



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



**International Treaty
on Plant Genetic Resources
for Food and Agriculture**

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

**THIRTEENTH MEETING OF THE AD HOC OPEN-ENDED WORKING
GROUP TO ENHANCE THE FUNCTIONING OF THE MULTILATERAL
SYSTEM**

Rome, Italy, 1 – 4 April 2025

Report by the Co-Chairs on Intersessional Work

Executive Summary

The Working Group, at its twelfth meeting, agreed that the Co-Chairs would undertake several activities, including establishment of a drafting group, establishment of a small group on direct use, organization of an informal physical meeting, and liaising with the private seed sector. Additionally, the Working Group stressed the importance of holding regional consultations that will enable discussions with Contracting Parties that are not members of the Working Group.¹

Moreover, the Working Group requested the Co-Chairs to liaise with the Co-Chairs of the Standing Committee on the Funding Strategy and Resource Mobilization (SFC) to streamline work on possible criteria for allocation of funds by the Benefit-sharing Fund and which supportive measures they could recommend to the Governing Body in support of the enhancement process. The Working Group also requested the Co-Chairs and the Secretariat to discuss potential political and technical challenges for Contracting Parties to ratify the proposed amendment to Annex I of the Treaty, so as to facilitate the finalization of the amendment text.

This document contains the report of the Co-Chairs, briefly describing the activities undertaken by them since the twelfth meeting of the Working Group in response to these requests.

Guidance Sought

The Working Group is invited to consider these efforts and discuss the outcomes and their possible relevance for the discussions under agenda item 4.

¹ [IT/OWG-EFMLS-12/24/Report](https://www.fao.org/owg/owg-efMLS-12/24/Report/).

I. INTRODUCTION

1. At its Ninth Session, the Governing Body decided that the process to enhance the functioning of the Multilateral System will be supported by robust regional or interregional consultations and by virtual meetings and/or consultations (including hybrid meetings) as well as by physical meetings, which are held in a transparent manner, while decisions would be made at physical meetings. The Governing Body requested the Co-Chairs to allow space and facilitate interactions and consultations for building understanding throughout the process; and to invite experts, as it may be required.²
2. Additionally, the Governing Body underscored the necessity to liaise closely with the Standing Committee on the Funding Strategy and Resource Mobilization (SFC) including with regard to non-monetary benefit-sharing and the Benefit-sharing Fund, and with the Compliance Committee with regard to Contracting Parties making available material contained in the Multilateral System.
3. At its Tenth Session, the Governing Body reiterated its request to the Co-Chairs to continue to organize stakeholder and regional consultations, as appropriate on a regular basis, and invited the Co-Chairs to organize informal consultations, and, where needed, small ad hoc Friends of the Co-Chairs groups, while ensuring that the process is undertaken in a transparent and representative manner.
4. Additionally, the Governing Body requested Contracting Parties and Regions to fully commit to continuing the negotiations on the package of measures to enhance the functioning of the Multilateral System and to ensure that participants in the process, especially spokespersons in the Working Group, receive the necessary support and have the necessary knowledge, skills and experience to represent them.³
5. This document briefly describes the activities undertaken by the Co-Chairs in the intersessional period.

II. DRAFTING GROUP

6. At its twelfth meeting, the Working Group agreed that the Co-Chairs would establish a drafting group to work on the payment structure in the revised Standard Material Transfer Agreement (SMTA).
7. Based on the report of the Working Group and in coordination with the regional contact points, the Co-Chairs established the terms of reference of the Drafting Group. As agreed by the Working Group, each Region nominated one member of the Drafting Group. The members of the drafting group are: Ms Rennie Hilukwa (Africa), Mr Park Won Seog (Asia), Ms Imke Thormann (Europe), Ms Mariana Marshall Parra (GRULAC), Mr Behzad Sorkhi (Near East), Ms Katlyn Scholl (North America), and Mr Stephen Hodge (South West Pacific).
8. The mandate of the Drafting Group was “*to redraft the subscription mechanism to include two payment options, taking into account the criteria and factors provided in paragraph 9*” of the document, IT/OWG-EFMLS-12/24/Report.
9. The Drafting Group held two virtual meetings, on 28 November 2024 and 20 December 2024; and two physical meetings on 13 December 2024 and 15 December 2024, both in Frascati, Italy.⁴ In addition, it worked actively through electronic correspondence.
10. The Co-Chairs of the Working Group acted as facilitators of the Drafting Group, with support of the Secretariat.
11. The Drafting Group suggests including three primary payment options in the revised SMTA, namely an early/upfront payment under the subscription mechanism, a deferred payment under the subscription mechanism, and a single access option.
12. Overall, the Drafting Group recommends keeping the payment structure of the enhanced Multilateral system simple and clear. The reason for suggesting additional options and sub-options is to attract as broad a range of users as possible, for example: a single, discounted rate that subscribers can choose if they only

² [Resolution 3/2022](#).

³ [Resolution 3/2023](#).

⁴ Mr Stephen Hodge (South West Pacific) could not participate in the physical meetings.

commercialize PGRFA products that are available without restriction for further research and breeding, and voluntary payments to be deducted from potential mandatory payments.

13. The Drafting Group assessed all options against the criteria and considered the factors, both mentioned in the report of the twelfth meeting of the Working Group.⁵ In particular, the Drafting Group is of the opinion that the subscription mechanism with an upfront/early payment best meets most of the criteria, with the possible exception of the attractiveness to the broadest range of users.

14. The Drafting Group recommends not defining a registration process outside the SMTA, as this may add further complications to the process at this late stage, especially with regard to the legal and administrative structure under which the International Treaty operates. However, the Drafting Group suggests structuring the revised SMTA in a way that makes clear to each recipient/subscriber, which of the Annexes are relevant to them.

15. Also, the Working Group could work towards making the practicalities of the subscription smooth and user-friendly. This could include a possibility for an active subscriber to provide a subscription number when signing future SMTAs. In the digital context of the Easy-SMTA, for instance, only the relevant Annexes could pop up, to make the SMTA shorter.

16. The Drafting Group provided recommendations to the Co-Chairs on drafting a proposal for the negotiating text, which is attached to the report, as it was not able to finalize the draft text itself.

17. The Co-Chairs incorporated the suggestions by the Drafting Group into their proposal contained in the document, IT/OWG-EFMLS-13/25/4.1. The full report of the Drafting Group is provided in the document, IT/OWG-EFMLS-13/25/4/Inf.1.

III. SMALL GROUP ON DIRECT USE

18. At its twelfth meeting the Working Group agreed to the establishment of a small group tasked with redrafting text on direct use of PGRFA in the package of measures.⁶

19. The Co-Chairs established the small group on direct use (Direct Use Group) in consultation with the regional contact points. The members of the Small Group are Ms Birte Komolong (Papua New Guinea); Mr Michael Halewood (CGIAR); Mr Sélim Louafi (CIRAD, France).

20. The mandate of the Direct Use Group was “*to redraft text on direct use in the package of measures.*” The text on direct use can be found in the draft Resolution (paragraph 6) and in the draft revised SMTA (Article 6.1bis) of the negotiating text.⁷ The Working Group agreed that the text may be enhanced by considering technical and policy issues, taking into account Article 12.3a of the International Treaty, subject to national legislation and as appropriate.⁸

21. The Direct Use Group held a virtual meeting on 4 December 2024 and a physical meeting on 14 December 2024 in Frascati, Italy.⁹ In addition, it worked extensively through electronic correspondence. The Co-Chairs of the Working Group acted as facilitators of the Drafting Group, with the support of the Secretariat.

22. The Direct Use Group notes that since the SMTA was adopted in 2006, there has been growing pressure on the part of agricultural research, civil society and farmer organizations to reintroduce the previous standard process to experiment with materials from national and international genebanks, to see if they perform well and to scale up ‘direct use in production’ of those materials, including potentially, commercial production, in the event that they do perform well. This interest appears to be increasing in recent years.

23. The Resolution and/or revised SMTA should improve the availability of material for cultivation by farmers in both non-commercial and commercial contexts, including, potentially, registration and release of the materials under national seed laws, and selling the seed of those materials.

⁵ IT/OWG-EFMLS-12/24/Report, para. 9.

⁶ IT/OWG-EFMLS-12/24/Report, para. 20.

⁷ IT/OWG-EFMLS-12/24/Report, Appendix 3.

⁸ IT/OWG-EFMLS-12/24/Report, boxes on pages 9 and 15.

⁹ Mr. Sélim Louafi could not participate in the physical meeting.

24. The Direct Use Group confirmed the widespread understanding that characterization and evaluation of material accessed from the Multilateral System is “research” under Article 12.3a of the International Treaty and Article 6.1 of the SMTA.

25. The Direct Use Group agreed that it would be better to approach the issue by promoting a broader understanding/interpretation of the definition of “Product” under Article 2 of the SMTA. Specifically, interpreting the phrase “PGRFA that incorporate the Material” to include PGRFA that incorporate nothing but the Material.

26. What appears to be the predominant interpretation of “Product” in the current SMTA is unnecessarily narrow. “Product” can be interpreted in a more expansive manner. There is nothing in the SMTA or the International Treaty to preclude an interpretation of “Product” to include products that incorporate only, that is to say, nothing but, the Material previously received under the SMTA.

27. The Direct Use considers that, following this approach, no revisions to the SMTA would be necessary; neither of its Article 2 (definitions) or its Article 6.1. Addressing “direct use” in this way (via an expansive interpretation of the definition of “Product”) is possible under the International Treaty, especially also regarding its Article 12.3a.

28. Besides potential additional monetary benefit-sharing, the Direct Use Group notes benefits of the wider interpretation include the possibility for countries with low capacity for research and breeding to use the material in the Multilateral System with legal certainty, generally wider use of the materials to support food security through access to a wider diversity of material, and use of the material in crop diversification, integration of new crops better adapted to changes arising from climate change, contribution to conservation of genes and genotypes through wider use of MLS materials outside of genebanks.

29. The full report of the Direct Use Group is provided in the document, IT/OWG-EFMLS-13/25/4/Inf.2. In its report, the Direct Use Group also provides specific comments in response to the points raised by the Working Group at its twelfth meeting.

30. The Co-Chairs incorporated the suggestion of the Small Group into their proposal contained in the document, IT/OWG-EFMLS-13/25/3.1.

IV. INFORMAL MEETING ON DSI/GSD, PAYMENT RATES, AND OTHER RELEVANT MATTERS

31. The Working Group, at its twelfth meeting, agreed that the Co-Chairs would work with the Meridian Institute to organize an informal physical meeting, similar to the one held in Prangins, Switzerland, in May 2023.

32. The informal meeting was held from 13 to 15 December 2024 in Frascati, Italy, and was facilitated by the Meridian Institute, with funding provided by the Government of Norway and the Bezos Earth Fund.

33. The aim of the meeting was to provide a platform for participants to informally exchange views on digital sequence information / genetic sequence data (DSI/GSD), including with regard to mutual supportiveness with the Convention on Biological Diversity (CBD), and how to address DSI/GSD in the context of the payment options. It also enabled an exchange on payment rates and thresholds considering the upcoming update of the 2019 study, *Analysis on sales and profitability within the seed sector*, and other aspects relevant to the enhancement of the functioning of the Multilateral System.

34. This is in line with the request of the Governing Body to allow space and facilitate interactions and consultations for building mutual understanding throughout the process,¹⁰ and with the invitation of the Governing Body to the Co-Chairs to organize informal consultations, as appropriate, during the biennium, while ensuring that the process is undertaken in a transparent and representative manner.¹¹

35. The agenda of the meeting included ample space for participants to informally interact on both procedural and substantive matters, in different formats. Participants engaged in informal conversations on key aspects of the process to enhance the functioning of the Multilateral system, including DSI/GSD, payment structure, payment rates and thresholds, and mutual supportiveness with the CBD. Participants also

¹⁰ [Resolution 3/2022](#), para. 10.

¹¹ [Resolution 3/2023](#), para.6.

discussed the timeline of the process and the need to finalize a package of measures for adoption by the Eleventh Session of the Governing Body in November 2025. Presentations were given on the outcomes of the sixteenth meeting of the Conference of the Parties to the CBD, on commercial and non-commercial usage of material from the Multilateral System, and on sales and profitability within the seed sector.

36. A report on the informal meeting prepared by the facilitator is contained in the document, IT/OWG-EFMLS-13/25/4/Inf.3, *Informal meeting on the Enhancement of the Functioning of the Multilateral System: Facilitators' summary*.

V. REGIONAL CONSULTATIONS

37. As requested by the Governing Body and by the Working Group, the Co-Chairs encouraged regional consultations, particularly to enable discussions with Contracting Parties that are not members of the Working Group.

38. The Co-Chairs, on the margins of the informal meeting in Frascati, Italy, coordinated with Regions on their possible interest in holding physical regional consultations prior to the thirteenth meeting of the Working Group, subject to the availability of financial and other relevant resources.

39. The Africa Region accordingly held a regional physical meeting in Saly, Senegal, on 5-6 February 2025 on the margins of another meeting, with logistical, financial and substantive support provided by the Secretary.

40. Other Regions explored or are exploring the possibility of holding physical consultations, with some eventually deciding to organize the meeting only before the fourteenth meeting of the Working Group.

41. Additionally, the Co-Chairs will again hold virtual meetings with all Regions and stakeholder groups in March 2025, and interact with regions and stakeholder groups during their consultations preceding the thirteenth meeting of the Working Group.

VI. INTERACTION WITH OTHER COMMITTEES

42. The Co-Chairs regularly update the Bureau of the Eleventh Session of the Governing Body on progress made in the process to enhance the functioning of the Multilateral System.

43. The Co-Chairs met with the Co-Chairs of the Standing Committee on the Funding Strategy and Resource Mobilization (SFC) to provide an update on the work of the Working Group, particularly the requests of the Working Group to the SFC on possible criteria for the allocation of funds under the Benefit-sharing Fund and on which supportive measures the SFC could recommend to the Governing Body in support of the process to enhance the functioning of the Multilateral System.

44. The SFC considered these requests at its tenth meeting, held from 19 to 22 November 2024 in Rome, Italy. Relevant outcomes of that meeting are reported in the document, IT/OWG-EFMLS-13/25/4, *Developments in other relevant fora*.

45. The Co-Chairs will also continue to liaise with the Co-Chairs of the Ad Hoc Technical Expert Group on Farmers' Rights and with the Co-Chairs of the Compliance Committee.

VII. CONCLUSIONS AND GUIDANCE SOUGHT

46. The Co-Chairs thank all participants for their engagement and constructive contributions during these various meetings and consultations.

47. The Co-Chairs consider opportunities for transparent and inclusive informal interactions and consultations as a useful element that can complement the formal process.

48. The interactions and consultations since the twelfth meeting of the Working Group informed the preparation of the Co-Chairs' proposal contained in the document, IT/OWG-EFMLS-13/25/4.1.

49. The Working Group is invited to consider these efforts and discuss the outcomes and their possible relevance for the discussions under agenda item 3.