



**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**

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

Rome, Italy, 10–12 October 2018

**ANNOTATED DRAFT PROVISIONAL AGENDA AND PROVISIONAL
INDICATIVE TIMETABLE**

INTRODUCTION

1. The *Ad Hoc* Open-ended Working Group to Enhance the Functioning of the Multilateral System (Working Group) was established by Resolution 2/2013, with the mandate to develop a range of measures that will (1) increase user-based payments and contributions to the Benefit-sharing Fund in a sustainable and predictable long-term manner; and (2) enhance the functioning of the Multilateral System by additional measures.
2. The Governing Body, at its Seventh Session, extended the mandate of the Working Group for the 2018-2019 biennium and requested it, with support from the Secretary, to (1) develop a proposal for a Growth Plan to attain the enhanced Multilateral System, (2) revise the Standard Material Transfer Agreement, based on its report to the Seventh Session of the Governing Body, (3) elaborate criteria and options for possible adaptation of the coverage of the Multilateral System, (4) make recommendations to the Governing Body on any other relevant issues, and (5) continue to liaise closely with the *Ad Hoc* Advisory Committee on the Funding Strategy and Resource Mobilization.

ITEM 1. OPENING OF THE MEETING

3. The eighth meeting of the Working Group will be held at FAO headquarters (Iraq Room) in Rome, Italy, from 10 to 12 October 2018. Arrangements have been made to allow delegates and stakeholders to hold regional and interregional consultations on Tuesday, 9 October 2018.
4. The opening session will begin at 09.30 a.m. on Wednesday, 10 October 2018.

ITEM 2. ELECTION OF CO-CHAIRS

5. Under this agenda item, the Working Group is invited to recall that it elected H.E. Ambassador Hans Hoogeveen (Netherlands) by electronic means as the new Co-chair of the Working Group, following a nomination by the European Region.
6. The Working Group is also invited to record a note of thanks to the former Co-chair of the Working Group, Dr. Bert Visser, who retired during the Seventh Session of the Governing Body.

ITEM 3. ADOPTION OF THE AGENDA AND TIMETABLE

7. This document annotates the *Draft Provisional Agenda* (IT/OWG-EFMLS-8/18/1) and contains a draft indicative timetable, for consideration of the Working Group, so that it could adopt its Agenda for this meeting and organize its work.

8. The list of documents is contained in document IT/OWG-EFMLS-8/18/Inf.1, *List of Documents*. All documents are available on the Treaty website at <http://www.fao.org/plant-treaty/meetings/meetings-detail/en/c/1099126/>.

ITEM 4. REVISION OF THE STANDARD MATERIAL TRANSFER AGREEMENT OF THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING

9. The Governing Body, through Resolution 2/2017, requested the Working Group to use its Report to the Seventh Session of the Governing Body as the basis to further revise the Standard Material Transfer Agreement (SMTA). The Report contained the *Draft Revised Standard Material Transfer Agreement: Proposal by the Working Group*, as agreed by the Working Group at its sixth meeting, as well as a *List of Proposals by Working Group Members to Revise the Standard Material Transfer Agreement, Not Discussed and Decided by the Working Group at its Sixth Meeting*.¹ Both are reproduced in the document, IT/OWG-EFMLS-8/18/3, *Draft Revised Standard Material Transfer Agreement: Proposal by the Working Group*.

10. The Governing Body requested the Working Group, when revising the SMTA, to take into account, *inter alia*, the Co-Chairs' Summary arising from the Seventh Session of the Governing Body that included the Co-chairs' proposed consolidated text for the revised SMTA. The *Co-chairs' Proposed Consolidated Text of the Revised SMTA* is contained in document IT/OWG-EFMLS-8/18/Inf.3 and the *Co-chairs' Summary Arising from the Seventh Session of the Governing Body* is contained in document IT/OWG-EFMLS-8/18/Inf.4, which are both provided to the Working Group in all languages.

11. The Standing Group of Legal Experts (SGLE) was requested by the Co-chairs to provide a definition of the term "sales" that could be incorporated into the draft revised SMTA proposed by the Working Group (as contained in IT/OWG-EFMLS-8/18/3). The legal opinion of the SGLE on this matter is provided in the document, IT/OWG-EFMLS-8/18/Inf.5, *Report of the Standing Group of Legal Experts: Outcomes of the third meeting*.

12. Submissions received from Contracting Parties and stakeholder groups are provided in document IT/OWG-EFMLS-8/18/Inf.6. A brief overview of further documents and tools that the Working Group had already seen at its previous meetings and that might still be of relevance for revising the SMTA is contained in the document, IT/OWG-EFMLS-8/18/Inf.7, *Resources Available to the Working Group*.

13. In the document, IT/OWG-EFMLS-8/18/4, *Enhancing the Functioning of the Multilateral System: Note by the Co-chairs*, the Co-chairs offer a number of suggestions to the Working Group on how to further revise the SMTA and on how they intend to structure the discussions on the revised SMTA at this meeting.

¹ IT/GB-7/17/7, *Report of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System*.

ITEM 5. ELABORATION OF CRITERIA AND OPTIONS FOR POSSIBLE ADAPTATION OF THE COVERAGE OF THE MULTILATERAL SYSTEM

14. In its Report to the Seventh Session of the Governing Body, the Working Group stressed the need to identify the most effective, clear, simple and rapid modality to give effect to a possible expansion of the coverage of the Multilateral System.²

15. The Governing Body requested the Working Group to elaborate criteria and options for possible adaptation of the coverage of the Multilateral System, taking into account, *inter alia*, proposals presented at the Seventh Session of the Governing Body (Resolution 2/2017).

16. The document IT/OWG-EFMLS-8/18/Inf.5, *Report of the Standing Group of Legal Experts: Outcomes of the third meeting*, contains a legal opinion of the SGLE on a draft text for an amendment of *Annex I* presented by the Co-chairs.

17. Submissions received from Contracting Parties and stakeholder groups are provided in document IT/OWG-EFMLS-8/18/Inf.6. A brief overview of further documents and tools that the Working Group had already seen at its previous meetings and that might still be of relevance for discussing criteria and options for possible adaptation of the coverage of the Multilateral System is contained in the document, IT/OWG-EFMLS-8/18/Inf.7, *Resources Available to the Working Group*.

18. The Co-chairs, in the document, IT/OWG-EFMLS-8/18/4, *Enhancing the Functioning of the Multilateral System: Note by the Co-chairs*, provide an overview of the various proposals that were made so far on how to adapt the coverage of the Multilateral System and indicate how they intend to structure discussions at this meeting, as well as possible preparatory work for the ninth meeting of the Working Group.

ITEM 6. DEVELOPMENT OF A PROPOSAL FOR A GROWTH PLAN TO ATTAIN THE ENHANCED MULTILATERAL SYSTEM

19. In Resolution 2/2017, the Governing Body requested the Working Group to develop a proposal for a Growth Plan to attain the enhanced Multilateral System, taking into account, as appropriate, *Annex 1* to the Resolution, which provides a draft Growth Plan prepared by the Co-chairs.

20. Submissions received from Contracting Parties and stakeholder groups are provided in document IT/OWG-EFMLS-8/18/Inf.6. A brief overview of further documents and tools that the Working Group had already seen at its previous meetings and that might still be of relevance for developing a proposal for a Growth Plan is contained in the document, IT/OWG-EFMLS-8/18/Inf.7, *Resources Available to the Working Group*.

21. The Co-chairs, in the document, IT/OWG-EFMLS-8/18/4, *Enhancing the Functioning of the Multilateral System: Note by the Co-chairs*, discuss the possible purposes of the Growth Plan and make a proposal on how the Working Group may wish to further develop the Growth Plan for consideration of the Governing Body.

ITEM 7. LIAISON WITH THE AD HOC ADVISORY COMMITTEE ON THE FUNDING STRATEGY AND RESOURCE MOBILIZATION

22. One of the requests of the Governing Body to the Working Group in Resolution 2/2017 is to continue to liaise closely with the Ad Hoc Advisory Committee on the Funding Strategy and

² IT/GB-7/17/7, *Report of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System*, para. 8.

Resource Mobilization (ACFSRM) in its review of the Funding Strategy, including in its work on the mobilization of funding and other resources for the Benefit-sharing Fund.

23. Under this agenda item, the Working Group will be given a brief update by the Co-Chair of the Committee on the work of the ACFSRM, and, in particular, on progress made towards developing the targets of the Funding Strategy and the Benefit-sharing Fund. The Working Group will thereafter be invited to discuss practical means of ensuring continued liaison with the ACFSRM and how the Secretary could provide support in this regard.

ITEM 8. PREPARATIONS FOR THE NINTH MEETING OF THE WORKING GROUP

24. Under this agenda item, the Working Group is invited to agree on any further work it wishes to be undertaken before its ninth meeting. The Co-Chairs will introduce the different activities that they foresee need to be undertaken between this and the next meeting of the Working Group, as detailed in the document, IT/OWG-EFMLS-8/18/4, *Enhancing the Functioning of the Multilateral System: Note by the Co-chairs*. In particular, the Working Group may wish to provide guidance to the Co-chairs in relation to preparing any additional documents that may be needed for its ninth meeting. Furthermore, the Working Group will need to assess and provide guidance on the modalities for undertaking further informal consultations to advance the process.

ITEM 9. OTHER BUSINESS

25. The Working Group may wish to discuss any other relevant matters that may be requested by its members.

ITEM 10. ADOPTION OF THE REPORT

26. Under this agenda item, the Working Group is invited to consider and adopt its report of the meeting.

27. As agreed by the Working Group and following the practice at its last meetings, the draft report will be available in English only, while interpretation into the other languages will be provided during the report adoption session. This will optimize the use of time on the last day, since no time for the translation process needs to be scheduled.

Appendix

PROVISIONAL INDICATIVE TIMETABLE

| | | | |
|-----------------------------------|---------------|---|--|
| Wednesday, 10 October 2018 | | | |
| Morning | | | |
| 09:30-12:30 | 1 | Opening of the meeting | Resolution 2/2017 Resolution 2/2013 |
| | 2 | Election of Co-Chairs | Resolution 2/2013 |
| | 3 | Adoption of the agenda and timetable | IT/OWG-EFMLS-8/18/1 IT/OWG-EFMLS-8/18/2 IT/OWG-EFMLS-8/18/Inf.1 Resolution 2/2017 |
| | 7 | Liaison with the <i>Ad Hoc</i> Advisory Committee on the Funding Strategy and Resource Mobilization | Resolution 2/2017 IT/OWG-EFMLS-8/18/2 |
| Wednesday, 10 October 2018 | | | |
| Afternoon | | | |
| 14:00-17:00 | 4 | Revision of the Standard Material Transfer Agreement of the Multilateral System of Access and Benefit-sharing | Resolution 2/2017 IT/OWG-EFMLS-8/18/3 IT/OWG-EFMLS-8/18/4 IT/OWG-EFMLS-8/18/Inf.3 IT/OWG-EFMLS-8/18/Inf.4 IT/OWG-EFMLS-8/18/Inf.5 IT/OWG-EFMLS-8/18/Inf.6 IT/OWG-EFMLS-8/18/Inf.7 |
| Thursday, 11 October 2018 | | | |
| Morning | | | |
| 09:30-12:30 | 4 (cont'd) | Revision of the Standard Material Transfer Agreement of the Multilateral System of Access and Benefit-sharing | Resolution 2/2017 IT/OWG-EFMLS-8/18/3 IT/OWG-EFMLS-8/18/4 IT/OWG-EFMLS-8/18/Inf.3 |

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|----------------------------------|----|--|---|
| | | (cont'd) | IT/OWG-EFMLS-8/18/Inf.4 IT/OWG-EFMLS-8/18/Inf.5 IT/OWG-EFMLS-8/18/Inf.6 IT/OWG-EFMLS-8/18/Inf.7 |
| Thursday, 11 October 2018 | | | |
| Afternoon | | | |
| 14:00-17:00 | 5 | Elaboration of criteria and options for possible adaptation of the coverage of the Multilateral System | Resolution 2/2017 IT/OWG-EFMLS-8/18/4 IT/OWG-EFMLS-8/18/Inf.5 IT/OWG-EFMLS-8/18/Inf.6 IT/OWG-EFMLS-8/18/Inf.7 |
| Friday, 12 October 2018 | | | |
| Morning | | | |
| 09:30-12:30 | 6 | Development of a proposal for a Growth Plan to attain the enhanced Multilateral System | Resolution 2/2017 IT/OWG-EFMLS-8/18/4 IT/OWG-EFMLS-8/18/Inf.6 IT/OWG-EFMLS-8/18/Inf.7 |
| | 8 | Preparations for the ninth meeting of the Working Group | Resolution 2/2017 IT/OWG-EFMLS-8/18/3 IT/OWG-EFMLS-8/18/4 |
| | 9 | Other business | |
| Friday, 12 October 2018 | | | |
| Afternoon | | | |
| 14:00-17:00 | 10 | Adoption of the Report | |