



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



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Item 11 of the Provisional Agenda
FOURTH SESSION OF THE GOVERNING BODY
Bali, Indonesia, 14 – 18 March 2011
COMPILATION OF SUBMISSIONS BY CONTRACTING PARTIES ON THE IMPLEMENTATION OF THE MULTILATERAL SYSTEM

INTRODUCTION

1. At its Third Session, the Governing Body
Request[d] all Contracting Parties 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;
2. The Governing Body also
Stresse[d] the importance of documenting the plant genetic resources for food and agriculture within the Multilateral System, so that they may be accessed for the purpose of utilization and conservation for research, breeding and training for food and agriculture using the FAO/IPGRI Multicrop Passport Descriptor List.
3. By Resolution 4/2010, the Governing Body
Request[ed] 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 13.2a, b, c and d of the International Treaty, and for this purpose to request information from Contracting Parties, international institutions having signed agreements under Article 15, and private sector entities.
4. By a Circular State Letter of 30 November 2009, the Secretary accordingly drew Contracting Parties' attention to the outstanding request for such information.
5. At the time of preparing this document (January 2011), the Secretariat received such information from a number of countries, in differing levels of detail. Information on notifications related to the material included in the Multilateral System of Access and Benefit-sharing is posted on the Treaty's website at http://www.planttreaty.org/inclus_en.htm.
6. The Reports received from Contracting Parties are contained in *Appendices 1 – 8* to this document, in the form and language received for the information of the Governing Body.

APPENDIX 1

CANADA

Resolution 4/2009 ACTIONS REQUESTED TO CONTRACTING PARTIES

All Contracting Parties to report on the PGRFA that are in the MLS in accordance with Art. 11.2 of the Treaty

- **Canadian response**
 - **Canada reported for GB 3:** All Canadian germplasm placed into the multi-lateral system are available for distribution. Details and relevant information is available through an internet accessible database: <http://pgrc3.agr.gc.ca> .

Provision of information on the status of monetary and nonmonetary benefit-sharing

- **Canadian response**
 - **Canada made its first contribution for benefit sharing in 2010, upon commercialization of a new Triticale line.**

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

- **Canadian response**
 - **Collections of legal and natural persons are not regarded as forming part of the Canadian National Plant genetic Resource System.**

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

- **Canadian response**
 - **Natural and legal persons have been encouraged to make contribution to the MLS via contributions to the Canadian National Collection held by AAFC- Plant Gene Resources Canada**

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

- **Canadian response**
 - **Canada has been using the SMTA since July 2008 and has encouraged others to do so as per reference to the Treaty**

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

- **Canadian response**
 - **This was considered but not deemed appropriate in Canadian circumstances. Individual users are encouraged to contribute via the SMTA protocols established.**

APPENDIX 2

COSTA RICA

San José, Costa Rica, 14 de julio del 2010

Estimado Dr. Bhatti:

En mi condición de punto focal del Tratado Internacional de Recursos Fitogenéticos para la Alimentación y la Agricultura, me permito dar respuesta a la notificación recibida respecto a las medidas solicitadas a las Partes Contratantes por el Órgano Rector en su tercera reunión en relación con el Sistema Multilateral de Acceso y Distribución de Beneficios (SM), según Resolución 4/2009.

A continuación paso a referirme a cada uno de los puntos señalados en la resolución:

Párrafo 4:

“Todas las Partes Contratantes deben informar sobre los RGAA que se encuentren en el sistema multilateral, de conformidad con el artículo 11.2 del Tratado”.

Aún no se ha procedido formalmente a incluir las colecciones en el S.M. en el formato correspondiente. Probablemente una de las causas por las que las instituciones que manejan colecciones públicas no hayan reportado sus colecciones, ha sido la poca evidencia a nivel internacional sobre avances por parte de la gran mayoría de los países en incorporar formalmente sus colecciones al Sistema Multilateral.

Asimismo, debe reconocerse la falta de una estrategia nacional de información o divulgación sobre el Sistema, así como la falta de un ente nacional ejecutor en materia de RFGAA, como más adelante se menciona.

Debe anotarse además que en el caso de Costa Rica, las universidades del Estado, que son de las instituciones que tienen más actividades de conservación de germoplasma, se rigen bajo un principio de “autonomía universitaria”, de modo que la puesta a disposición de sus colecciones en el S.M. no operaría de oficio en función del Tratado, sino que requiere de una aceptación explícita y decisión de las autoridades universitarias.

Párrafo 5:

“Puesta a disposición de información sobre la situación de la distribución de beneficios monetarios y no monetarios”.

En términos generales, el país cuenta con experiencias interesantes en cuanto a la distribución de beneficios monetarios y no monetarios derivados del uso de los recursos genéticos, pero no en función de la aplicación del Sistema Multilateral de Acceso, sino mediante la aplicación de la normativa nacional de acceso y distribución de beneficios en función de la Ley de Biodiversidad y en función de acceso a biodiversidad “in situ”.

Aún así debe señalarse que en términos generales, el principal beneficio obtenido del sistema multilateral ha sido el acceso a los recursos fitogenéticos en sí mismo.

Adicionalmente debe anotarse que en el caso de Costa Rica hemos sido apoyados económicamente por el Fondo de Distribución de Beneficios, mediante la selección del proyecto

de investigación presentado por la Universidad de Costa Rica y que fue anunciado en la reunión de Túnez en junio del 2009 (Identification of Useful Potato Germplasm Adapted to Biotic and Abiotic Stresses Caused by Global Climate Change).

Otros beneficios del acceso a recursos fitogenéticos han sido en materia de capacitación y la puesta a disposición de catálogos, información de resultados de investigación, así como la limpieza, conservación, mejoramiento y reproducción de material genético para el agricultor o para programas de investigación.

También se considera como un beneficio derivado de los programas de mejoramiento participativo, la capacitación de los agricultores en materia de selección y manejo de semillas de calidad y el desarrollo de microempresas de semilla.

Párrafo 9:

“Puesta a disposición de información sobre las colecciones de las personas jurídicas que no formen parte del sector público, se consideren parte del sistema nacional de los recursos fitogenéticos y estén dispuestas a compartir dicha información”.

Esta medida debe iniciarse con un proceso informativo y de inducción dirigido a estas personas. Debe hacerse del conocimiento de toda persona del sector privado que maneje recursos fitogenéticos respecto a los alcances y beneficios del Tratado, en particular del Sistema Multilateral y las eventuales implicaciones de no ser parte del mismo.

La incorporación formal de las colecciones del sector público al Sistema, debe ser el paso previo para alentar a las personas que no formen parte de este sector.

Párrafo 10:

“Suministro de información sobre las medidas adecuadas que adopten, de acuerdo con el artículo 11.3 del Tratado, con el fin de alentar a las personas naturales y jurídicas que se encuentren bajo la jurisdicción de las Partes Contratantes a incluir los RFAA en el sistema multilateral según sus capacidades nacionales”.

Igual que el anterior.

Párrafo 12:

“Todas las Partes Contratantes deberían adoptar las políticas, medidas jurídicas y administrativas necesarias para que sus sistemas nacionales de recursos fitogenéticos y las personas físicas y jurídicas en el ámbito de sus respectivas jurisdicciones sean capaces de utilizar el Acuerdo normalizado de transferencia de material para proporcionar acceso facilitado a los recursos fitogenéticos para la alimentación y la agricultura”.

En Costa Rica no existe legislación o normativa dentro del sector agrícola, que asigne las responsabilidades adquiridas en el Tratado a alguna entidad relacionada con el tema de recursos fitogenéticos. En este sentido no existe un ente del sector agrícola que “administre” la aplicación o implementación del Sistema Multilateral y consecuentemente vele por la utilización del Acuerdo Normalizado (ver comentarios finales).

Párrafo 19:

“Las Partes Contratantes deberían considerar tomar decisiones análogas a la decisión de Noruega de realizar un pago anual adicional de un porcentaje del valor de todas las semillas que

se vendan en su territorio, con el fin de aprovisionar el fondo de distribución de beneficios del Tratado Internacional con recursos sustanciales y fiables”.

Esta consideración no tendría ninguna posibilidad en este momento, ya que antes deberá darse una concienciación general y demostrarse los beneficios que conllevan la conservación y uso de recursos fitogenéticos y su valor estratégico en seguridad alimentaria, adaptación al cambio climático, aporte a la competitividad agrícola, entre otros.

Comentarios finales:

En función de lo antes expuesto, resulta necesario a efectos de la implementación del Tratado, sobre todo en la aplicación del Sistema Multilateral, desarrollar algunos aspectos como:

Una clara definición del Ente Ejecutor o Autoridad Nacional Competente. Esta deberá contar con el apoyo político e institucional y un mandato en cuanto a en cuanto a la implementación del Tratado. Debe tener capacidad ejecutiva, económica y logística para poder administrar efectivamente las acciones requeridas y también el respaldo político para interactuar con todos los actores dentro de la actividad de recursos fitogenéticos del país.

Preferiblemente debería desarrollarse una normativa que señale las responsabilidades, requisitos y procedimientos que deberán cumplirse en el proceso de acceso a RFAA del sistema multilateral.

Dentro de las acciones a corto plazo previstas para tratar este tema, la Comisión Nacional de Recursos Fitogenéticos (CONAREFI) ha programado la realización de un Plan Estratégico Nacional, en el que se prevén acciones dirigidas a la educación, y concienciación en materia de recursos fitogenéticos y en la implementación del Tratado Internacional de RFAA.

Por tanto, el primer paso a seguir para la implementación debe darse en las líneas de:

- ✓ Definición de una política nacional en este campo.
- ✓ Designación legal de un ente encargado del seguimiento de las responsabilidades adquiridas en el Tratado.
- ✓ Definición y ejecución de un Plan Estratégico Nacional.
- ✓ Organización interna: conformación o activación de una Comisión de Recursos Fitogenéticos.
- ✓ Desarrollo de un sistema nacional de recursos fitogenéticos.

La implementación del Tratado y eventualmente todas las actividades que se realicen en el marco del Plan de Acción Mundial, requieren de una figura institucional que coordine, convoque, negocie, facilite procesos, administre el sistema multilateral de acceso.

Para ello debe existir esa figura de Ente Nacional Ejecutor o Autoridad Nacional Competente

No es posible avanzar en la implementación si no existe una normativa que defina claramente los responsables de la ejecución, con autoridad legal para ejercer sus funciones.

En este tema resulta interesante la experiencia que ha tenido Costa Rica con la implementación del Convenio de Diversidad Biológica, a través de una ley nacional (Ley de Biodiversidad N° 7788 del 30 de abril de 1998) que crea una figura ejecutiva encargada de la aplicación de la Ley (Comisión Nacional de Gestión de la Biodiversidad-CONAGEBIO).

Cabe destacar en el tema de acceso, que como parte de la reglamentación a esta Ley, se emite el 6 de febrero del 2007, el decreto ejecutivo N° 33697-MINAE denominado: “*Reglamento para el Acceso a los Elementos y Recursos Genéticos y Bioquímicos de la Biodiversidad en condiciones ex situ*”.

Este Decreto Ejecutivo, se refiere al procedimiento y requisitos necesarios para el acceso a los elementos y recursos genéticos y bioquímicos de la biodiversidad, mantenidos en condiciones ex situ y el **transitorio II** de este decreto establece lo siguiente: ***Acceso a recursos fitogenéticos para la alimentación y la agricultura en condiciones ex situ: En tanto no exista una normativa jurídica específica para la implementación del Tratado Internacional de Recursos Fitogenéticos para la Alimentación y la Agricultura ratificado mediante Ley N° 8539 del 17 de julio del 2006 publicada en La Gaceta N° 185 del 25 de septiembre del 2006, que pudiera establecer otra disposición al respecto, la Autoridad Nacional para la aplicación de dicho Tratado en el tema de acceso a los recursos fitogenéticos para la alimentación y la agricultura, será la Comisión Nacional para la Gestión de la Biodiversidad (CONAGEBIO) y su Oficina Técnica, de conformidad con la Ley de Biodiversidad N° 7788 y el Decreto Ejecutivo MINAE-N° 31514, para lo cual la CONAGEBIO y su Oficina Técnica utilizarán como órgano de consulta a la Comisión Nacional de Recursos Fitogenéticos (CONAREFI).***”

De modo que actualmente en la legislación de biodiversidad de Costa Rica existe una disposición reglamentaria en el sentido de asignar la ejecución de los procedimientos de acceso a los RFAA a la Oficina Técnica de la Comisión Nacional de Gestión de la Biodiversidad, pero en función de la Ley de Biodiversidad y la Normativa de Acceso según el decreto N° 33697, del Ministerio de Ambiente. Estos procedimientos y requisitos difieren de los establecidos en el Sistema Multilateral de Acceso del TIRFAA de la FAO.

Al respecto, la Oficina Nacional de Semillas, ente adscrito al Ministerio de Agricultura y Ganadería, ha presentado al Congreso un proyecto de Reforma a la Ley de Semillas, que incorpora un capítulo relativo a los RFAA, asignando las responsabilidades en materia de recursos fitogenéticos para la alimentación y agricultura a la Oficina Nacional de Semillas. Con ello esta institución pretendería asumir la responsabilidad de implementar lo relativo a la ejecución del TIRFAA y con ello el sistema multilateral.

Cabe anotar finalmente que existe en el país incertidumbre en relación con lo que pueda suceder con el Protocolo Internacional de Acceso que se discute en el marco del Convenio de Biodiversidad, sobre todo en cuanto a su relación con otros instrumentos internacionales como el TIRFAA.

APPENDIX 3

The Czech Republic

Multilateral System of Access and Benefit-sharing (Res. 4/2009)

1. The Czech Republic is ready to provide information on plant genetic resources covered by the National Programme on PGR for the needs of Multilateral System; data on PGR are currently available on the URL <http://www.genbank.vurv.cz/genetic/resources/>. Also information on non-Annex 1 species is available on this website.
2. The participants of the National Programme and some other stakeholders expressed willingness to share in non-monetary activities supporting benefit sharing (research, technologies, education etc.).
3. Almost all PGR collections of legal persons which are not part of the government (private companies, universities, public organizations) are included in the National Programme. Therefore, access to PGRFA and relevant information can be guaranteed through this Programme.
4. The Czech Republic took policy, legal (Act No 148/2003 code) and administrative measures (National Programme on PGRFA, launched in 2003) anticipating CBD (which is included in the Czech legislation) and IT (signatory country). We expect that national MTA (currently in use) can be simply replaced by the SMTA .
5. The Czech Republic is also willing to join international activities and develop bilateral links to developing countries, in support of capacity building awareness raising and other benefit sharing activities.
6. The Czech Republic supports obligatory payments only in the case when commercialised products are protected by legal instruments preventing free access for research and breeding utilization.
7. The Norwegian system we consider as simple and effective, but currently (under economic depression) is hardly applicable in the Czech Republic.

APPENDIX 4

ECUADOR

MEDIDAS SOLICITADAS A LAS PARTES CONTRATANTES**ECUADOR****Todas las Partes Contratantes deben informar sobre los RGAA que se encuentren en el sistema multilateral, de conformidad con el artículo 11.2 del Tratado**

El Ecuador hasta el momento no ha puesto a disposición del sistema multilateral las colecciones que se conservan en el banco de germoplasma, ya que consideramos que es importante terminar con el proceso que se inició en diciembre del 2009 sobre la implementación del sistema multilateral. De todas formas, mediante los convenios sobre regeneración y multiplicación que se tiene con el Fondo Global de Diversidad de Cultivos, se está ubicando este año mediante ATMs las colecciones nacionales de haba y papa en el ICARDA y CIP, respectivamente.

Puesta a disposición de información sobre la situación de la distribución de beneficios monetarios y no monetarios

Sobre este punto se puede encontrar información en el documento entregado hace 15 días (25 de junio del 2010) a la Secretaría del TIRFAA sobre la implementación del sistema multilateral en el Ecuador.

Puesta a disposición de información sobre las colecciones de las personas jurídicas que no formen parte del sector público, se consideren parte del sistema nacional de los recursos fitogenéticos y estén dispuestas a compartir dicha información

En Ecuador, como se puede observar en el informe de la situación de los RFAA promovido por la FAO y que es insumo para el Plan de Acción Mundial, prácticamente no existen colecciones de cultivos del Anexo 1 que se encuentren en instituciones privadas.

Suministro de información sobre las medidas adecuadas que adopten, de acuerdo con el artículo 11.3 del Tratado, con el fin de alentar a las personas naturales y jurídicas que se encuentren bajo la jurisdicción de las Partes Contratantes a incluir los RFAA en el sistema multilateral según sus capacidades nacionales

En el Ecuador en este momento se está negociando con el Estado la implementación de un plan de conservación de los recursos genéticos para la alimentación y la agricultura, ya que no existe un sistemas de bancos de germoplasma, existen solamente dos bancos de germoplasma con colecciones importantes, uno a cargo del INIAP y un segundo a cargo de la Universidad Nacional de Loja.

Todas las Partes Contratantes deberían adoptar las políticas, medidas jurídicas y administrativas necesarias para que sus sistemas nacionales de recursos fitogenéticos y las personas físicas y jurídicas en el ámbito de sus respectivas jurisdicciones sean capaces de utilizar el Acuerdo normalizado de transferencia de material para proporcionar acceso facilitado a los recursos fitogenéticos para la alimentación y la agricultura

En este sentido como se comento anteriormente, se están realizando talleres y actividades para la implementación del sistema multilateral y suministrando información a las personas naturales y jurídicas para que puedan utilizar el ATM. Al momento se cuenta con un documento que plantea mecanismos para implementar el sistema multilateral desde los puntos de vista legal, informativo, administrativo y financiero. El documento ha sido puesto a consideración de la Secretaria del TIRFAA para comentarios y sugerencias.

Las Partes Contratantes deberían considerar tomar decisiones análogas a la decisión de Noruega de realizar un pago anual adicional de un porcentaje del valor de todas las semillas que se vendan en su territorio, con el fin de aprovisionar el fondo de distribución de beneficios del Tratado Internacional con recursos sustanciales y fiables

Ecuador no tiene un sistema formal de semillas fuerte. Ley de Semillas vigente data de 1978; en los próximos meses se estará discutiendo en la Asamblea Nacional una ley de semillas para regular la producción y comercialización formal y semiformal de semillas. Dado que la Constitución del Estado establece el “libre intercambio de semillas” en su artículo 281, la emisión de esta Ley es de importancia para clarificar el alcance del citado artículo. Con este antecedente, al momento es muy complicado que Ecuador se sume a la iniciativa de Noruega.

APPENDIX 5

LEBANON

Information Related to the Multilateral System of Access and Benefit-sharing

The Lebanese Agricultural Research Institute and the Ministry of Agriculture have accomplished several projects assisting the ex-situ conservation of plant genetic resources for food and Agriculture and their sustainable use mainly in collaboration with partners such as Ministry of environment, farmers, NGOS, Universities and ICARDA.

During the period 1992-1994, the Lebanese Agricultural Research Institute (LARI) in collaboration with ICARDA has collected more than 1969 accessions of wild wheat relatives and forage from Bekaa valley. Among them 1095 accessions of 16 crops listed in Annex 1 of the treaty (Table 1). The collected accessions are conserved at ICARDA genebanks.

An access and benefit sharing agreement (ABSA) between LARI and Royal Botanic Gardens Kew was signed in July 2000 in order to study and conserve the Lebanese flora (ex-situ conservation). More than 1351 wild accessions representing 972 species are stored both at LARI and RBG seed banks. 47 accessions of 44 species are among the crops listed in Annex 1 of the treaty (Table 2).

Regarding fruit species, field gene banks were established at LARI. The main crops are olive, grape, stone fruits, fig and citrus species that can be considered as ex situ collections (Table 3).

The *in situ* conservation and management of genetic resources has increased in Lebanon over the recent years. This is reflected by an increase in the number of protected areas spread across the country. Seven natural reserves have been established between 1992 and 1999 through laws approved by the parliament.

In order to obtain, legal and administrative measures necessary for the Lebanese plant genetic resources systems, a draft law on the management of Plant genetic resources for Food and Agriculture in Lebanon is currently under preparation in order to be issued by the parliament.

Finally the Lebanese Agricultural Research Institute allocates some of its budget to fund programmes for the conservations of genetic resources. A national genebank will be established in the next couple of years under technical and scientific advice of Royal Botanic gardens. However, this budget is insufficient and the treaty could play a major role in providing the necessary funds available through its mechanism.

Table 1. Species and number of accessions related to the Annex 1 of the treaty stored at CGIAR (ICARDA) genebanks.

Crop	Species	Number of accessions
Faba Bean/Vetch	<i>Vicia ervilia</i>	1
	<i>Vicia faba</i>	36
	<i>Vicia hybrida</i>	1
	<i>Vicia mollis</i>	2
	<i>Vicia narbonensis</i>	37

	<i>Vicia palastina</i>	3
	<i>Vicia peregrina</i>	3
	<i>Vicia sativa</i>	9
	<i>Vicia sp</i>	1
	<i>Vicia villosa</i>	1
Medicago	<i>Medicago sativa</i>	104
	<i>Medicago scutellata</i>	2
	<i>Medicago rigidula</i>	25
	<i>Medicago truncatula</i>	71
Trifolium	<i>Trifolium alexandrinum</i>	1
	<i>Trifolium arvense</i>	1
	<i>Trifolium repens</i>	3
	<i>Trifolium resupinatum</i>	19
Dactylis	<i>Dactylis glomerata</i>	2
Onobrychis	<i>Onobrychis sp</i>	1
Maize	<i>Zea Mays</i>	7
Cowpea et al	<i>Vigna unguiculata</i>	2
Triticum	<i>Triticum aestivum</i>	43
	<i>Triticum monococcum</i>	9
	<i>Triticum secal</i>	4
	<i>Triticum turgidum</i>	112
	<i>Triticum urartu</i>	16
Triticale	<i>Triticosecale sp.</i>	9
Sorghum	<i>Sorghom bicolor</i>	360
Eggplant	<i>Solanum melongena</i>	1
Pea	<i>Pisum sativum</i>	3
Lentil	<i>Lens culinaris</i>	84
	<i>Lens ervoides</i>	15
	<i>Lens orientalis</i>	4
Chickpea	<i>Cicer arietinum</i>	47
	<i>Cicer pinnatifidum</i>	1
Barley	<i>Hordeum vulgare</i>	52
Grass pea	<i>Lathyrus gorgoni</i>	1
	<i>Lathyrus hierosolymitanus</i>	2
Total		1095

Table 2. Species and number of accessions related to the Annex 1 of the treaty stored at LARI genebanks (Tal amara)

Crop	Species	Number of accessions
Atriplex	<i>Atriplex patula</i>	1
	<i>Atriplex semibaccata</i>	1
Beet	<i>Beta vulgaris</i>	1
Brassica complex	<i>Barbarea plantaginea</i>	1
	<i>Biscutella didyma</i>	1
	<i>Brassica cretica</i>	2
	<i>Brassica rapa</i>	1
	<i>Crambe orientalis</i>	2
	<i>Diplotaxis eruroides</i>	1
	<i>Isatis lusitanica</i>	1
	<i>Lepidium sativum</i>	2
	<i>Lepidium spinosum</i>	1
	<i>Raphanus pugioniformis</i>	1
	<i>Raphanus raphanistrum</i>	1
	<i>Raphanus sativus</i>	1
	<i>Sinapis alba</i>	1
	<i>Sinapis arvensis</i>	1
Yams	<i>Dioscorea communis</i>	1
	<i>Dioscorea orientalis</i>	1
Faba Bean/Vetch	<i>Vicia canescens</i>	1
	<i>Vicia cuspidata</i>	1
	<i>Vicia palaestina</i>	1
	<i>Vicia parviflora</i>	1
	<i>Vicia sativa</i>	1
	<i>Vicia tenuifolia</i>	1
Lotus	<i>Lotus corniculatus</i>	1
	<i>Lotus tenuis</i>	1
Medicago	<i>Medicago astroites</i>	1
	<i>Medicago sativa</i>	1
Melilotus	<i>Melilotus albus</i>	1
Trifolium	<i>Trifolium angustifolium</i>	1
	<i>Trifolium arvense</i>	1
	<i>Trifolium resupinatum</i>	1

Agrostis	<i>Agrostis stolonifera</i>	1
Arrhenatherum	<i>Arrhenatherum elatius</i>	1
Dactylis	<i>Dactylis glomerata</i>	1
Festuca	<i>Festuca arundinacea</i>	1
Lolium	<i>Lolium perenne</i>	1
Phalaris	<i>Phalaris aquatica</i>	1
Phleum	<i>Phleum pratense</i>	1
Pearl Millet	<i>Pennisetum setaceum</i>	1
Sorghum	<i>Sorghum halepense</i>	1
Solanum	<i>Solanum alatum</i>	1
	<i>Solanum nigrum</i>	1
Total	47	

Table 3. Fruit trees species conserved ex situ at LARI stations

Species	Number of varieties	Type of conserved varieties
<i>Olea europea</i>	32	Local accessions and advanced cultivars
<i>Vitis vinifera</i>	40	Local accessions and advanced cultivars
<i>Prunus domestica</i>	32	Advanced and improved cultivars
<i>Prunus armeniaca</i>	24	Advanced and improved cultivars
<i>Prunus avium</i>	21	Advanced and improved cultivars
<i>Prunus Persica</i>	17	Advanced and improved cultivars
<i>Prunus dulcis</i>	12	Advanced and improved cultivars
<i>Ficus carica</i>	28	Local accessions
<i>Citrus sp.</i>	69	Advanced and improved cultivars
<i>Vitis sp</i>	32	Advanced and improved cultivars

APPENDIX 6

MADAGASCAR

Pour les commentaires, je voudrais apporter les éléments de réponses suivantes :

- L'avant projet de loi sur l'accès aux ressources biologiques de Madagascar et aux savoirs qui leurs sont attachés stipule dans l'article 2 de la Section 1 relative au Champ d'application que :

La loi ne s'applique pas, entre autres:

- *aux utilisations traditionnelles fondées sur leurs pratiques coutumières.*
- *à l'annexe 1 du Traité International sur les Ressources Phytogénétiques destinées à l'Alimentation et l'Agriculture*
- *au passage des ressources biologiques sur le territoire malgache, sur présentation de documents légaux attestant l'achat dans le pays d'origine, au point d'entrée et au point de sortie.*

En se référant à cet article, cet avant projet de loi contient donc expressément une exclusion pour les **RPGAA de l'Annexe 1**. (Cf. extrait de l'avant projet en dernière page)

En ce qui concerne l'avant-projet de loi sur les RPGAA, ta proposition pour la simplification des procédures pour l'accès facilité dans le cadre du Système multilatéral sera prise en considération et sera à examiner parmi les points d'ordre du jour de la prochaine journée de réflexion sur les RPGAA. Je pense que la proposition figure déjà dans les dispositions de l'article 7 de l'avant projet de loi et nécessiteront quelques modifications pour être plus concrètes et claires.

En ce qui concerne l'opérationnalisation du SML et de l'utilisation de l'ATM, je voudrais te rapporter que nous avons déjà organisé le mois **de mai 2009** (c'est-à-dire après Entebbe) une séance de travail se rapportant au Carnet de route (*Road Map*) pour la mise en œuvre du SML au niveau national et ce en suivant les différentes étapes recommandées.

Je te donne ci-après le résumé à l'issue de cette séance de travail et je saisis de la présente lettre pour communiquer également au secrétariat du Traité les informations relatives aux mesures demandées aux parties contractantes en relation avec le SML d'accès et de partage des avantages lors de la *troisième session* de l'organe directeur (*Cf. PL 40/31 GB4 en date du 20 mai 2010*) ainsi que les informations concernant la notification relative à la contribution de la Partie contractante/personne physique ou morale au SML.

1- Révision des conditions de l'accès existantes pouvant être en contradiction avec les conditions du SML

Les parties prenantes ont signalé l'existence d'un projet de loi sur les RPGAA, élaboré en 2005 et qui mériterait d'être examiné à nouveau. En effet, le projet de loi relatif à l'Accès et partage des Avantages dans le cadre de la mise en œuvre de l'Article 15 de la CDB, récemment élaboré, ne tient pas compte des RPGAA de l'Annexe 1 du Traité.

Action entreprise : La dernière version du projet de loi a été multipliée et distribuée en mois de mai 2009, pour observations à toutes les parties prenantes aux RPGAA. Tous les renforcements des capacités nécessaires ont été mentionnés.

La demande d'appui à ce sujet a été formulée et a été favorablement acceptée par le secrétariat et s'est concrétisée au présent projet d'élaboration de la loi sur les RPGAA. Le consultant est en train d'y travailler actuellement

2- Désignation des RPGAA pour l'Annexe 1

Les RPGAA de l'Annexe 1 ont été examinées une à une. Les problèmes suivants sont soulevés : Manque de données de passeport, inexistence de banque de gène nationale, manque de base des données nationale, manque de disponibilité des matériels (semences), manque de ressources humaines....

Action entreprise : Le PFN a déjà envoyé toutes les questions pour demande d'éclaircissements de la part du Secrétariat du TIRPAA. Les réponses du Secrétariat nous sont bien parvenues en juillet 2009.

Toutefois, les participants ont procédé à l'identification des détenteurs et localisations des RGAA listées dans l'Annexe 1 du Traité couvertes par le SML, suivie des observations quant à leur inclusion dans le SML.

Action entreprise : Le Service de l'Environnement, service de rattachement du PFN du TIRPAA a déjà effectué des inventaires non exhaustifs dans les différentes régions de Madagascar où se trouvent les collections nationales et collections privées détenues par des organismes opérant dans le domaine d'utilisation et de conservation des RPGAA. La majorité n'a pas d'objections concernant l'inclusion des matériels de l'Annexe 1 dans le SML et l'utilisation de l'ATM.

3- En ce qui concerne l'ATM et le SML

La version française de l'ATM a été distribuée en 02 exemplaires à toutes les parties prenantes qui ont participé à la séance de travail. Il a été expliqué que selon l'Article 12.4 du Traité, l'accès facilité au SML est accordé conformément à un accord type de transfert de matériel (ATM) adopté par l'Organe directeur; L'utilisation de l'ATM est obligatoire à toutes les parties prenantes et l'ATM doit être appliqué au transfert des RPGAA de l'Annexe 1 du Traité à une autre personne ou entité, ainsi qu'à tout transfert ultérieur de ces RPGAA

Donc, les parties prenantes et Madagascar en tant que Partie contractante au TIRPAA, n'ont pas de problèmes en ce qui concerne les **RPGAA de l'Annexe 1** et l'utilisation de l'ATM pour les **RPGAA de l'Annexe 1**.

Toutefois, la notification relative à la contribution de Madagascar au SML (inclusion des matériels dans le SML) nécessite encore une décision consensuelle avec les supérieures hiérarchiques relevant des Ministères concernés par les RPGAA. Etant donné que le pays est actuellement en régime transitoire, nous déciderons de cela lors de la journée de réflexion sur les RPGAA.

Nous n'avons effectué qu'un seul transfert jusqu'ici et qu'aucune demande de transfert de matériels de la part des autres parties contractantes n'a été reçue.

Aussi par rapport aux actions entreprises susmentionnées et au projet de loi sur les RPGAA qui est actuellement en cours, ce sont donc les **RPGAA en dehors de l'Annexe 1** qui nous posent des difficultés en raison de la divergence de point de vue des parties prenantes. C'est la raison pour laquelle qu'un certain nombre de dispositions sont encore assez floues, ambiguës, même contradictoires et mériteraient d'être reformulées. Les dispositions à prendre et les décisions y afférentes vous seront parvenues ultérieurement.

De même, les détails tels que la relation entre les dispositions de l'article 13 et celles sur l'accès facilité dans le cadre du SML seront à revoir et à ajuster. Je trouve aussi les dispositions de cet article un peu contradictoire avec les dispositions concernant l'accès facilité. Et là encore c'est à cause des RPGAA de l'Annexe 1 et non –Annexe 1.

Je te prie encore de nous excuser pour le retard d'envoi du rapport et te remercie d'avance pour les dispositions additionnelles que vous prendrez encore à notre faveur. La journée de réflexion se tiendra probablement le 19 Août prochain. Nous compterons multiplier et distribuer l'avant projet de loi à partir du lundi 02 Août.

L'initiative pour l'organisation de cette journée de réflexion sur les RPGAA a été prise à titre de contribution du Ministère de l'agriculture et du service de l'environnement pour la mise en œuvre du TIRPAA.

Extrait de l'

**AVANT PROJET DE LOI
SUR L'ACCES AUX RESSOURCES BIOLOGIQUES
DE MADAGASCAR ET AUX SAVOIRS QUI LEURS SONT ATTACHES**

Chapitre premier

DISPOSITIONS GENERALES

Section 1

CHAMP D'APPLICATION

Article Premier :

La présente loi s'applique aux ressources biologiques de faune et de flore, aux savoirs qui leurs sont attachés ainsi qu'à leurs dérivés se situant, aux environnements terrestres, marins et lacustres, et aux éléments ex situ et in situ, sur le territoire de la République de Madagascar.

La loi s'applique également à l'accès aux connaissances traditionnelles, à l'innovation et aux pratiques associées à la diversité biologique.

La loi ne s'applique pas, entre autres:

- aux utilisations traditionnelles fondées sur leurs pratiques coutumières.
- à l'annexe 1 du Traité International sur les Ressources Phytogénétiques destinées à l'Agriculture et l'Alimentation
- au passage des ressources biologiques sur le territoire malgache, sur présentation de documents légaux attestant l'achat dans le pays d'origine, au point d'entrée et au point de sortie.

Section 2

OBJET

Article 2:

L'objet de la présente loi est de :

- déterminer le cadre de la régulation de l'accès à l'ensemble des ressources biologiques et aux savoirs qui leur sont attachés, se trouvant sur le territoire de la République de Madagascar, aux fins du maintien et de l'enrichissement du patrimoine national ;
- poursuivre et renforcer le développement durable ;
- promouvoir des mécanismes garantissant un partage juste et équitable des bénéfices découlant de l'utilisation des ressources biologiques ;

APPENDIX 7

URUGUAY

En lo que se refiere al punto “Sistema multilateral de acceso y distribución de los beneficios”, se informa de que las instituciones públicas nacionales, en la medida de sus posibilidades, están avanzando en el proceso de designación de colecciones. En este sentido, se ha manifestado en reunión del Comité Nacional sobre los Recursos Fitogenéticos, la voluntad de incluir en el Sistema Multilateral la colección nacional de maíz, que se encuentra depositada en el INIA y la Facultad de Agronomía. Resta aún contar con material genético suficiente (regeneración y multiplicación), así como cumplir con la inclusión de la información disponible en un adecuado sistema de documentación e información que se está incluyendo en el sistema dbGERMO, compatible con pcGRIN.

Por otra parte, el Uruguay también se encuentra en el proceso de reglamentar la Ley que incorpora el Tratado al ordenamiento jurídico nacional, lo que permitirá una relación formal con las instituciones que poseen en este momento las colecciones de germoplasma a nivel nacional para la inclusión de otras colecciones en el futuro inmediato.

APPENDIX 8**ZAMBIA****SUMMARY OF ACTIONS REQUESTED FROM CONTRACTING PARTIES IN RELATION TO THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING BY THE THIRD SESSION OF THE GOVERNING BODY****RESOLUTION 4/2009**

Paragraph of Resolution 4/2009	ACTIONS REQUESTED TO CONTRACTING PARTIES	DEADLINE FOR SUBMISSION
4	All Contracting Parties to report on the PGRFA that are in the MLS in accordance with Art. 11.2 of the Treaty <i>Done</i>	As soon as possible
5	Provision of information on the status of monetary and non-monetary benefit-sharing <i>None</i>	As soon as possible
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 genetics resources systems, and who are willing to make such information available. <i>None</i>	As soon as possible
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 jurisdiction to include PGRFA in the Multilateral System, according to national capacities <i>An awareness workshop on ITPGRFA issues is planned and legal persons will be sensitised</i>	As soon as possible
12	All Contracting Parties to take the policy, legal and administrative measures necessary for their plant genetics resources systems, and natural and legal persons within their jurisdictions, to be able to use the SMTA to provide facilitated access to PGRFA <i>Two studies were conducted: "Review National PGRFA – Related Policies and Legal Framework for the Implementation of the ITPGRFA" and "The MLS and Benefit-sharing: Review of Practices and Experiences and Recommendations: The case for Zambia"</i>	As soon as possible
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. <i>Not applicable</i>	As soon as possible

APPENDIX 9

EUROPEAN REGION

**REPORT OF THE EUROPEAN REGIONAL GROUP ON THE IMPLEMENTATION OF
THE MULTILATERAL SYSTEM ON ACCESS AND BENEFIT SHARING**

Executive Summary

This report has been prepared by the European Regional Group as a joint response to the reporting requests expressed in Governing Body Resolution 4/2009 on the Implementation of the Multilateral System of Access and Benefit-Sharing, also included in the Notification on Information Relating to the Multilateral System of Access and Benefit-sharing of 26 May 2010 (Ref. PL 40/31 GB4 MLS).

Based on information from 97 European institutions in 22 countries, the report concludes that until now the European Region has included a total of 318,001 accessions of Annex 1 material in the Multilateral System. A total of 2,687 Standard Material Transfer Agreements have been signed in the Region since its approval in 2006. The report describes also the measures undertaken by European countries to encourage other collections held by natural and legal persons to include material in the Multilateral System. No monetary benefit-sharing has been reported to have taken place within the region.

The figures in this report show that the main benefit for the Region so far has been the facilitated access to material, the improvement and update of data-sharing mechanisms and the exchange of material. Finally, it should be borne in mind that, to date there have been voluntary contributions to the Benefit-Sharing Fund from 4 Contracting Parties, 3 of which are from the European Region.

Content

1. Background
2. Introduction and methodology
3. The Implementation of the Multilateral System on Access and Benefit-Sharing in the European Region
 - 3.1. Inclusion of Annex 1 material in the MLS
 - a) Governmental (Central or Federal Administration) institutions reporting Annex 1 material in MLS
 - b) Other institutions reporting Annex 1 material in the MLS
 - c) Institutions not included above that have notified Annex 1 material in the MLS
 - d) Other institutions that have reported to EURISCO the inclusion of Annex 1 material in the MLS
 - e) Use of an adapted SMTA for Non-Annex 1 material
 - 3.2. Measures undertaken to encourage other collections held by natural and legal persons (not covered above) to include material in the MLS
 - 3.3. Use of the Standard Material Transfer Agreement
 - 3.4. The status of benefit-sharing

Appendix 1. Questionnaire on the Implementation of the Multilateral System in the European Regional Group

Annexe – Relevant Extracts from Resolution 4/2009 on the Implementation of the MLS

Background

The Multilateral System of Access and Benefit Sharing (MLS) is the core instrument of the International Treaty and the effectiveness of its operation is highly related to the success of the Treaty itself. Consequently, the progress in the implementation of the MLS has been a subject of

attention for the Contracting Parties and for the public in general since the entry into force of the Treaty. In fact this issue has been in the agendas of all sessions of the Treaty's Governing Body, but the information made available to the Secretariat so far has not been sufficient to provide an adequate assessment of the situation.

For this reason the Third Session of the Governing Body made a strong call to Contracting Parties to report on the implementation of the MLS in order to prepare a comprehensive review that would enable the consideration of the relevant issues of the MLS implementation in the Fourth Session. Thus, by Resolution 4/2009 countries were requested to provide information on various aspects:

- a) their plant genetic resources for food and agriculture that are in MLS, in accordance with Art. 11.2 of the Treaty (para. 4),
- b) the status of non-monetary and monetary benefit-sharing (para. 5),
- c) 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 (para. 9), and
- d) 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 (para. 10).

On 26 May 2010, through a notification on "Information Relating to the Multilateral System of Access and Benefit-sharing", the Secretary of the Treaty invited Contracting Parties to comply with this reporting request.

Following this request, the European Regional Group decided that a regional report on the implementation of the MLS in the European countries should be prepared based on information gathered from countries, and submitted to the Secretary of the Treaty as a joint response from the regional group. The Spanish delegation volunteered to take the lead in the preparation of the report. The present document constitutes the joint report of the European Regional Group on the Implementation of the Multilateral System of Access and Benefit-Sharing in Europe.

1. Introduction and methodology

In June 2010 a questionnaire was prepared based on the specific information requests contained in Resolution 4/2009 and complemented with questions on the use of SMTA (Standard Material Transfer Agreement) in the countries. The questions were then regrouped under 4 main headings as follows:

- 1) Inclusion of Annex 1 material into the MLS.
 - a) By collections under the direct management and control of the Government/Central/Federal Administration (Art. 11.2 of the Treaty).
 - b) By collections of legal persons not part of the Government/Central/Federal Administration but whom are considered as forming part of the national plant genetic resources system.
- 2) Measures undertaken to encourage other collections held by natural and legal persons (not covered above) to include material in the MLS.
- 3) Total number of SMTAs that have been signed.

- 4) Information on benefit-sharing (as covered in Articles 13.2a, b, c and d of the Treaty) that has been carried out.

The questionnaire is included in Appendix 1.

The questionnaire was distributed among all the countries of the European Regional Group on 28 June 2010. By the end of October, 17 countries had responded: Armenia, Belgium, Estonia, France, Germany, Ireland, the Netherlands, Nordic Genebank/NordGen (Denmark, Finland, Iceland, Norway and Sweden), Romania, Slovenia, Spain, Switzerland and the United Kingdom. The information gathered was partly completed with the data contained in the EURISCO Catalogue¹ on the MLS from other countries (Austria, Czech Republic, Poland and Portugal) All in all the present report contains information provided from **22 countries of the Region**.

The responses to the questionnaires provided information on 55 European collections. From the EURISCO catalogue information from additional 40 collections was collected. The Treaty website contains additional information from 2 other collections. All this amounts to information on **97 collections** from the European Region that has been taken into account to prepare the present report.

¹ EURISCO is a web-based catalogue that provides information about *ex situ* plant collections maintained in Europe. The database it contains is automatically fed from a European network of *ex situ* National Inventories (NIs) and includes passport data on more than 1 million samples of crop diversity representing 5,387 genera and 34,823 species from 40 countries. These samples of crop diversity represent more than half of the *ex situ* accessions maintained in Europe and roughly 14% of total worldwide holdings. <http://eurisco.ecpgr.org/static/index.html>. EURISCO serves as the central European information infrastructure for European Countries, which are Contracting Parties to the ITPGRFA, and is ready to report on their contributions to the Multilateral System of Access and Benefit-Sharing.

2. The Implementation of the Multilateral System on Access and Benefit-Sharing in the European Region

3.1) Inclusion of Annex 1 material in the MLS

The total amount of accessions of Annex 1 material reported (via questionnaire or EURISCO) from those 22 countries from the European Region amount to **318,001 accessions**.

By means of the questionnaire countries have reported the inclusion in the MLS of a total of 264,327 accessions. In addition, EURISCO contains 53,674 accessions from other European countries.

The amount of accessions included in the Multilateral System by country is the following: Armenia 1,640; Austria 5,487; Czech Republic 32,616; Estonia 2,249; France 2,317; Ireland 1,107; Germany 108,675; The Netherlands 18,510; Nordic Genebank/Nord Gen (Denmark, Finland, Iceland, Norway and Sweden) 30,691; Poland 14,758; Portugal 813; Romania 6,363; Spain 16,157; Switzerland 33,926 and the United Kingdom 42,722. A few remaining countries have not been able to include any material yet, but have confirmed their intention to do so as soon as possible.

Most of these inclusions have been made publicly available by means of notifications to the Treaty Secretariat, EURISCO (the online catalogue has been amended to include a new field on 'MLS status'), or both.

These general figures can be illustrated in more detail with a selection of 15 of the most important crops and forages, covering nearly 80% of the inclusions of material from the region:

Crop	Number of accessions
Oat (<i>Avena</i>)	10,687
Beet (<i>Beta</i>)	3,355
Brassica complex	16,563
Barley (<i>Hordeum</i>)	62,910
Apple (<i>Malus</i>)	18,592
<i>Medicago</i>	2,071
Beans (<i>Phaseolus</i>)	18,540
Pea (<i>Pisum</i>)	16,866
<i>Lolium</i>	5,845
Rye (<i>Secale</i>)	5,382
Potato (<i>Solanum tuberosum</i>)	11,456
Wheat (<i>Triticum et al.</i>)	63,909
Faba Bean/vetch (<i>Vicia</i>)	12,680
Cowpea et al. (<i>Vigna</i>)	1,990
Maize (<i>Zea</i>)	6,116

a) Governmental (Central or Federal Administration) institutions reporting Annex 1 material in MLS

The following institutions under the direct control of the Government (Central/Federal Administration) have reported holding Annex 1 material susceptible of inclusion in the MLS:

- **Armenia:** Armenian State Agrarian University, Laboratory of Plant Gene Pool and Breeding; Institute of Botany of National Academy of Sciences; Gene Bank of the Scientific Center for Agrobiotechnology of the Ministry of Agriculture; Scientific Center for vegetable and Industrial crops of the Ministry of Agriculture.
- **Belgium:** National Botanic Garden of Belgium, Institute for Agricultural and Fisheries Research, Walloon Centre of Agricultural Research, Institute for Nature and Forest.
- **Estonia:** Genebank of the Jõgeva Plant Breeding Institute, Department of Plant Biotechnology EVIKA of the Estonian Agricultural Research Centre, Polli Horticultural Research Centre of the Estonian University of Life Sciences.
- **France:** At present there are no collections under this category. However, the so-called LMA (Agriculture Modernisation Law) has recently been voted by the French parliament. In its article 17, this law creates a “national collection” which is to be the compilation of all collections held by different institutions (private and public) and notified to the national focal point. Indeed, France is in a very specific situation has no collection on its territory belongs to the State. This peculiar situation required a particular solution. This legal solution will allow Government to encourage holders to notify their collections to our focal point and then to accelerate the process of national notification to the MLS.
- **Germany:** Federal Office of Plant Varieties; and Julius-Kuehn-Institute (JKI).
- **Ireland:** Department of Agriculture, Fisheries and Food; Teagasc.
- **The Netherlands:** Center for Genetic Resources (CGN).
- **Denmark, Finland, Iceland, Norway and Sweden:** Nordic Genebank/Nord Gen.
- **Romania:** Agricultural Research Station Suceava, Agricultural Research Station Simnic-Dolj, Agricultural Research Station Lovrin-Timis, Agricultural Research Station Turda-Cluj, Agricultural Research Station Podu Iloaiei-Iasi, Grassland Research Institute Brasov, Grassland Research Station Jucu – Cluj, Medicinal and Aromatic Plants Research Station Fundulea, Research Institute for Cereals and Technical Plants Fundulea, Suceava Genebank, University of Agricultural Sciences and Veterinary Medicine Timisoara.
- **Spain:** National Plant Genetic Resources Centre (CRF-INIA), Estación Experimental Aula Dei (EEAD) and Misión Biológica de Galicia (MBG). These are all the collections in Spain that are strictly under “the management and control” of the Central Government.
- **Switzerland:** National Gene Bank, Agroscope Changins-Wädenswil (ACW).

- **United Kingdom** : National Fruit Collection, Genetic Resources Unit at Warwick HRI, Agri-Food and Biosciences Institute, Millennium Seed Bank, Science and Advice for Scottish Agriculture, John Innes Centre, Scottish Crop Research Institute, Institute of Biological, Environmental & Rural Sciences.

➔ The vast majority of these institutions have included Annex 1 material in the MLS up to a total of 89,577 accessions.

b) Other institutions reporting Annex 1 material in the MLS

In response to the questionnaire a number of countries have reported collections of legal persons not part of the government, which are regarded as forming part of the national plant genetic resources systems, which also hold Annex 1 material. These include:

- **Germany**: Leibniz Institute of Plant Genetics and Crop Plant Research (IPK) Genebank.
- **The Netherlands**: Radboud University, Northern Pomological Society (NPV), POM Noord Holland.
- **Slovenia**: several institutions in Slovenia hold Annex 1 material. However, a revision of multi crop passport data is currently taking place at the moment in order to include accessions to MLS. Additional measures may also be needed. In any case, it is foreseen to be able to include Slovenian accessions to the MLS before the end 2010. The institutions conserving such material are: the Agricultural institute of Slovenia; the Slovenian institute for hop research and brewing, University of Ljubljana, Biotechnical Faculty, Agronomy department; and the University of Maribor, Faculty for agriculture and life sciences.
- **Spain**: During 2010 a number of meetings have taken place to discuss the Treaty in relation to other public collections, not under the direct control of the Central Administration but mainly under the responsibility of regional governments. It is expected that next year some collections will also include material in the MLS.
- **Switzerland**: all collections hold by organizations participating in the “National Action Plan” and holding Annex 1 material have been included in the MLS. Those organizations are: ProSpecieRara, FRUCTUS Association Suisse pour la Sauvegarde du Patrimoine Fruitier, Association de l'Arboretum du Vallon de l'Aubonne, Rétropomme, Forum Doracher, Landwirtschaftliches Zentrum St. Gallen, Obstgarten-Aktion Schaffhausen, Verein Obstsortensammlung Roggwil, Inforama FOB, Zürcher Hochschule für Angewandte Wissenschaften, and Sortengarten Erschmatt.

It is important to note that many of these institutions are actually “natural and legal persons” as referred to in Article 11.3 of the Treaty. However, to the extent that they are part of national plant genetic resources programmes they have been categorized separately for the sake of the report as requested by Resolution 4/2009.

➔ All these other collections have contributed a total of 172,433 accessions of Annex 1 material to the MLS.

c) Institutions not included above that have notified Annex 1 material in the MLS

In addition, two French institutions have directly notified the Secretariat the inclusion of material:

- The "Association pour l'Etude et l'Amélioration du Maïs" and the National Institute for Agricultural Research of France (INRA) have informed the Treaty Secretary of collections of Maize with a total number of 533 accessions which are included in the Multilateral System of the Treaty.
- The "Association Française des Semences de céréales à paille et autres espèces Autogames" (AFSA) and the National Institute for Agricultural Research of France (INRA) have informed the Treaty Secretary of French collections of bread wheat with a total number of 1,784 accessions which are included in the Multilateral System of the Treaty.

➔ Hence, these other collections have included a total of 2,317 accessions in the MLS.

d) Other institutions that have reported to EURISCO the inclusion of Annex 1 material in the MLS

In addition to the institutions mentioned above and covered in the questionnaire that was circulated, Austria, Czech Republic, Poland and Portugal have also included material in the MLS from 40 collections and notified it via EURISCO.

➔ All those collections add up an additional 53,674 accessions to the MLS.

Adding up the material reported to be included from Central/Federal Governments (**89,577 accessions**) and other institutions in national PGRFA programmes (**172,433 accessions**), as well as direct notifications to the Treaty not included before (**2,317 accessions**), and material identified to be available in EURISCO (**53,674 accessions**) gives the total of **318,001 accessions** of Annex 1 material included in the Multilateral System from the whole European Region.

e) Use of an adapted SMTA for Non-Annex 1 material

The European Cooperative Programme on Plant Genetic Resources (ECPGR)² which is working on the establishment of a rational system of regional cooperation in the conservation and sustainable use of plant genetic resources for food and agriculture launched AEGIS in September 2008. AEGIS (A European Genebank Integrated System)³ aims to establish for the first time a European Collection, which would be a virtual European Genebank, to be maintained in accordance with agreed quality standards, and to be made freely available in accordance with the terms and conditions set out in the Treaty.

Member countries joining AEGIS may include into such European Collection both, Annex-1 and non-Annex 1 material. In consequence, some European countries are already giving non-Annex 1 material treatment as if it was in the MLS and are using an adapted SMTA for the related exchanges of material. However, this material has not been taken into account for the purposes of the present Report.

3.2) Measures undertaken to encourage other collections held by natural and legal persons (not covered above) to include material in the MLS.

A number of countries have reported various actions to promote the inclusion of material in the MLS from other collections, including:

² <http://www.ecpgr.cgiar.org/Index.htm>

³ <http://www.aegis.cgiar.org>

- **Armenia.** The local “Green Lane” NGO⁴ which is dealing with organic farming and sustainable land management at present is actively involved in collection, propagation and dissemination among farmers of seed of landraces of haricot bean. A numbers of meetings have been organized with this NGO to raise awareness of the role of Treaty in food crop improvement and to explain the access mechanism of the Multilateral System as well as operational mechanisms of benefit-sharing. The operational solutions for adaptation to crop production to climate change offering the international Treaty have been presented. As a result the agreement for inclusion accessions of the small collection of haricot bean landraces has been reached. As soon as the accessions data are included in EURISCO the accessions of “Green Lane” NGO will become part of MLS.
- **France.** As already explained above, an assessment of the collections and legal persons holding them has recently been completed, and, consequently the general policy on plant genetic resources is being redefined. This assessment was needed to have an overview of the collections contents and to identify holders of those collections.
- **Germany.** Two means of encouraging stakeholders have been reported: a written communication by the Federal Ministry of Food, Agriculture and Consumer Protection (BMELV) as responsible Federal authority; and regular oral information of all relevant stakeholders in meetings the National Committee for PGRFA (BEKO).
- **Ireland.** Submitted requests for a detailed inventory of their accessions according to the EURISCO passport descriptors.
- **Slovenia.** There have been public lectures on topic of the “Implementation of the MLS in Slovenia” in August 2009. In addition direct contacts have been made with the authorities from protected areas, and experts in seed companies and private holders, etc.
- **Switzerland.** The accessions conserved by the various organizations in the National Plan of Action (see above for list) are all in the public domain and are included in the MLS.
- **United Kingdom.** The Department of Environment Food and Rural Affairs (DEFRA) has notified the Treaty Secretary that a number of accessions listed in Annex 1 and maintained in Government and non-Governmental collections are included in the Multilateral System. In particular, Science and Advice for Scottish Agriculture (SASA) has reported that it accepts seed of various landraces as part of a protection scheme so that in the event of a harvest failure growers have a back-up system. However the growers are also asked permission for some of the deposited stock to be distributed to others for research breeding and training. If they agree, the material will be part of the MLS – whether it is annex 1 or not.

3.3) Use of the Standard Material Transfer Agreement

Although not an issue requested to report in Resolution 4/2009, while planning the preparation of the present report it was considered of interest to have an indication on the number of SMTAs that had been signed in the region. This information would also be complementary to the question on benefit-sharing that had to be reported about.

⁴ <http://www.greenlane.am>

- **Germany.** A total of 1,741 SMTAs signed covering 47,731 accessions from 3 institutions: The Federal Office of Plant Varieties (1 SMTA for 6 accessions), the Julius-Kuehn-Institute-JKI (3 SMTAs for 27 accessions), and the IPK Genebank, including branch stations, (1,737 SMTAs for 47,698 accessions).
- **Ireland.** 5 SMTAs signed to date.
- **The Netherlands.** A total of 577 SMTAs, of which 562 from CGN and 15 from Radboud University.
- **The Nordic Genebank/NordGen.** 118 SMTAs signed.
- **Romania.** 2 SMTAs signed.
- **Spain.** 12 SMTAs signed by CRF-INIA.
- **Switzerland.** 71 SMTAs reported by ACW.
- **United Kingdom.** A total of 161 SMTAs have been signed by National Fruit Collection (16 SMTAs); Genetic Resources Unit at Warwick HRI (24 SMTAs) ; Millennium Seed Bank (1 SMTA); Science and Advice for Scottish Agriculture (1 SMTA); John Innes Centre(102 SMTAs); Scottish Crop Research Institute(16 SMTAs); and Institute of Biological, Environmental & Rural Sciences (1 SMTA).

All these add up to a total of **2,687 SMTAs signed in the Region.**

3.4)The status of benefit-sharing

As of October 2010, there has not been any report of monetary benefit sharing taking place yet in the region.

It is early days, however, to expect any monetary benefit-sharing given that the any realization of such benefits derived from the use of plant genetic resources under the MLS through the development, protection and commercialization of a new variety could easily take from 10 to 15 years.

As to the question of which type of monetary benefit-sharing has taken place or is expected according to the SMTAs signed, Germany has expressed a rough estimation that more than 90 % of all SMTAs follow the benefit-sharing provisions according Art. 6.7, which would mean, less than 10 % of all SMTAs would follow the benefit-sharing provisions according Art. 6.11.

It could be argued that the figures in this report show already that the main benefit for the Region so far has been the facilitated access to material, the improvement and update of data- sharing mechanisms and the exchange of material. Finally, it should be borne in mind that, to date there have been voluntary contributions to the Benefit-Sharing Fund from 4 Contracting Parties, 3 of which are from the European Region: Italy, Norway and Spain.

Appendix 1

QUESTIONNAIRE ON THE IMPLEMENTATION OF THE MULTILATERAL SYSTEM European Regional Group

BACKGROUND

Resolution 4/2009 requests Contracting Parties to provide information on 4 aspects relating to the implementation of the MLS, namely (see Appendix 1 for Resolution text):

- 1/ On the PGRFA that are in the MLS, in accordance with Art. 11.2 (Resolution, para. 4);
- 2/ On the PGRFA that are in the MLS, originating from collections of legal persons not part of the government, whom Contracting Parties regard as forming part of their national plant genetic resources systems and who are willing to make such information available (Resolution, para. 9);
- 3/ On the appropriate measures that Contracting Parties are taking, in accordance with Article 11.3 of the Treaty, to encourage natural and legal persons within their jurisdictions to include plant genetic resources for food and agriculture in the Multilateral System, according to national capacities (Resolution, para. 10);
- 4/ On the status of non-monetary and monetary benefit-sharing, as provided for in Articles 13.2a, b, c and d of the Treaty, and for this purpose to request information from Contracting Parties having signed agreements under Article 15, and private sector entities (Resolution, para. 5);

In order to facilitate the submission of the requested information, on those various aspects, from as many as possible ERG countries, the following questionnaire has been prepared, which we invite you **to complete and send back by July 30th, 2010**, in order to have a draft submission in September and be able to send an advanced or final version to the Secretariat in October and to the ERG experts negotiating the international regime on ABS under the CBD.

QUESTIONNAIRE

Inclusion of PGRFA in the MLS

1) Are there any collections in your country containing Annex 1 material that are under the direct management and control of the Government/Central/Federal Administration of your country?

2) If, yes please indicate:

Name of institution/s	Name of species or genera held in the collection	Number of accessions per institution	Number of accessions per species or genera	Has the IT Secretariat been notified of inclusion of material?

3) Are there in your country any collections of legal persons not part of the Government/Central/Federal Administration (question 1, above) but whom are considered as forming part of the national plant genetic resources system and have included any material in the MLS?

4) If, yes please indicate:

Name of institution/s	Name of species or genera held in the collection	Number of accessions per institution	Number of accessions per species or genera	Has the IT Secretariat been notified of inclusion of material?

5) Please provide the total number of accessions per species included by your country in the MLS.

6) Please provide the total number of accessions included by your country in the MLS.

7) Regarding other collections held by natural and legal persons based in your country (not covered by previous questions 1 or 2), please indicate if you have undertaken any measures to encourage them to include material in the MLS.

8) If yes, please indicate what sort of measures.

9) If possible, could you please provide a figure or estimate on the number of SMTAs that each of the institutions in questions 1, 3 and 7 have signed?

10) Following the signature of SMTAs referred to in the previous question are you aware of any type of benefit-sharing (as covered in Articles 13.2a, b, c and d of the Treaty) that has been carried out?

11) If yes, please indicate type below and explain:

Exchange of Information	Access to and transfer of technology	Capacity building	Sharing of monetary benefits of commercialization, according to:		
			SMTA Art. 6.7 ⁵	SMTA Art. 6.11 ⁶	SMTA Art. 6.8 ⁷

⁵ Compulsory benefit-sharing to be paid when product is sold in the market, according to Annex 2 of the SMTA.

⁶ Compulsory benefit-sharing to be paid alternatively to the method in Art. 6.7 and prior to the development of any product, according to Annex 4 of the SMTA.

⁷ Voluntary benefit-sharing to be paid in accordance with Annex 2 of the SMTA.

Annexe – Relevant Extracts from Resolution 4/2009 on the Implementation of the MLS

Implementation of the MLS

4. **Requests** all Contracting Parties 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;

5. **Requests** 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 13.2a, b, c and d of the International Treaty, and for this purpose to request information from Contracting Parties, international institutions having signed agreements under Article 15, and private sector entities;

...

Inclusion of PGRFA in the MLS by natural and legal persons within the jurisdiction of Contracting Parties

9. **Encourages** Contracting Parties, as appropriate, in reporting on their plant genetic resources for food and agriculture in the Multilateral System, to provide 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.

10. **Further invites** all Contracting Parties to include in their reports on the plant genetic resources for food and agriculture in the Multilateral System 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 jurisdictions to include plant genetic resources for food and agriculture in the Multilateral System, according to national capacities;

Addendum – Response from PolandInclusion of PGRFA in the MLS

- 1) Are there any collections in your country containing Annex 1 material that are under the direct management and control of the Government/Central/Federal Administration of your country? **Yes**
- 2) If, yes please indicate:

Name of institution/s	Name of species or genera held in the collection	Number of accessions per institution	Number of accessions per species or genera	Has the IT Secretariat been notified of inclusion of material?
Plant Breeding and Acclimatization Institute; Research Institute of Vegetable Crops (RIVC)	Agropyron desertorum	47969	1	no
	Agrostis tenuis		14	
	Agrostis stolonifera		24	
	Agrostis tenuis		32	
	Alopecurus pratensis		16	
	Arrhenatherum elatius		51	
	Asparagus		2	
	Avena sativa		1969	
	Avena strigosa		69	
	Avena abyssinica		1	
	Avena atlantica		1	
	Avena barbata		3	
	Avena byzantina		75	
	Avena damascena		9	
	Avena fatua		20	
	Avena hirtula		6	
	Avena insularis		7	
	Avena longiglumis		2	
	Avena macrostachya		10	
	Avena nuda		1	
	Avena sterilis		37	
	Beta sp.		280	
	Beta maritima		2	
	Beta vulgaris		133	
	Brassica sp.		137	
	Brassica campestris		22	
	Brassica juncea		11	
	Brassica napobrassica		18	
	Brassica napus		83	
	Brassica nigra		4	
	Brassica oleracea		455	
	Brassica pekinensis		1	
	Brassica rapa		26	
Camelina sp.		1		
Camelina alyssum		2		
Camelina microcarpa		2		
Camelina sativa		69		
Coronilla varia		4		

Dactylis glomerata	6178
Daucus sp.	120
Daucus aureus	3
Daucus bicolor	22
Daucus carota	455
Daucus guttatus	1
Daucus involucratus	5
Daucus littoralis	1
Daucus muricatus	20
Elymus canadensis	2
Elymus dahuricus	1
Elymus elongatus	3
Elymus farctus	1
Elymus gmelinii	1
Elymus hispidus	1
Elymus panormitanus	1
Elymus racemosus	1
Elymus trachycaulus	1
Festuca arundinacea	37
Festuca gigantea	3
Festuca heterophylla	1
Festuca ovina	29
Festuca pratensis	3627
Festuca rubra	318
Helianthus annuus	1077
Lathyrus sp.	24
Lathyrus aphaca	1
Lathyrus clymenum	3
Lathyrus hirsutus	2
Lathyrus latifolius	1
Lathyrus montanus	1
Lathyrus niger	1
Lathyrus nissolia	1
Lathyrus ochrus	1
Lathyrus pratensis	3
Lathyrus sativus	16
Lathyrus sphaericus	2
Lathyrus sylvestris	2
Lathyrus vernus	1
Lens culinaris	105
Lepidium sp.	1
Lepidium campestre	1
Lepidium densiflorum	1
Lepidium sativum	4
Lolium multiflorum	78
Lolium perenne	2451
Lolium remotum	2
Lolium rigidum	1

Lolium temulentum	1
Lolium hybridum	16
Lupinus albus	143
Lupinus angustifolius	180
Lupinus luteus	261
Medicago falcata	7
Medicago rigidula	2
Medicago sativa	21
Melilotus alba	6
Melilotus officinalis	5
Onobrychis viciifolia	3
Phalaris arundinacea	19
Phaseolus sp.	1709
Phaseolus acutifolius	2
Phaseolus coccineus	141
Phaseolus multiflorus	1
Phaseolus vulgaris	815
Phleum nodosum	2
Phleum pratense	2566
Pisum sp.	2319
Pisum sativum	477
Poa alpina	4
Poa pratensis	1633
Raphanus	2
Raphanus sativus	116
Secale sp.	674
Secale afghanicum	4
Secale africanum	1
Secale anatolicum	4
Secale ancestrale	9
Secale cereale	1638
Secale chaldicum	1
Secale ciliatoglume	1
Secale dalmaticum	1
Secale dighoricum	5
Secale kuprijanovii	4
Secale montanum	11
Secale segetale	7
Secale sylvestre	12
Secale vavilovii	7
Trifolium alexandrinum	1
Trifolium alpestre	6
Trifolium ambiguum	2
Trifolium angustifolium	2
Trifolium arvense	2
Trifolium hybridum	7
Trifolium pratense	18
Trifolium repens	46

	Trifolium subterraneum		1	
	Triticum sp.		1311	
	Triticum aestivum		8144	
	Triticum aethiopicum		36	
	Triticum araraticum		4	
	Triticum boeoticum		18	
	Triticum carthlicum		1	
	Triticum compactum		17	
	Triticum dicoccoides		9	
	Triticum dicoccon		1	
	Triticum dicoccum		47	
	Triticum durum		2164	
	Triticum kihare		1	
	Triticum macha		6	
	Triticum militinae		1	
	Triticum monococcum		19	
	Triticum persicum		12	
	Triticum polonicum		13	
	Triticum spelta		61	
	Triticum sphaerococcum		5	
	Triticum timpohevii		17	
	Triticum turgidum		32	
	Triticum vavilovii		1	
	Vicia sp.		471	
	Vicia angustifolia		1	
	Vicia cassubica		1	
	Vicia cracca		2	
	Vicia faba		947	
	Vicia grandiflora		1	
	Vicia lathyroides		5	
	Vicia orobus		1	
	Vicia pannonica		4	
	Vicia peregrina		2	
	Vicia sativa		290	
	Vicia sepium		2	
	Vicia tenuifolia		1	
	Vicia tetrasperma		2	
	Vicia unijuga		1	
	Vicia villosa		5	
	xTriticosecale		2267	
	Zea mays		919	
Plant Breeding and Acclimatization Institute - National Research Institute, Research Division in Młochów	Solanum melongena	46	5	no
	Solanum tuberosum		25	

- 3) Are there in your country any collections of legal persons not part of the Government/Central/Federal Administration (question 1, above) but whom are considered as forming part of the national plant genetic resources system and have included any material in the MLS? **No**
- 4) If, yes please indicate:

Name of institution/s	Name of species or genera held in the collection	Number of accessions per institution	Number of accessions per species or genera	Has the IT Secretariat been notified of inclusion of material?

- 5) Please provide the total number of accessions per species included by your country in the MLS.

Genera or Species	Number
Agropyron desertorum	1
Agrostis tenuis	14
Agrostis stolonifera	4
Agrostis tenuis	6
Alopecurus pratensis	4
Arrhenatherum elatius	10
Asparagus	1
Avena sativa	1
Avena strigosa	43
Beta	112
Beta vulgaris	24
Brassica	23
Brassica oleracea	28
Camelina microcarpa	1
Coronilla varia	3
Dactylis glomerata	5995
Daucus carota	70
Elymus elongatus	3
Festuca arundinacea	10
Festuca gigantea	3
Festuca pratensis	3133
Festuca rubra	73
Helianthus annuus	1
Lathyrus	24
Lathyrus aphaca	1
Lathyrus clymenum	1
Lathyrus hirsutus	2
Lathyrus nissolia	1
Lathyrus pratensis	3
Lathyrus sphaericus	2
Lathyrus sylvestris	2
Lathyrus vernus	1

Lens culinaris	1
Lepidium	1
Lepidium campestre	1
Lepidium densiflorum	1
Lepidium sativum	3
Lolium perenne	1989
Lupinus albus	26
Lupinus angustifolius	8
Lupinus luteus	12
Medicago falcata	2
Medicago rigidula	1
Medicago sativa	3
Melilotus alba	4
Melilotus officinalis	3
Onobrychis viciifolia	1
Phalaris arundinacea	3
Phaseolus	510
Phaseolus acutifolius	1
Phaseolus vulgaris	19
Phleum nodosum	1
Phleum pratense	2135
Pisum sativum	353
Poa alpina	1
Poa pratensis	1444
Raphanus	2
Raphanus sativus	1
Secale	674
Secale afghanicum	4
Secale africanum	1
Secale anatolicum	4
Secale ancestrale	9
Secale cereale	1630
Secale chaldicum	1
Secale ciliatoglume	1
Secale dalmaticum	1
Secale dighoricum	5
Secale kuprijanovii	4
Secale montanum	10
Secale segetale	6
Secale sylvestre	12
Secale vavilovii	7
Solanum melongena	5
Solanum tuberosum	29
Trifolium alexandrinum	1
Trifolium alpestre	6
Trifolium ambiguum	1

Trifolium angustifolium	2
Trifolium arvense	2
Trifolium hybridum	4
Trifolium pratense	16
Trifolium repens	19
Trifolium subterraneum	1
Triticum aestivum	5
Triticum durum	1
Vicia angustifolia	1
Vicia cassubica	1
Vicia cracca	2
Vicia faba	19
Vicia grandiflora	1
Vicia lathyroides	5
Vicia pannonica	2
Vicia peregrina	2
Vicia sepium	2
Vicia tetrasperma	2
xTriticosecale	147
Zea mays	84

- 6) Please provide the total number of accessions included by your country in the MLS. – 18 855
- 7) Regarding other collections held by natural and legal persons based in your country (not covered by previous questions 1 or 2), please indicate if you have undertaken any measures to encourage them to include material in the MLS. Yes
- 8) If yes, please indicate what sort of measures. [Within the framework of the National Programme for Plant Genetic Resources - were requested by the National Coordinator of this programme to designate accessions to be included to the MLS and to provide this information to the national system for PGRFA.](#)
- 9) If possible, could you please provide a figure or estimate on the number of SMTAs that each of the institutions in questions 1, 3 and 7 have signed? 9
- 10) Following the signature of SMTAs referred to in the previous question are you aware of any type of benefit-sharing (as covered in Articles 13.2a, b, c and d of the Treaty) that has been carried out? no
- 11) If yes, please indicate type below and explain:

Exchange of Information	Access to and transfer of technology	Capacity building	Sharing of monetary benefits of commercialization, according to:		
			SMTA Art. 6.7 ⁸	SMTA Art. 6.11 ⁹	SMTA Art. 6.8 ¹⁰

⁸ Compulsory benefit-sharing to be paid when product is sold in the market, according to Annex 2 of the SMTA.

⁹ Compulsory benefit-sharing to be paid alternatively to the method in Art. 6.7 and prior to the development of any product, according to Annex 4 of the SMTA.

¹⁰ Voluntary benefit-sharing to be paid in accordance with Annex 2 of the SMTA.