



**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**

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

Rome, Italy, 16–18 April 2024

REPORT

ITEM 1. OPENING OF THE MEETING

1. The eleventh meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System (Working Group) was opened by its Co-Chairs, Mr. Sunil Archak (India) and Mr. Michael Ryan (Australia). The Co-Chairs welcomed the spokespersons of the Working Group and the observers to this first meeting of the Working Group following the Tenth Session of the Governing Body.
2. The Co-Chairs recalled Resolutions 3/2022 and 3/2023, particularly the mandate of the Working Group, as well as the shared aims and features of the process. They expressed their high expectations for fruitful discussions at this meeting to inform the drafting of a Co-Chairs' text of a package of measures for the twelfth meeting of the Working Group. The Co-Chairs reiterated that a fully functional Multilateral System was central to the success of the International Treaty, and reminded the Working Group of its responsibility in this regard.

**ITEM 2. ADOPTION OF THE AGENDA AND ORGANIZATION OF
WORK**

3. The Working Group adopted its Agenda, as provided in *Appendix 1*. The list of participants of the meeting is contained in *Appendix 2*.
4. Regions and stakeholder groups made opening statements, thanking the Co-Chairs and the Secretariat for the quality of the documentation prepared, outlining their expectations from this meeting, and expressing their readiness to work constructively and their willingness to make compromises to reach final consensus. The Working Group recalled that the Governing Body aimed at finalizing the enhancement of the functioning of the Multilateral System at its Eleventh Session, and that this was the first, out of four, formal meetings referred to in Resolution 3/2023.

ITEM 3. THE “JUNE 2019 DRAFT PACKAGE”

5. The Co-Chairs introduced the document, IT/OWG-EFMLS-11/24/3, *The “June 2019 draft package”*: *Note by the Co-Chairs*, describing the main elements of the package developed by the Working Group in the previous phase of negotiations and recalling that the Governing Body endorsed

the suggestion of the Working Group to use the “June 2019 draft package” as a starting point for its further work.

6. The Working Group reviewed the main elements and concepts of the “June 2019 draft package.” Members provided several specific suggestions to the Co-Chairs for updating the package to prepare a negotiating text for the twelfth meeting of the Working Group. It recalled that the key areas for further work are the expansion of Annex I of the International Treaty, digital sequence information/genetic sequence data (DSI/GSD), and payment structure and rates. The Co-Chairs invited members to flag other elements, which will need to be addressed subsequently.

7. Additionally, the Working Group recommended to the Co-Chairs to:

- a. revise the introductory paragraphs to reflect developments since 2019;
- b. as a general principle, avoid rewriting text marked as *AGREED AD REF* in the “June 2019 draft package”, in order to preserve the progress and achievements of the previous phase of the process, noting that nothing is agreed until everything is agreed;
- c. as much as possible, provide a clean text without providing alternative texts for a given paragraph;
- d. update relevant dates contained in the “June 2019 draft package”;
- e. include provision for a section on DSI/GSD in the draft Resolution;
- f. take into consideration inputs by the Working Group on the three “hotspots” and, in particular, on the options identified by the Co-chairs in the document, IT/OWG-EFMLS-11/24/5;
- g. take into consideration any other inputs provided by the Working Group at this meeting on other areas that will require further work.

8. The Working Group highlighted the importance of liaising with the Standing Committee on the Funding Strategy and Resource Mobilization as well as with the Compliance Committee, and provided initial ideas on trust-building measures, and ratification and compliance support, for the enhanced Multilateral System that could be prepared by these committees. It invited the Co-Chairs to explore, with the Co-Chairs of those committees, possible modalities of such interaction.

9. The Co-Chairs noted that they would consider the possible implications for Farmers’ Rights when working on the negotiating text, following the invitation by the Governing Body in Resolution 7/2023.

ITEM 4. DEVELOPMENTS IN OTHER RELEVANT FORA

10. The Working Group considered that several meetings have taken place in other relevant fora since its tenth meeting in July 2023, especially at the Convention on Biological Diversity (CBD).

11. A representative of the Executive Secretary of the CBD gave an update on the developments at the CBD, focusing especially on digital sequence information (DSI). She recalled the comprehensive update provided by the Executive Secretary to the Tenth Session of the Governing Body regarding the outcomes of the fifteenth meeting of the Conference of the Parties (COP 15) to the CBD, which continues to be available in the documentation of the Session. She then provided a summary of the outcomes of the first meeting of the Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources, held in November 2023 (WGDSI). The WGDSI worked on possible elements of a multilateral mechanism for the sharing of benefits from the use of DSI on genetic resources and organized its consideration of issues mentioned in COP decision 15/9 into five clusters: contributions to the fund, disbursements from the fund, non-monetary benefit-sharing, governance, relation to other approaches and systems.

12. She also provided an overview of the ongoing informal intersessional work, including the work of the Open-ended Informal Advisory Group on Benefit-Sharing from the Use of Digital Sequence Information on Genetic Resources, which was created with a view to contribute to increasing the understanding of and make progress on some of the elements on which there is a need

for further discussion. Finally, she described the timeline of meetings up to the sixteenth meeting of the Conference of the Parties to the CBD in October 2024 in Cali, Colombia.

13. The Secretariat provided a brief update on developments at the World Health Organization (WHO) regarding the Intergovernmental Negotiating Body to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response.

14. The Working Group took note of these important developments and recommended that the Secretariat continues to monitor and participate in relevant processes, so that it could provide updates to the Working Group.

15. The Working Group emphasized the importance of the continued fruitful collaboration between the Secretariats, but also highlighted the need to ensure coordination within Contracting Parties and Regions. It welcomed the ongoing exchanges between the Co-Chairs of the Working Group and the Co-Chairs leading the negotiations under the WGDSI.

ITEM 5. CO-CHAIRS' OPTIONS FOR THE THREE "HOTSPOTS"

16. The Co-Chairs introduced the document, IT/OWG-EFMLS-11/24/5, *The three "hotspots": options paper by the Co-Chairs*, recalling that the Governing Body at its Tenth Session requested the Co-Chairs to focus on the three "hotspots", namely DSI/GSD, expansion of Annex I, and payment structure and rates. The Co-Chairs emphasized that progress on the "hotspots" will be crucial for advancing on developing a full package of measures. While a significant amount of work had already been done on the "hotspots" in the earlier phase of the process and several proposals had been made to find compromise solutions, they requested the Working Group to fully commit and constructively engage, to actively develop creative, simple, and workable solutions that are agreeable to all.

17. The Working Group thanked the Co-Chairs for their thoughtful assessment of options. The Working Group considered that the three "hotspots" were interlinked and that a balance would need to be struck to address them in the final package of measures. The Working Group acknowledged close interlinkages between the expansion of Annex 1 and payment structures and rates, and considered that further discussion is also needed on consideration of DSI/GSD in the context of the hotspot on payment structure and rates. The Working Group noted that the work by other committees is also interlinked with its discussions on the enhancement process and encouraged the Co-Chairs to continue liaising with them.

18. The Working Group noted that the options provided in the document were useful to enable further negotiations on the hotspots. It further noted the updated timeline and background information provided in the document. The Working Group discussed and provided inputs on the document to inform the preparations of a draft negotiating text by the Co-Chairs for the twelfth meeting of the Working Group and the preparation of a draft package of measures to be presented at the Eleventh Session of the Governing Body.

19. To further inform the discussions, the Working Group heard presentations by Mr. Colin Khoury, titled "*The Plants That Feed the World: baseline data and metrics to inform strategies for the conservation and use of plant genetic resources for food and agriculture*"; Mr. Ruairaidh Sackville Hamilton, titled "*CGIAR Centers' practices in the generation, deposit, sharing and use of DSI for research and breeding*"; and Mr. Jonathan Shoham, titled "*Revisiting seed company sales and profit.*" The presentations were made available on the meeting webpage.

20. On the expansion of Annex I, the Working Group generally supported an expansion of the list contained in Annex I, as one element of the package of measures, with relevant safeguards. The Working Group considered that the amendment text contained in the "June 2019 draft package" was a compromise linked to compromises on other elements of that package. The Working Group agreed to continue to work towards an expansion covering all plant genetic resources for food and agriculture (PGRFA), under the condition that robust safeguards could be included in a manner that would address the concerns of all Regions. The Working Group noted that without these safeguards it would not be possible for some Contracting Parties to agree to the expansion of Annex I to all PGRFA. Accordingly, the Working Group agreed to focus its work on further elaborating the safeguards, including for Contracting Parties at national level. The Working Group also considered that

discussions will be needed to address concerns about a clear understanding of the term “all PGRFA”, especially in the case of an expansion to all PGRFA.

21. Following the discussions of the Working Group, the Co-Chairs noted that for preparing the draft negotiating text for the twelfth meeting of the Working Group, they will start from the text contained in the “June 2019 draft package” and focus on further developing robust safeguards for national level flexibility.

22. On DSI/GSD, the Working Group recalled Resolutions 3/2023 on the enhancement of the functioning of the Multilateral System and 16/2023 on the consideration of DSI/GSD on PGRFA for the objectives of the International Treaty. The Working Group agreed to consider the possibility of developing a specialized approach for DSI/GSD on PGRFA under the International Treaty, while monitoring the relevant processes under the CBD, to ensure mutual supportiveness. Any solution should not restrict facilitated access to PGRFA or open access to DSI/GSD on PGRFA and should seek to exclude double payments by users.

23. In developing an approach to DSI/GSD, the Working Group agreed to focus first on the subscription option in the revised SMTA, and only subsequently assess the possible need for a specific solution in the context of a single access option.

24. On payment structure and rates, the Working Group strongly supported the subscription option, which may have the advantages of simplicity, legal certainty, transparency, and predictability of monetary benefit-sharing. A range of views were expressed as to whether the single access option should be kept in the revised SMTA. In that context, compromise approaches were suggested and considered.

25. Members of the Working are encouraged, when possible, to coordinate within their Region, including with relevant stakeholders, to gather information on indicative lists of possible Contracting Party exemptions to expansion of Annex I, and industry input on possible payment rates.

26. The Working Group requested the Secretary to commission an update of the study on sales and profitability in the seed sector, subject to the availability of financial resources, to inform the discussions of the Working Group at its twelfth meeting.

27. The Co-Chairs outlined the next steps. First, a notification will be issued inviting Regions, all Contracting Parties, relevant stakeholders to provide written submissions on elements of the “June 2019 draft package” other than the three “hotspots” by end of May 2024, giving clear guidance on the inputs expected. Second, the Co-Chairs plan to finalise their proposal for a draft package of measures in July 2024 with the aim of having it available in all languages of the Working Group six weeks before the twelfth meeting.

28. The Working Group thanked the Co-Chairs for their efforts to build mutual consensus through regional and stakeholder consultations and requested them to continue organizing the same to ensure an open and inclusive process.

29. The Co-Chairs thanked the Working Group for their spirit of cooperation and consensus.

ITEM 6. OTHER MATTERS

30. The Working Group did not discuss any other matters.

ITEM 7. ADOPTION OF THE REPORT

31. The Working Group adopted this Report of its eleventh meeting.

*Appendix 1***INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE****ELEVENTH MEETING OF THE AD HOC OPEN-ENDED WORKING
GROUP TO ENHANCE THE FUNCTIONING OF THE
MULTILATERAL SYSTEM****Rome, Italy, 16–18 April 2024****AGENDA**

1. Opening of the meeting
2. Adoption of the agenda and organization of work
3. The “June 2019 draft package”
4. Developments in other relevant fora
5. Co-Chairs’ options for the three “hotspots”
 - a. Overview
 - b. Expansion of Annex I
 - c. Digital sequence information / genetic sequence data
 - d. Payment structure and rates
 - e. Conclusions and way forward
6. Other matters
7. Adoption of the Report

Appendix 2

LIST OF PARTICIPANTS

The list of participants is available as document IT/OWG-EFMLS-11/24/LoP on the following webpage, under the section Report:

<https://www.fao.org/plant-treaty/meetings/meetings-detail/en/c/1674749/>