



# The International Treaty

## ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



Our Ref.: PL 40/31 GB4 MLS

26 May 2010

### NOTIFICATION

#### Information Relating to the Multilateral System of Access and Benefit-sharing

Dear Madam/Sir,

I have the honour to draw attention to the Report of the Third Session of the Governing Body of the International Treaty (Tunis, Tunisia, 1-5 June 2009) and the decisions therein contained.<sup>1</sup> I refer also to the Circular State Letter dated 30 September 2009 through which attention was drawn to specific decisions of the Governing Body requiring action by Contracting Parties.

The purpose of this notification is to bring to your attention decisions that are addressed to Contracting Parties **in relation to the Multilateral System of Access and Benefit-sharing**.

In view of the need to prepare a report for the Fourth Session of the Governing Body based on information received, your urgent attention is kindly requested so that a comprehensive report may be prepared for the Fourth Session of the Governing Body to enable its informed consideration of the relevant issues.

Attached is a *Table* summarizing the action and information requests addressed to Contracting Parties. Details are contained in the *Annex* to this communication.

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<sup>1</sup> Document IT/GB-3/09/Report, *Report of the Third Session of the Governing Body*. The Report is available at the following Internet address:

<ftp://ftp.fao.org/ag/agp/planttreaty/gb3/gb3repe.pdf>

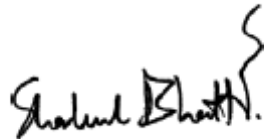


All information requested in this communication should be sent to:<sup>2</sup>

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Secretary  
International Treaty on Plant Genetic Resources for Food and Agriculture  
Food and Agriculture Organization of the United Nations  
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E-mail: [PGRFA-Treaty@fao.org](mailto:PGRFA-Treaty@fao.org)

Any query or request for further information may also be addressed to the same contact.

Please accept, Madam/Sir, the assurance of my highest consideration.



Shakeel Bhatti  
Secretary  
International Treaty on Plant Genetic Resources  
for Food and Agriculture

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<sup>2</sup> The Secretariat would be grateful if electronic copies of the submissions could be sent to the above e-mail address in addition to the hard copies.

**TABLE**

**SUMMARY OF ACTIONS REQUESTED TO CONTRACTING PARTIES IN RELATION TO  
THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING  
BY THE *THIRD SESSION* OF THE GOVERNING BODY**

**RESOLUTION 4/2009**

<b>Paragraph of Resolution 4/2009</b>	<b>ACTIONS REQUESTED TO CONTRACTING PARTIES</b>	<b>DEADLINE FOR SUBMISSION</b>
4	All Contracting Parties to report on the PGRFA that are in the MLS in accordance with Art. 11.2 of the Treaty	<b>As soon as possible</b>
5	Provision of information on the status of monetary and non-monetary benefit-sharing	<b>As soon as possible</b>
9	Provision of information on the collections of legal persons not part of the government, which are regarded as forming part of the national plant genetic resources systems, and who are willing to make such information available	<b>As soon as possible</b>
10	Provision of information on the appropriate measures that are taken, in accordance with Art. 11.3 of the Treaty, to encourage natural and legal persons within the Contracting Parties jurisdictions to include PGRFA in the Multilateral System, according to national capacities	<b>As soon as possible</b>
12	All Contracting Parties to take the policy, legal and administrative measures necessary for their plant genetic resources systems, and natural and legal persons within their jurisdictions, to be able to use the SMTA to provide facilitated access to PGRFA	<b>As soon as possible</b>
19	Contracting Parties to consider making additional annual payments of a percentage of the value of all seeds sold in their territory, similar to the decisions of Norway, with the aim of providing the International Treaty's Benefit-sharing Fund with substantial and reliable resources	<b>As soon as possible</b>

## ANNEX

### ACTIONS REQUESTED TO CONTRACTING PARTIES IN RELATION TO THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING BY THE THIRD SESSION OF THE GOVERNING BODY

1. The relevant decisions of the Governing Body regarding the Multilateral System of Access and Benefit-sharing and the Standard Material Transfer Agreement are in Resolution 4/2009.
2. By paragraph 4, Contracting Parties were requested by the Governing Body “*to report on their plant genetic resources for food and agriculture that are in the Multilateral System, in accordance with Article 11.2 of the International Treaty, and, according to national capacities, to take measures to make information on these resources available to potential users of the Multilateral System*”<sup>3</sup>.
3. The Governing Body also requested the Secretary “*to prepare a comprehensive report to its Fourth Session on the status of non-monetary and monetary benefit-sharing, as provided for in Articles 13.a, b c and d, of the International Treaty*”, and for this purpose it also requested Contracting Parties to provide information.
4. The Governing Body also  
  
“*expresse[d] its concern that information on the inclusion of plant genetic resource for food and agriculture in the Multilateral System by natural and legal persons within the jurisdiction of Contracting Parties on which to base its assessment of the progress in including these plant genetic resources for food and agriculture in the Multilateral System, is not yet available;*” and  
  
“*Reiterate[d] the urgency of obtaining the appropriate information it needs to assess progress in the inclusion in the Multilateral System of plant genetic resources for food and agriculture held by natural and legal persons within the jurisdictions of Contracting Parties. Such information should comprise:*  
- *The holders of the collections;*  
- *The crops included;*  
- *The total number of accessions.*”
5. Contracting Parties were also encouraged in paragraph 9 to provide in their reports “*information on the collections of legal persons not part of the government, whom they regard as forming part of their national plant genetic resources systems and who are willing to make such information available*”.
6. In paragraph 10 of the Resolution 4/2009, Contracting Parties were invited to include in their reports “*information on the appropriate measures that they are taking, in accordance with Article 11.3 of the Treaty, to encourage natural and legal persons within their jurisdiction to include plant genetic resources for food and agriculture in the Multilateral System, according to national capacities*”
7. By paragraph 12, the Governing Body requested “*all Contracting Parties to take the policy, legal and administrative measures necessary for their national plant genetic resource systems, and natural and legal persons within their jurisdictions, to be able to use the Standard Material Transfer Agreement to provide*

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<sup>3</sup> Contracting Parties may wish to provide the Secretariat with information on material in the Multilateral System within their jurisdiction, using the sample letter, approved by the Bureau, and contained in *Addendum 1* to this communication.

*facilitated access to plant genetic resources for food and agriculture” and “stressed the importance of assisting developing countries in this process.”*

8. By paragraph 15, the Governing Body urged *“developed country Contracting Parties to provide appropriate assistance to developing countries, bilaterally, or through established multilateral frameworks for: capacity-building; awareness-raising; promotion of the exchange of experiences among those responsible for implementing the Standard Material Transfer Agreement at national level; electronic management of the Standard Material Transfer Agreement and related reporting”*.

9. In paragraph 16, the Governing Body decided *“to again review the level of payments, with a view to achieving fair and equitable sharing of benefits, at its Fourth Session”*. It further decided to postpone to its Fourth Session *“the review of whether the mandatory payment requirement shall also apply in cases where commercialized products are available without restriction to others for further research and breeding”*.

10. In paragraphs 18 and 19, the Governing Body **“welcome[d] the decision of Norway to make an additional annual payment of 0.1% of the value of all seeds sold in its territory;”** and **“appeal[ed] to other Contracting Parties to take similar decisions, with the aim of providing the International Treaty’s Benefit-sharing Fund with substantial and reliable resources”**.

11. In order to facilitate the preparation of a most comprehensive report and assist the Governing Body with adequate information, Contracting Parties are kindly invited to send the information above identified **as soon as possible**.

## *Addendum*

### **SAMPLE LETTER OF NOTIFICATION OF INCLUSION OF MATERIAL IN THE MULTILATERAL SYSTEM\***

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**Subject:** notification regarding the contribution of the [name of the CP/Natural or Legal person] to the Multilateral System

The International Treaty on Plant Genetic Resources for Food and Agriculture (the Treaty) has established a Multilateral System of Access and Benefit-sharing.

Regarding the coverage of the Multilateral System, Article 11 specifies that the Multilateral System shall include all plant genetic resources for food and agriculture listed in *Annex I* that are under the management and control of the Contracting Parties and in the public domain, and that Contracting Parties invite other holders of the plant genetic resources for food and agriculture listed in *Annex I* to include these in the Multilateral System.

Herewith, the [name of the CP/Natural or Legal person] wishes to notify to you that the following plant genetic resources for food and agriculture listed in *Annex I* and maintained in [name of the CP] have been included in the Multilateral System.

1. The collections held by [name of the collection centre], [name of the country], located in XX. Through the website [url address] detailed data on the composition of the collection and user procedures to order samples are readily available.
2. The [name of species] collection held by the [name of the collection centre] located in XX [and consisting of...]. The website [url address] provides access to the collection's database.

Germplasm held in the collections listed above will be made available to users under the conditions of the Standard Material Transfer Agreement of the International Treaty on Plant Genetic Resources for Food and Agriculture.

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\* This sample letter can be downloaded in electronic format from the website of the International Treaty:  
[ftp://ftp.fao.org/ag/agg/planttreaty/agreements/models/inclu\\_e.doc](ftp://ftp.fao.org/ag/agg/planttreaty/agreements/models/inclu_e.doc)