



**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**

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

Rome, Italy, 17–21 June 2019

**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.
3. The eight meeting of the Working Group was held from 10 to 12 October 2018. The report of this meeting is available to the Working Group as document IT/OWG-EFMLS-8/18/Report.

ITEM 1. OPENING OF THE MEETING

4. The ninth meeting of the Working Group will be held at FAO headquarters (Red Room) in Rome, Italy, from 17 to 21 June 2019.
5. The opening session will begin at 09.30 a.m. on Monday 17 June 2019.

ITEM 2. ADOPTION OF THE AGENDA AND TIMETABLE

6. This document annotates the *Draft Provisional Agenda* (IT/OWG-EFMLS-9/19/1) 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.

7. The list of documents is contained in document IT/OWG-EFMLS-9/19/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/1106601/>

ITEM 3. REVISION OF THE STANDARD MATERIAL TRANSFER AGREEMENT OF THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING

8. 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

9. The Working Group, at its eight meeting, followed the request of the Governing Body and reviewed several elements of the draft revised Standard Material Transfer Agreement. The updated version of the Draft Revised Standard Material Transfer Agreement is contained in the document, IT/OWG-EFMLS-9/19/3, *Draft Revised Standard Material Transfer Agreement: Proposal by the Working Group, at its eight meeting*, for further consideration by the Working Group, at its ninth meeting.

10. In the document, IT/OWG-EFMLS-9/19/4, *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. It provides draft elements for a Resolution by the Governing Body on the enhancement of the Multilateral System.

11. In preparing for the ninth meeting of the Working Group, the Co-chairs convened a series of informal consultations to support the process to enhance the functioning of the Multilateral System. Building on all the efforts made by the Working Group during the last three biennia, considering the submissions received from Contracting Parties and stakeholders, as well as taking into account the discussions during the informal consultations, the Co-chairs drafted the Co-chairs' proposed draft revised SMTA contained in the document, IT/OWG-EFMLS-9/19/4 Add.1, *Draft Revised Standard Material Transfer Agreement - Co-chairs' proposal to the ninth meeting of the Working Group*, for the possible consideration of the Working Group.

12. The Co-Chairs provide further information and explanations on the options chosen and revisions made, including rationales and reasons behind their proposals, in the document, IT/OWG-EFMLS-9/19/4 Add.2 *Draft Revised Standard Material Transfer Agreement - Co-chairs' proposal to the ninth meeting of the Working Group: Explanatory Notes*.

13. Submissions received from Contracting Parties and stakeholder groups in preparation for the ninth meeting are provided in the document, IT/OWG-EFMLS-9/19/Inf.3, *Submissions from Contracting Parties and stakeholders on matters to be discussed at the Ninth meeting of the Working Group*.

14. The Standing Group of Legal Experts (SGLE) was requested by the Co-chairs to provide a number of legal opinions that relate to the revised SMTA. The SGLE met from 27 to 28 May 2019. Its report is made available to the Working Group in the information document, IT/OWG-EFMLS-9/19/Inf.4, *Report of the Standing Group of Legal Experts: Outcomes of the fourth meeting*.

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

15. The document, IT/OWG-EFMLS-9/19/Inf.5, *Report on sales within the seed sector*, is also relevant for this agenda item. The Co-Chairs requested this report to be prepared after discussions on this subject matter during the informal consultations.

16. 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 Summary, in its entirety, is available to the Working Group in all languages in *Annex 2* of Resolution 2/2017.

17. Submissions received prior to the eight meeting from Contracting Parties and stakeholder groups were 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 were also provided at that meeting, as contained in the document, IT/OWG-EFMLS-8/18/Inf.7, *Resources Available to the Working Group*.

ITEM 4. ELABORATION OF CRITERIA AND OPTIONS FOR POSSIBLE ADAPTATION OF THE COVERAGE OF THE MULTILATERAL SYSTEM

18. 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

19. 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).

20. 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.

21. Based on the outcomes of the informal consultations held since the eight meeting, the Co-Chairs have made a proposal for the adaptation of the coverage of the Multilateral System in document IT/OWG-EFMLS-9/19/4 Add.3, *Adaptation of the coverage of the Multilateral System: proposal by the Co-chairs*.

22. A number of submissions from Contracting Parties and stakeholder groups relate to this agenda item. The submission are contained in document IT/OWG-EFMLS-9/19/Inf.3.

ITEM 5. DEVELOPMENT OF A PROPOSAL FOR A GROWTH PLAN TO ATTAIN THE ENHANCED MULTILATERAL SYSTEM

23. 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.

24. The Co-chairs, in the document, IT/OWG-EFMLS-9/19/4, *Enhancing the Functioning of the Multilateral System: Note by the Co-chairs*, discuss the package of measures on the enhancement of the Multilateral System that will be submitted by the Working Group for consideration of the Governing Body. The package of measures considers the interlinkages between the expansion of the coverage and the realization of benefit sharing and vice versa 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.

includes trust building measures among Contracting Parties and between Contracting Parties and users of the Multilateral System, especially the private sector.

25. Additionally, and in order to facilitate the outcomes of the negotiations of the Working Group and give effect to any subsequent decisions to be agreed on by the Governing Body, the Co-Chairs have provided elements for a possible draft Resolution for consideration by the Working Group, as contained in the document, IT/OWG-EFMLS-9/19/4, *Appendix 1, Elements for a Draft Resolution **/2019*.

26. Submissions received from Contracting Parties and stakeholder groups are provided in document IT/OWG-EFMLS-9/19/Inf.3.

ITEM 6. LIAISON WITH THE AD HOC ADVISORY COMMITTEE ON THE FUNDING STRATEGY AND RESOURCE MOBILIZATION

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

28. Under this agenda item, the Working Group will be given a brief update by the Co-Chair of the Committee on the outcomes of the eleventh meeting of the Committee, including on targets of the Funding Strategy and the Benefit-sharing Fund.

ITEM 7. OTHER BUSINESS

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

ITEM 8. ADOPTION OF THE REPORT OF THE WORKING GROUP AND THE REPORT TO THE EIGHTH SESSION OF THE GOVERNING BODY, INCLUDING DRAFT RESOLUTION

30. Under this agenda item, the Working Group is invited to consider and adopt the Report of its Ninth meeting. The Report will contain the proceedings of the meeting and its report to the Eighth Session of the Governing Body. The report to the Governing Body will include a proposal for a draft Resolution, as well as the revised SMTA and other products that are for the consideration of the Governing Body.

31. 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

Monday, 17 June 2019			
Morning			
09:30-12:30	1	Opening of the meeting	Resolution 2/2017 Resolution 2/2013
	2	Adoption of the agenda and timetable	IT/OWG-EFMLS-9/19/1 IT/OWG-EFMLS-9/19/2 IT/OWG-EFMLS-9/19/Inf.1 Resolution 2/2017
	6	Liaison with the <i>Ad Hoc</i> Advisory Committee on the Funding Strategy and Resource Mobilization	Resolution 2/2017 Resolution 3/2017
		<i>Report on sales within the seed sector</i>	IT/OWG-EFMLS-9/19/Inf.5
	5	Development of a proposal for a Growth Plan to attain the enhanced Multilateral System	Resolution 2/2017 IT/OWG-EFMLS-9/19/4 IT/OWG-EFMLS-8/18/Inf.3
Monday, 17 June 2019			
Afternoon			
14:00-17:00	5 (cont'd)	Development of a proposal for a Growth Plan to attain the enhanced Multilateral System	Resolution 2/2017 IT/OWG-EFMLS-9/19/4 IT/OWG-EFMLS-8/18/Inf.3
Tuesday, 18 June 2019			
Morning			
9:30-12:30	5 (cont'd)	Development of a proposal for a Growth Plan to attain the enhanced Multilateral System	Resolution 2/2017 IT/OWG-EFMLS-9/19/4 IT/OWG-EFMLS-8/18/Inf.3
	3	Revision of the Standard Material Transfer Agreement of	Resolution 2/2017 IT/OWG-EFMLS-9/19/3

		the Multilateral System of Access and Benefit-sharing	IT/OWG-EFMLS-9/19/4 IT/OWG-EFMLS-9/19/4.Add1 IT/OWG-EFMLS-9/19/4.Add2 IT/OWG-EFMLS-9/19/Inf.3 IT/OWG-EFMLS-9/19/Inf.4 IT/OWG-EFMLS-9/19/Inf.5
Tuesday, 18 June 2019			
Afternoon			
14:00-17:00	3 (cont'd)	Revision of the Standard Material Transfer Agreement of the Multilateral System of Access and Benefit-sharing (cont'd)	Resolution 2/2017 IT/OWG-EFMLS-9/19/3 IT/OWG-EFMLS-9/19/4 IT/OWG-EFMLS-9/19/4.Add1 IT/OWG-EFMLS-9/19/4.Add2 IT/OWG-EFMLS-9/19/Inf.3 IT/OWG-EFMLS-9/19/Inf.4 IT/OWG-EFMLS-9/19/Inf.5
	4	Elaboration of criteria and options for possible adaptation of the coverage of the Multilateral System	Resolution 2/2017 IT/OWG-EFMLS-9/19/4 IT/OWG-EFMLS-9/19/4.Add3 IT/OWG-EFMLS-8/18/Inf.3
Wednesday, 19 June 2019			
Morning			
9:30-12:30	4 (cont'd)	Elaboration of criteria and options for possible adaptation of the coverage of the Multilateral System	Resolution 2/2017 IT/OWG-EFMLS-9/19/4 IT/OWG-EFMLS-9/19/4.Add4 IT/OWG-EFMLS-8/18/Inf.3
Wednesday, 19 June 2019			
Afternoon			
14:00-17:00	3,4,5, (cont'd)	Revision of the Standard Material Transfer Agreement of the Multilateral System of Access and Benefit-sharing Elaboration of criteria and options for possible adaptation of the coverage of the Multilateral System Development of a proposal for a Growth Plan to attain the enhanced Multilateral System	Resolution 2/2017 IT/OWG-EFMLS-9/19/3 IT/OWG-EFMLS-9/19/4 IT/OWG-EFMLS-9/19/4.Add1 IT/OWG-EFMLS-9/19/4.Add2 IT/OWG-EFMLS-9/19/4.Add3 IT/OWG-EFMLS-9/19/Inf.3 IT/OWG-EFMLS-9/19/Inf.4 IT/OWG-EFMLS-9/19/Inf.5

Thursday, 20 June 2019			
Morning			
9:30-12:30	3,4,5, (cont'd)	Revision of the Standard Material Transfer Agreement of the Multilateral System of Access and Benefit-sharing Elaboration of criteria and options for possible adaptation of the coverage of the Multilateral System Development of a proposal for a Growth Plan to attain the enhanced Multilateral System	Resolution 2/2017 IT/OWG-EFMLS-9/19/3 IT/OWG-EFMLS-9/19/4 IT/OWG-EFMLS-9/19/4.Add1 IT/OWG-EFMLS-9/19/4.Add2 IT/OWG-EFMLS-9/19/4.Add3 IT/OWG-EFMLS-9/19/Inf.3 IT/OWG-EFMLS-9/19/Inf.4 IT/OWG-EFMLS-9/19/Inf.5
Thursday, 20 June 2019			
Afternoon			
14:00-17:00	3,4,5, (cont'd)	Revision of the Standard Material Transfer Agreement of the Multilateral System of Access and Benefit-sharing Elaboration of criteria and options for possible adaptation of the coverage of the Multilateral System Development of a proposal for a Growth Plan to attain the enhanced Multilateral System	Resolution 2/2017 IT/OWG-EFMLS-9/19/3 IT/OWG-EFMLS-9/19/4 IT/OWG-EFMLS-9/19/4.Add1 IT/OWG-EFMLS-9/19/4.Add2 IT/OWG-EFMLS-9/19/4.Add3 IT/OWG-EFMLS-9/19/Inf.3 IT/OWG-EFMLS-9/19/Inf.4 IT/OWG-EFMLS-9/19/Inf.5
Friday, 21 June 2019			
Morning			
09:30-12:30	3,4,5, (cont'd)	Revision of the Standard Material Transfer Agreement of the Multilateral System of Access and Benefit-sharing Elaboration of criteria and options for possible adaptation of the coverage of the Multilateral System Development of a proposal for a Growth Plan to attain the enhanced Multilateral System	Resolution 2/2017 IT/OWG-EFMLS-9/19/3 IT/OWG-EFMLS-9/19/4 IT/OWG-EFMLS-9/19/4.Add1 IT/OWG-EFMLS-9/19/4.Add2 IT/OWG-EFMLS-9/19/4.Add3 IT/OWG-EFMLS-9/19/Inf.3 IT/OWG-EFMLS-9/19/Inf.4 IT/OWG-EFMLS-9/19/Inf.5

	7	Other business	
Friday, 21 June 2019 Afternoon			
14:00-17:00	8	Adoption of the report of the Working Group and the report to the Eighth Session of the Governing Body, including draft resolution	