed the convening of the meeting, and made possible the participation of developing country delegates. It was noted that Germany had made a further contribution for this purpose. The Interim Committee for the Treaty thanked all donors for their support.

21. The Interim Committee for the Treaty requested the Chair to convey to the Hundred and Twenty-third session of the Council, through its Chair, the need to continue Regular Programme allocations to the work of the Interim Committee, and, once the Treaty has entered into force, the Governing Body. It appealed to donors to make available the additional extra-budgetary resources that would be required to implement its Work Programme, including, in particular, to support the full participation of developing countries and countries with economies in transition.

22. The Interim Committee for the Treaty decided that, as funds became available, priority should be given to convening the Expert Group on the Terms of the Standard MTA; and the Open-ended Working Group on the Rules of Procedure of the Governing Body, the Financial Rules of the Governing Body, and Compliance. These meetings were needed to prepare the work of the Interim Committee for the Treaty in its Second Meeting.

23. Many members suggested that, once the Treaty entered into force, core activities under the Treaty, including meetings and secretariat activities, be covered within the Regular Programme of Work and Budget, and a specific line in the budget be established as soon as possible. It recognized that substantial extra-budgetary resources would be required in the interim period, and in the initial phase of the implementation of the Treaty. The Director of the Office of Programme, Budget and Evaluation (PBE) noted that without additional resources, the Regular Programme support to the Treaty would impact upon other agreed priorities of the Organization.

He also noted that, there had, in real terms, been a 15% reduction in FAO's budget over the previous eight years, and that most Article XIV bodies raised their own funds.

VI. NEXT MEETING OF THE INTERIM COMMITTEE FOR THE TREATY

24. The Interim Committee for the Treaty decided that it would hold its Second Meeting before the end of 2004, as soon as possible after the meetings of the Expert Group on the Terms of the Standard MTA and the Open-ended Working Group on the Rules of Procedure of the Governing Body, the Financial Rules of the Governing Body, and Compliance.

APPENDIX A

**AGENDA OF THE FIRST MEETING OF THE
COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE,
ACTING AS INTERIM COMMITTEE**

1. Election of the Chair and Vice-Chairs for the First Meeting of the Commission on Genetic Resources for Food and Agriculture, acting as Interim Committee
2. Adoption of the Agenda and Timetable
3. Report on the status of signatures and ratification of the Treaty
4. Adoption of Rules of Procedure for Commission on Genetic Resources for Food and Agriculture, acting as Interim Committee
5. Establishment of the Work Programme and Budget for the Commission on Genetic Resources for Food and Agriculture, acting as Interim Committee
 - 5.1. Consideration of the possible elements of the Work Programme
 - a. *Draft Rules of Procedure and Financial Rules, for the consideration of the Governing Body*
 - b. *Terms of Reference for the Expert Group on the Terms of the Standard Material Transfer Agreement*
 - c. *Draft Procedures to Promote Compliance, for the consideration of the Governing Body*
 - d. *Consultations with the International Agricultural Research Centres and other relevant international institutions*
 - e. *Cooperation with relevant international bodies*
 - f. *Funding strategy for the implementation of the Treaty, for the consideration of the Governing Body*
 - 5.2. Consolidation of the Work Programme and Budget
6. Status of extra-budgetary resources for the work of the Commission on Genetic Resources for Food and Agriculture, acting as Interim Committee
7. Other business
8. Date and place of the Second Meeting of the Commission on Genetic Resources for Food and Agriculture, acting as Interim Committee
9. Adoption of the Report

APPENDIX B

**INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**
**Status of signatures/ratifications
as at 28 October 2002**

Note: Up-to-date information on the status of signature and ratification at any time is available on the internet at <http://www.fao.org/Legal/TREATIES/033s-e.htm>.

	Signature	Ratification or equivalent
Angola	10 October 2002	
Argentina	10 June 2002	
Australia	10 June 2002	
Austria	6 June 2002	
Bangladesh	17 October 2002	
Belgium	6 June 2002	
Bhutan	10 June 2002	
Brazil	10 June 2002	
Burkina Faso	9 November 2001	
Burundi	10 June 2002	
Cambodia	11 June 2002	11 June 2002
Cameroon	3 September 2002	
Canada	10 June 2002	10 June 2002
Cape Verde	16 October 2002	
Central African Republic	9 November 2001	
Chad	11 June 2002	
Costa Rica	10 June 2002	
Côte d'Ivoire	9 November 2001	
Cuba	11 October 2002	
Cyprus	12 June 2002	
Denmark	6 June 2002	
Dominican Republic	11 June 2002	
Egypt	29 August 2002	
El Salvador	10 June 2002	
Eritrea	10 June 2002	10 June 2002
Ethiopia	12 June 2002	
European Community	6 June 2002	
Finland	6 June 2002	
France	6 June 2002	
Gabon	10 June 2002	
Germany	6 June 2002	
Ghana	28 October 2002	28 October 2002
Greece	6 June 2002	
Guatemala	13 June 2002	
Guinea	11 June 2002	11 June 2002
Haiti	9 November 2001	
India	10 June 2002	10 June 2002
Ireland	6 June 2002	
Italy	6 June 2002	
Jordan	9 November 2001	30 May 2002
Luxembourg	6 June 2002	

Malawi	10 June 2002	04 July 02
Mali	9 November 2001	
Malta	10 June 2002	
Marshall Islands	13 June 2002	
Morocco	27 March 2002	
Namibia	9 November 2001	
Netherlands	6 June 2002	
Niger	11 June 2002	
Nigeria	10 June 2002	
Norway	12 June 2002	
Paraguay	24 October 2002	
Peru	8 October 2002	
Portugal	6 June 2002	
Senegal	9 November 2001	
Spain	6 June 2002	
Sudan	10 June 2002	10 June 2002
Swaziland	10 June 2002	
Sweden	6 June 2002	
Switzerland	28 October 2002	
Syria	13 June 2002	
The Former Yugoslav Republic of Macedonia	10 June 2002	
Tunisia	10 June 2002	
United Kingdom	6 June 2002	
Uruguay	10 June 2002	
Venezuela	11 February 2002	
Yugoslavia	1 October 2002	

APPENDIX C

**INTERIM COMMITTEE FOR THE INTERNATIONAL TREATY ON PLANT
GENETIC RESOURCES FOR FOOD AND AGRICULTURE****RULES OF PROCEDURE****Rule I
Membership**

1. Membership in the Interim Committee for the Treaty is open to all Members of the FAO and to such non-member States as are Members of the United Nations or any of its specialized agencies or the International Atomic Energy Agency.
2. Membership shall comprise all Members of the Commission on Genetic Resources for Food and Agriculture and such other eligible FAO Members and other States as have notified the Director-General of the FAO of their desire to be considered as Members.
3. Each Member of the Interim Committee for the Treaty shall communicate to the Director-General of the FAO the name of its representative and, where possible, that of other members of its delegation, before the opening of each session of the Interim Committee for the Treaty.

**Rule II
Officers**

1. The Interim Committee for the Treaty shall elect a Chairperson and not more than *six* Vice-Chairpersons (hereinafter collectively referred to as “the Bureau”), and a *Rapporteur*, from among the representatives, alternates, experts and advisers (hereinafter referred to as “delegates”) of the Members of the Interim Committee for the Treaty; it being understood that no delegate shall be eligible without the concurrence of the head of the delegate’s delegation.
2. The Bureau shall be elected at the beginning of a Regular Session and shall hold office until the beginning of the following Regular Session.
3. The Chairperson, or in the absence of the Chairperson another member of the Bureau, shall preside at all meetings of the Interim Committee for the Treaty and shall exercise such other functions as may be required to facilitate the work of the Interim Committee for the Treaty. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

Rule III Secretary

1. The Secretary of the FAO Commission on Genetic Resources for Food and Agriculture shall act as Secretary of the Interim Committee for the Treaty and shall perform such duties as the work of the Interim Committee for the Treaty may require.
2. The Secretary shall be responsible for implementing the activities assigned to the Secretary in accordance with the policies of the Interim Committee for the Treaty. The Secretary shall report to the Interim Committee for the Treaty on the activities assigned to the Secretary.

Rule IV Sessions

1. The Interim Committee for the Treaty shall hold Regular Sessions at least once every two years. These sessions should, as far as possible, be held back-to-back with the Regular Sessions of the Commission on Genetic Resources for Food and Agriculture.
2. Special sessions of the Interim Committee for the Treaty shall be held at such other times as may be deemed necessary by the Interim Committee for the Treaty, or at the written request of any Member, provided that this request is supported by at least one third of the Members.
3. Sessions of the Interim Committee for the Treaty shall be convened by the Chairperson of the Interim Committee for the Treaty, after consultation with the Director-General of the FAO.
4. Notice of the date and place of each session of the Interim Committee for the Treaty shall be communicated to all Members of the Interim Committee for the Treaty at least two months before the session.
5. Each Member of the Interim Committee for the Treaty shall have one representative, who may be accompanied by one or more alternates, experts and advisers. An alternate, expert or adviser shall not have the right to vote except when substituting for the representative.
6. Meetings of the Interim Committee for the Treaty shall be held in public unless the Interim Committee for the Treaty decides otherwise.
7. A majority of the Members of the Interim Committee for the Treaty shall constitute a quorum.

Rule V Agenda and documents

1. The Director-General, in consultation with the Chairperson of the Interim Committee for the Treaty, shall prepare a provisional agenda.
2. The first item on the provisional agenda shall be the adoption of the Agenda.
3. Any Member of the Interim Committee for the Treaty may request the Director-General of the FAO to include specific items in the Provisional Agenda.
4. The Provisional Agenda shall normally be circulated by the Director-General of the FAO at least two months in advance of the session to all Members of the Interim Committee for the

Treaty and to other Members and Associate Members of the FAO and non-member States eligible to become Members of the Interim Committee for the Treaty and to all international organizations invited to attend the session.

5. Any Member of the Interim Committee for the Treaty, and the Director-General of the FAO, may, after the despatch of the Provisional Agenda, propose the inclusion of specific items on the Agenda with respect to matters of an urgent nature. These items should be placed on a supplementary list, which, if time permits before the opening of the session, shall be despatched by the Director-General of the FAO to all Members of the Interim Committee for the Treaty, failing which the supplementary list shall be communicated to the Chairperson for submission to the Interim Committee for the Treaty.

6. After the Agenda has been adopted, the Interim Committee for the Treaty may, by consensus, amend the Agenda by the deletion, addition or modification of any item. No matter referred to the Interim Committee for the Treaty by the Conference or Council of the FAO may be omitted from the Agenda.

7. Documents to be submitted to the Interim Committee for the Treaty at any session shall be furnished by the Director-General of the FAO to the Members of the Interim Committee for the Treaty, the other Members and Associate Members of the FAO attending the session, to any non-member State eligible to become a Member of the Interim Committee for the Treaty and to international organizations invited to the session, at the time the Agenda is despatched or as soon as possible thereafter.

8. Formal proposals relating to items on the Agenda and amendments thereto introduced during a session of the Interim Committee for the Treaty shall be made in writing and handed to the Chairperson, who shall arrange for copies to be circulated to all representatives of Members of the Interim Committee for the Treaty.

Rule VI Decision-making procedures

1. Decisions of the Interim Committee for the Treaty shall be taken by consensus of the Members of the Interim Committee for the Treaty, unless, by consensus, another method of arriving at a decision on certain measures is reached.

2. In the case of a vote, subject to the provisions of Article II.10 of the Constitution of the FAO, each Member of the Interim Committee for the Treaty shall have one vote.

Rule VII Observers

1. Any Member or Associate Member of the FAO, or non-member State referred to in Rule I.1, that is not a Member of the Interim Committee for the Treaty but which has a special interest in the work of the Interim Committee for the Treaty, may, upon request communicated to the Director-General of the FAO, attend sessions of the Interim Committee for the Treaty and its subsidiary bodies, as an observer. It may submit memoranda and participate in discussions without a vote.

2. States that are not Members of the Interim Committee for the Treaty or Members or Associate Members of the FAO, but which are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, may, upon their request and

subject to the provisions relating to the granting of observer status to nations adopted by the Conference of the FAO, be invited to attend, in an observer capacity, sessions of the Interim Committee for the Treaty or of its subsidiary bodies. The status of nations invited to such sessions shall be governed by the relevant provisions adopted by the Conference of the FAO.

3. Subject to the provisions of paragraph 4 of this Rule, the Director-General of the FAO, taking into account guidance given by the Interim Committee for the Treaty and in consultation with the Bureau, may invite international and national organizations to attend sessions of the Interim Committee for the Treaty in an observer capacity. International organizations that have signed agreements with the FAO placing collections of germplasm held by them under the auspices of the FAO shall be invited to attend all sessions of the Interim Committee for the Treaty as observers.

4. Participation of international organizations in the work of the Interim Committee for the Treaty and the relations between the Interim Committee for the Treaty and such organizations shall be governed by the relevant provisions of the Constitution of the FAO and the General Rules of the FAO, as well as by other provisions of the Basic Texts of the FAO dealing with relations with international organizations. All such relations shall be dealt with by the Director-General of the FAO, taking into account guidance given by the Interim Committee for the Treaty.

Rule VIII Records and Reports

1. At each session, the Interim Committee for the Treaty shall approve a report embodying its views, recommendations and conclusions, including, when requested, a statement of minority views. Such other records, for its own use, as the Interim Committee for the Treaty may on occasion decide, shall also be maintained.

2. The report of the Interim Committee for the Treaty shall be transmitted at the close of each session to the Director-General of the FAO who shall circulate it to all Members of the Interim Committee for the Treaty, to other nations and international organizations that were represented at the session, for their information, and, upon request, to other Members and Associate Members of the FAO.

3. Recommendations of the Interim Committee for the Treaty having policy, programme or financial implications for the FAO shall be brought by the Director-General of the FAO to the attention of the Conference or Council of the FAO for appropriate action.

4. Subject to the provisions of the preceding paragraph the Director-General of the FAO may request Members of the Interim Committee for the Treaty to supply the Interim Committee for the Treaty with information on action taken on the basis of recommendations made by the Interim Committee for the Treaty.

Rule IX Subsidiary Bodies

1. The Interim Committee for the Treaty may establish such subsidiary bodies as it deems necessary for the accomplishment of its functions.

2. Membership in these subsidiary bodies shall comprise such Members of the Interim Committee for the Treaty as have notified the Director-General of the FAO of their desire to be considered as members of the subsidiary bodies, or shall consist of selected Members of the

Interim Committee for the Treaty, as determined by the Interim Committee for the Treaty itself, or, at the request of the Interim Committee for the Treaty, of individuals appointed by the Director-General in their personal capacity.

3. The representatives of subsidiary bodies shall, insofar as possible, serve in a continuing capacity and be specialists in the fields of activity of the respective subsidiary bodies.

4. The terms of reference and procedures of the subsidiary bodies shall be determined by the Interim Committee for the Treaty.

5. The establishment of subsidiary bodies shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the FAO, or to the availability of the necessary extra-budgetary funds. Before taking any decision involving expenditures in connection with the establishment of subsidiary bodies, the Interim Committee for the Treaty shall have before it a report from the Director-General on the administrative and financial implications thereof.

6. Each subsidiary body shall elect its own officers, unless appointed by the Interim Committee for the Treaty.

Rule X Expenses

1. Expenses incurred by representatives of Members of the Interim Committee for the Treaty and by their alternates and their advisers, when attending sessions of the Interim Committee for the Treaty or subsidiary bodies, as well as the expenses incurred by observers at sessions, shall be borne by their respective governments or organizations. Should experts be invited by the Director-General of the FAO to attend sessions of the Interim Committee for the Treaty and its subsidiary bodies in their individual capacity, their expenses, unless otherwise determined by the Interim Committee for the Treaty, shall be borne by the FAO. Upon request, FAO will endeavour to facilitate the attendance of developing countries and countries with economies in transition at meetings of the Interim Committee for the Treaty, and any bodies it may establish, subject to the availability of extra-budgetary funds.

2. Any financial operations of the Interim Committee for the Treaty and its subsidiary bodies shall be governed by the appropriate provisions of the Financial Regulations of the FAO.

Rule XI Languages

1. The languages of the Interim Committee for the Treaty shall be the languages of the FAO.

2. Any representative using a language other than one of the languages of the Interim Committee for the Treaty shall provide for interpretation into one of the languages of the Interim Committee for the Treaty.

Rule XII
Amendment and Suspension of the Rules

1. Amendment of or additions to these Rules may be adopted by consensus provided that not less than 24 hours notice of the proposal for the amendment or the addition has been given.
2. Any of the Rules of the Interim Committee for the Treaty, other than Rule I.1, Rule III.1, Rule IV.2 and 6, Rule V.6, Rule VI.1 and 2, Rule VII, Rule VIII.3 and 4, Rule IX.4 and 5, Rule XI, Rule XII.1 and Rule XIII may be suspended by consensus provided that not less than 24 hours notice of the proposal for suspension has been given. Such notice may be waived if no representative of the Members of the Interim Committee for the Treaty objects.

Rule XIII
Entry into Force

These Rules and any amendments or additions thereto shall come into force upon approval by the Director-General of the FAO.

APPENDIX D

**TERMS OF REFERENCE FOR THE EXPERT GROUP ON THE TERMS OF THE
STANDARD MATERIAL TRANSFER AGREEMENT*****I. Scope of the Work***

1. The Expert Group shall develop and propose recommendations, which may be considered by the Interim Committee for the Treaty, on the terms of the standard Material Transfer Agreement (MTA), in accordance with Article 12.4 of the International Treaty.
2. The Expert Group is also asked to provide advice, and, where appropriate, to propose options and/or elements for inclusion in the standard MTA on, *inter alia*:
 - What should be the level, form and manner of payments in line with commercial practice?
 - Whether different levels of payment should be established for various categories of recipients who commercialise such products or for different sectors and, if so, what those levels, various categories of recipients and sectors should be?
 - Whether to exempt small farmers in developing countries and in countries with economies in transition from the payments, and if so, who qualifies as such as a small farmer?
 - What constitutes commercialisation in terms of Article 13.2d (ii) of the Treaty?
 - What constitutes incorporation of material accessed from the Multilateral System?
 - When would a product be considered to be available without restriction to others for further research and breeding?
 - How will monetary and other benefits be defined, for the purposes of the standard MTA?
 - By what means will the MTA ensure the application of Article 12.3?
 - What terms should be included in the MTA, so that recipients are bound by it on acceptance of the material from the Multilateral System?

II. Composition of the Expert Group

3. The Expert Group shall examine and report on all options identified, reflecting all views, with the associated implications.
4. The Expert Group shall be composed of experts nominated by Governments, with technical or legal expertise with respect to the exchange of plant genetic resources for food and agriculture and relevant commercial practice.
5. The group shall reflect an appropriate balance between developed and developing countries and countries with economies in transition, with each FAO region being represented.

6. The Expert Group shall comprise 24 members, as follows: four members each from Europe, Africa, Asia, Latin America and Caribbean, and the Near East, and two members each from North America and South West Pacific. Each region will appoint, in addition, an equivalent number of advisors to the members of the Expert Group. It is suggested that advisors may include *inter alia*, representatives from governments, industry, academia and civil society.

7. The CGIAR is invited to nominate one representative to participate in his/her technical capacity in the work of the Expert Group.

8. WIPO and UPOV will be invited to send one representative each to provide technical assistance, at the request of the Expert Group.

III. Schedule for the completion by the Expert Group of its functions

9. The regions are requested to nominate their experts before the end of the year 2002, so that the meeting of the Expert Group may be held, if possible, within the first half of 2003, subject to the availability of adequate extra-budgetary resources. The Expert Group will report on progress to the next meeting of the Interim Committee for the Treaty, which will then decide whether further meetings of the Expert Group are required.

CONSOLIDATED WORK PROGRAMME AND INDICATIVE BUDGET FOR THE INTERIM COMMITTEE, 2003-2004

Note: In this table, costs are estimated separately for individual activities, and for support for the participation of developing countries and countries with economies in transition (P/DC and C in T) in these activities.

Task	Proposed Activity	2003		2004		Total: 2003 and 2004	
		US\$	US\$	US\$	US\$	US\$	US\$
Rules of procedure, Financial Rules, Compliance	Open-ended Working Group	360,250				360,250	
	P/DC & C in T (travel)		226,200				226,200
Standard Material Transfer Agreement	Expert Group	228,250				228,250	
	P/DC & C in T (Experts' travel)		75,000				75,000
	P/DC & C in T (Advisers' travel)		75,000				75,000
Second Meeting of Interim Committee	Commission Meeting			360,250		360,250	
	P/DC & C in T				226,200		226,200
	<i>Incremental Secretariat Needs</i>						
	• 1 P5 Legal Officer	157,000		160,000		317,000	
	• 1 P4 Policy Analyst	130,000		133,000		263,000	
	• 1 P3 Treaty Support Officer	119,000		121,500		240,500	
	• Consultancy provision	100,000		52,000		152,000	
	• 2 G3 Secretaries/clerks	96,000		98,000		194,000	
	• Misc.	20,000		20,000		40,000	
	Activity costs	1,210,500		944,750		2,155,250	
	Project Servicing Costs (PSC) @ 6 %	72,630		56,685		129,315	
	Sub-total: Activity costs + PSC 6 %	1,283,130		1,991,435		2,284,565	
	Sub-total: Developing Country and countries in transition Participation, PSC 0%		376,200		226,200		602,400
	TOTAL	1,659,330		1,227,635		2,886,965	

APPENDIX E

APPENDIX F

LIST OF DOCUMENTS*Working Documents*

CGRFA/MIC-1/02/1	Draft Provisional Agenda
CGRFA/MIC-1/02/2	Provisional Annotated Agenda and Timetable
CGRFA/MIC-1/02/3	Draft Rules of Procedure for the Commission acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture
CGRFA/MIC-1/02/4	Draft Rules of Procedure for the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture
CGRFA/MIC-1/02/5	Draft Financial Rules for the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture
CGRFA/MIC-1/02/6	Terms of Reference for the Expert Group on the terms of the standard Material Transfer Agreement
CGRFA/MIC-1/02/7	Procedures to promote compliance with the International Treaty on Plant Genetic Resources for Food and Agriculture
CGRFA/MIC-1/02/8	Consultations with the International Agricultural Research Centres of the CGIAR and other relevant institutions on the agreements to be signed with the Governing Body
CGRFA/MIC-1/02/9	Inter-sessional work of the Commission acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture: Work programme and budget 2003-2004
CGRFA/MIC-1/02/10	Report on the status of signatures and ratifications of the International Treaty on Plant Genetic Resources for Food and Agriculture

Information Documents

CGRFA/MIC-1/02/Inf. 1	FAO Conference Resolution 3/2001: Adoption of the International Treaty on Plant Genetic Resources for Food and Agriculture and interim arrangements for its implementation
CGRFA/MIC-1/02/Inf. 2	Decision VI/6 of the Sixth Meeting of the Conference of the Parties to the Convention on Biological Diversity: International Treaty on Plant Genetic Resources for Food and Agriculture

الملحق زای

附录 G

APPENDIX G – ANNEXE G – ANEXO G

قائمة المندوبين والمراقبين

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:
:
:
:
:Fernando GERBASI
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