



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

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RESOLUTION 2/2022

IMPLEMENTATION AND OPERATIONS OF THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING

THE GOVERNING BODY,

Recalling previous Resolutions on the operations and implementation of the Multilateral System, in particular, Resolutions 1/2015, 4/2017 and 2/2019;

Recalling the need to provide regular guidance to Contracting Parties and institutions that have concluded agreements under Article 15 of the International Treaty for the effective and efficient operations of the Multilateral System;

Recalling the provisions of Article 15.1 (a) of the International Treaty;

Recalling further the provisions of Articles 6.5 and 6.6 of the Standard Material Transfer Agreement (SMTA);

Noting the continuing relevance of the CGIAR Principles on the Management of Intellectual Assets to the implementation of the obligations of CGIAR Centers pursuant to the agreements concluded with the Governing Body under Article 15 of the International Treaty, including on the CGIAR Centers management and distribution of plant genetic resources for food and agriculture under development;

Noting further that those Intellectual Assets Principles explicitly require Centres to comply with their obligations under the framework of the International Treaty and serve as a mechanism for monitoring and compliance;

PART I: AVAILABILITY AND TRANSFER OF MATERIAL IN THE MULTILATERAL SYSTEM

1. *Welcomes* the information provided on the availability of material in the Multilateral System; *thanks* the Contracting Parties that have identified, at the accession level, the material that is available in the Multilateral System and *urges* them to continue updating this information regularly; and *further urges* the Contracting Parties that have not yet done so, to identify, at accession level, the material that forms part of the Multilateral System;

2. *Emphasizes* the importance of collections that are adequately characterized and evaluated; *appeals* to both Contracting Parties, and natural and legal persons to make them available in the Multilateral System together with the relevant non-confidential characterization and evaluation data; and *further appeals* to donors to support characterization of collections conserved in national genebanks of developing countries and countries with economies in transition;

3. *Invites* Contracting Parties and other holders of material to use, on a voluntary basis, the Digital Object Identifiers (DOIs) of the Global Information System for the identification of material available in the Multilateral System;

4. **Requests** the Secretary, in cooperation with the Commission on Genetic Resources for Food and Agriculture, to update the report on the global availability of material in the Multilateral System and transfer of germplasm, including a systematic analysis of reasons why there are Contracting Parties that have not placed any material in the Multilateral System, including based on the compliance reports, subject to the availability of financial resources; the report should also include information on the status of collections of vegetatively propagated material available, and information on the use of SMTA for both foreign and domestic transfers of material, and the identification of difficulties and capacity development needs related to national implementation, for the consideration of the Eleventh Session of the Governing Body; and **decides** to include it in the Multi-Year Programme of Work of the Governing Body;

PART II: OPERATIONS OF THE MULTILATERAL SYSTEM

5. **Takes note** of the progress made since the Eighth Session with Easy-SMTA and the Data Store and **requests** the Secretary to continue maintaining the help-desk function on the operations of the Multilateral System;

6. **Welcomes** the publication of the Educational Module on the Multilateral System of Access and Benefit-sharing and **requests** the Secretary, subject to the availability of financial resources, to translate into other official languages and convert it into an online training module;

7. **Takes note** of the online training events and webinars organized to facilitate the implementation of the Multilateral System and **requests** the Secretary, subject to the availability of financial resources, to organize regional implementation workshops to support Contracting Parties in strengthening the operations of the Multilateral System, including for the identification and notification of material available in the Multilateral System and the operations of the Standard Material Transfer Agreement, including the reporting of transfers;

8. **Further requests** the Secretary, subject to the availability of financial resources, to support Contracting Parties in the documentation and exchange of national experiences on the implementation of the Multilateral System and publish them on the website of the International Treaty;

9. **Invites** Contracting Parties and relevant international organizations to make available resources for, and collaborate with the Secretary in, organizing training programmes and workshops on the Multilateral System and in the documentation of national experiences and use cases;

10. **Requests** the Secretary to continue to work with the Article 15 Institutions to build capacity among a broader range of providers, including natural and legal persons, to implement the Multilateral System and to report on the use of the Standard Material Transfer Agreement;

PART III: PRACTICE OF THE CGIAR CENTRES ON THE MANAGEMENT OF INTELLECTUAL ASSETS RELATED TO PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

11. **Thanks** the CGIAR System for the submission of the report on the Status of Implementation of the CGIAR Principles on the Management of Intellectual Assets and the increased transparency in Centers' communications when entering into restrictive agreements concerning plant germplasm or information generated from the use of such germplasm;

12. **Invites** the CGIAR System to continue reporting on the application of the CGIAR Principles on the Management of Intellectual Assets to germplasm managed under the framework of the International Treaty, parts thereof, or information generated from the use of this germplasm;

PART IV: OPERATION OF THE THIRD PARTY BENEFICIARY

Recalling that the Governing Body, at its Third Session, had approved the Procedures for the Operation of the Third Party Beneficiary (Third Party Beneficiary Procedures)¹ for the carrying out of the roles and responsibilities of Third Party Beneficiary as identified and prescribed in the SMTA under the direction of the Governing Body;

Recalling further that, in accordance with Article 4.2 of the Third Party Beneficiary Procedures, the Third Party Beneficiary may receive information on possible non-compliance with the obligations of the provider and recipient under a SMTA from any natural or legal persons;

Recognizing that the Third Party Beneficiary will require adequate financial and other resources and that FAO, acting as Third Party Beneficiary, shall not incur any liabilities in excess of the funds available in the Third Party Beneficiary Operational Reserve;

13. **Takes note** of the Report on the Operation of the Third Party Beneficiary and **further requests** the Secretary and FAO to continue providing, at each Session of the Governing Body, such a report;

14. **Stresses the importance** for the effective functioning of the Third Party Beneficiary, of Article 4.2 of the Third Party Beneficiary Procedures, according to which the Third Party Beneficiary may receive information on possible non-compliance with the obligations of the provider and recipient under a SMTA from the parties under the SMTA or any other natural or legal persons;

15. **Decides** to maintain the Third Party Beneficiary Operational Reserve for the 2022–2023 biennium at the current level of USD 283 280 and to review the same at its Tenth Session, and **calls** upon Contracting Parties that have not yet done so, intergovernmental organizations, non-governmental organizations and other entities to contribute to the Reserve;

16. **Authorizes** the Secretary to draw upon the Third Party Beneficiary Operational Reserve as may be needed for the implementation of the functions of the Third Party Beneficiary;

17. **Welcomes** the functional and cost-effective information technology tools and infrastructure that the Secretary has developed to facilitate the submission, collection and storage of information in the implementation of Article 4.1 of the Third Party Beneficiary Procedures and **requests** the Secretary to continue to apply adequate measures to ensure the integrity and, where required, the confidentiality of information;

PART V: REVIEWS AND ASSESSMENTS UNDER THE MULTILATERAL SYSTEM AND OF THE IMPLEMENTATION AND OPERATION OF THE STANDARD MATERIAL TRANSFER AGREEMENT

18. **Thanks** Contracting Parties and stakeholders who provided information about measures taken to encourage natural and legal persons to include PGRFA in the Multilateral System;

19. **Requests** the Secretary, subject to the availability of financial resources: to continue capacity development activities and awareness-raising efforts on the voluntary inclusion of plant genetic resources for food and agriculture (PGRFA) in the Multilateral System by natural and legal persons, with the participation of National Focal Points and relevant stakeholders; and to prepare a briefing note to support natural and legal persons who are interested in including their PGRFA in the Multilateral System including also a description of the advantages in this note;

20. **Invites** Contracting Parties to capitalize on the measures already taken to encourage and support natural and legal persons to make material available in the Multilateral System and to adopt additional measures;

21. **Requests** the Secretary to monitor progress on the voluntary inclusion of material in the Multilateral System by natural and legal persons and to report to the Governing Body at its Tenth

¹ Annex to Resolution 5/2009.

Session so that it could undertake the assessments and consider any decisions foreseen under Article 11.4 of the International Treaty;

22. ***Decides*** to further postpone the reviews and assessments foreseen under Article 13.2d(ii) of the International Treaty, to its Tenth Session.