



EUROPEAN COMMISSION

HEALTH AND CONSUMERS DIRECTORATE-GENERAL

SUMMARY REPORT OF THE MEETING OF THE EXPERT GROUP ON PLANT REPRODUCTIVE MATERIAL LEGISLATION - WORKING GROUP ON "PLANT GENETIC RESOURCES" held on 17 May 2013

Chairperson: Ms I. Clement-Nissou

Expert from COM: T. Weber (DG sanco)

Experts from the following Member States were present: AT, BE, DE, ES, FR, GR, HU, IE, LT, PL, SK, UK. Expert from CH were also present.

1. Feedback from the inter-sessional works 2011-2013

** sMTA and multilateral system:*

The 4th meeting of the group took place in April. In the meeting, the ERG was isolated on the issue of not changing the sMTA. A discussion took place on the binding effect of decisions of the GB on the sMTA. It was noted that North America was willing to open the sMTA in order to revise the issue of mandatory and voluntary payment. It was agreed not to reopen the sMTA and to agree on minor comments. Explanatory notes are sufficient for the moment.

Regarding the issue of non-annex I crop, the ERG had already established practices to exchange GR with the sMTA and according to the Treaty rules. The regional experience should be shared among other regions.

** Funding strategy:*

The experts questioned the following point: 'voluntary vegetable licensing platform and contribution to the BS fund'. The experts recalled the principle of the Treaty that IP protection shall not be sought on the GR accessed from the Treaty in the form received. In addition, in case of product developed from a GR of the Treaty and not freely available for further research and breeding, the payment to the BS fund is compulsory.

** Compliance committee:*

The chair of the compliance committee is NL and the co-chair the Philippines. Discussions in the compliance committee have made good progress. Two documents are currently in preparation: rules & procedures of the committee, and reporting format (under preparation). They will have to be adopted by the next Governing Body of the Treaty in October 2013.

** Meeting of the bureau (8 – 9 March 2013)*

A discussion took place on the core administrative budget of the Treaty. The experts proposed to draft a message to the IT secretariat in order to obtain more detailed information. The ERG presidency (NL) will prepare an Email to the ITPGRFA.

2. Preparation of the positions for the next meeting of the Governing Body

A document was prepared and sent by Fernando Latorre to the Treaty Secretariat on 7/5/2013 (see annex).

A discussion took place on the sharing of preparatory works between experts and COM.

3. Miscellaneous

* CH presented their on-going study on alternative approach on resources allocation under the BS funds of the Treaty. A short discussion with the experts took place.

* Some experts expressed the need to develop ways to bring new ideas in the Treaty but, in the meantime, other experts were questioning the investments of the Treaty Secretariat in such events, which are not part of its mandate. The Treaty secretariat should focus its efforts (need for planning and prioritization)

European Regional Group
REPORT ON THE IMPLEMENTATION OF THE MLS AND USE OF THE SMTA (May 2013)

Summary

This report has been prepared by the European Regional Group as a joint response to the reporting requests expressed in Governing Body Resolution 4/2011 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 20 February 2013 (Ref. PL 40/31 GB5 MLS).

Based on information from more than 110 European institutions in 21 countries, the report concludes that until now the European Region has included a total of 339,521 accessions of Annex 1 material in the Multilateral System. A total of 5,821 Standard Material Transfer Agreements have been signed in the Region since its adoption sending 138,771 accessions.

Introduction – information requested

By Resolution 4/2011 paragraph 2 Contracting Parties are 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 Treaty” (i.e. “under the management and control of the Contracting Parties and are in the public domain”).

By paragraph 4, Contracting Parties are also requested “to provide more information to the Secretary on the inclusion of PGRFA in the Multilateral System by natural and legal persons within their jurisdictions”.

Finally, by paragraph 35 Contracting Parties are urged “in making their submissions to the Governing Body, to include summary information about their contributions to the Multilateral System:

- How many accessions
- When the contribution was made
- How many SMTAs that they have entered into; and
- Whether any benefits have flowed from these.”

The present report covers the information requested for the European Region (ERG) in three sections: inclusion of material in the material in the Multilateral System, use of the Standard Material Transfer Agreement and Benefit-Sharing.

Inclusion of Material in the Multilateral System (MLS)

In 2011, prior to the 4th session of the Governing Body, the European Region (ERG) provided a comprehensive report, based on a detailed questionnaire, on the implementation of the Multilateral System by the European Region and on its use of the Standard Material Transfer Agreement (this information was compiled by the Secretariat and made available as part of document IT/GB-4/11/Inf. 9, pages 20-39).

It is also worth noting that 16 Contracting Parties from the European Region have voluntarily notified the inclusion of material to the Treaty Secretariat, as shown in the site: <http://www.planttreaty.org/inclusions>

However, this time, in order to prepare the present report on implementation of the Multilateral System only the web-based database EURISCO has been used as the main source of information, given that it is periodically uploaded by all European Region national inventories.

EURISCO (eurisco.ecpgr.org) is the online database for plant genetic resources for food and agriculture of the European Cooperative Programme on Plant Genetic Resources (ECPGR) which is a one-stop portal and provides much more detailed and updated information, for the time being. EURISCO is regularly updated and given the tight deadline we did not have the complete information uploaded until April 2013. With more than a hundred institutions including material in the MLS within the Region it is more than possible than not all have had sufficient time to update their information before the deadline.

Hence, as of 26 April 2013 the number of accessions included in the MLS per country as showing in EURISCO is, as follows:

National Inventory	NO. ACC.
Armenia	1,533
Austria	5,533
Belgium	10,501
Cyprus	504
Czech Republic	32,602
Estonia	2,401
Germany	110,080
Ireland	1,418
Italy	16,943
Latvia	1,652
Netherlands	14,978
Nordic Countries ¹	17,167
Poland	17,242
Portugal	813
Slovakia	12,493
Spain	15,843
Switzerland	32,863
United Kingdom	36,275

This amounts to a total of 330,841 accessions included in the MLS for the European Region from 18 Contracting Parties and 107 institutions, mostly public and “under the management and control of the Contracting Parties” but also including other legal persons (e.g NGOs).

In addition, although the figures have not been updated, both Romania and a number of French private organisations had notified the Treaty Secretariat the inclusion of 6,363 and 2,317 accessions, respectively, back in 2009. Both of these inclusions feature in the Treaty website.

Therefore, in total, the European Region has included 339,521 accessions in the Multilateral System.

Given that in 2011, the European Region reported a total of 318,001 accessions in the MLS, the current figure provided in 2013 in this report, **includes 21,520 more accessions than less than two years ago which is an increase of 6,7%.**

However, in several Contracting Parties in the Region the figure provided in 2013 has actually decreased in relation to 2011, and this is due to a number of good reasons which is important to explain: in some cases duplicates have been identified and removed, in other cases material has not been multiplied and temporarily ran out, and in other cases, much more importantly, some collections have decided to remove the material if other trusted collections had the material available as well.

It should be noted that the removal of accessions from the Multilateral System for the purposes of cost-efficiency and simplification of the network of collections could be a significant trend in the future for the European Region: under ECPGR, the AEGIS project (A European Genebank Integrated System (aegis.cgiar.org)) aims to improve coordination and share responsibilities with respect to the conservation of, management of and access to PGRFA. In particular, AEGIS is establishing a virtual European Collection, to be maintained in accordance with agreed quality standards, and to be freely available in accordance with the terms and conditions set out in the International Treaty. The collections containing “European Accessions” under AEGIS agree to be responsible for the “long-term conservation and maintenance of the European Accessions”. Therefore other collections in Europe may decide to no-longer maintain those collections already covered by AEGIS given that their long-term conservation and availability within the International Treaty system is guaranteed, and therefore allowing other collections to concentrate their resources in those accessions and collections that are more unique, more in line with the capacities and mission of the institute or where there is greater demand by local farmers and institutions, etc.

¹ Nordic countries: Denmark, Finland, Iceland, Norway and Sweden.

Use of the Standard Material Transfer Agreement (SMTA)

In order to prepare this section of the report a short questionnaire was circulated to most of the Contracting Parties of the region, 27 of which are in the European Union, as well as Norway and Switzerland (see Appendix i). Unfortunately, given the tight deadline, only 13 replies were received but included most of the largest countries and collections.

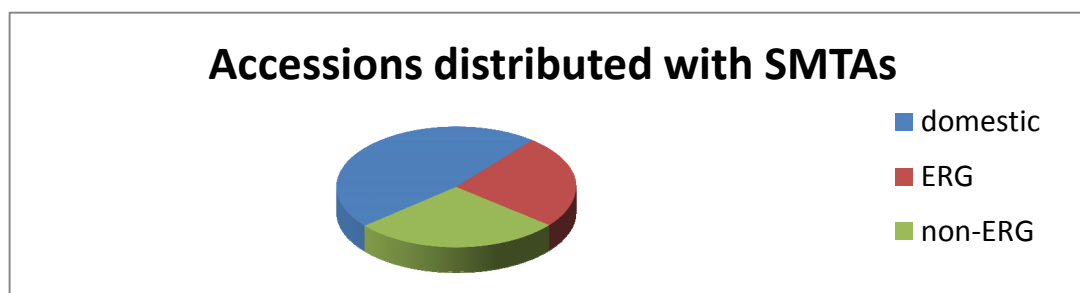
The total number of SMTAs signed and accessions sent was as follows:

	SMTAs	Accessions
Austria	39	238
Estonia	7	85
France	47	1,940
Germany	3,635	47,731
Netherlands	996	35,021
Nord Gen (SF,NOR,SVE,IS,DK)	355	7,172
Slovak Republic	79	1,384
Spain	61	1,597
United Kingdom	602	9,096

Hence, this amounts to a total of 5,821 SMTAs signed (compared to 2,687 reported in 2011, that is 3,134 more and an increase of 116,6% in less than 2 years!) with 138,771 accessions.

It should be borne in mind that in many countries the supply of material to small-farmers (i.e. for direct cultivation exclusively) is not accompanied by an SMTA. Therefore those figures are not reflected in this report.

With the additional data from the questionnaire some interesting information has been gathered. About 62.7% of those reported SMTAs signed were used for domestic transfers of material, and therefore 37.29% were used for non-domestic transfers. However, by looking at the number of accessions sent with those SMTAs the ratio is reversed: about 47% of accessions are sent to domestic users while 53% of accessions are sent to non-domestic users. Among the non-domestic users, about half of them are European users (25%) and the rest are non-European (28%), as illustrated in chart below.



Interestingly as well, 49.6% of the SMTAs signed were used to send Annex 1 material, while almost 45% was for non-Annex 1 material, and about 5% was for both Annex 1 and non-Annex 1 material. This may seem surprising at first, however, it must be taken into account that the Contracting Parties that are using the SMTA for non-Annex 1 material as well, i.e. Germany, the Netherlands and the United Kingdom, are also the ones that have used the SMTA the most. In addition, in other countries such as Austria and Spain, some collections are also using the SMTA to transfer non-Annex 1 material.

Benefit-Sharing

As in 2011 **no monetary benefit-sharing has now been reported resulting from the use of the material acquired under SMTAs.** However, it is still too early to expect any monetary benefit-sharing. We must realise that any materialisation of such benefits derived from the use of plant genetic resources under the MLS through the development, intellectual property protection and commercialisation of a new variety could easily take from 10 to 15 years.

Furthermore, although this time the questionnaire did not cover the choice of potential payment modalities, in the extensive questionnaire undertaken in 2011, Germany (again the Contracting Party with most SMTAs signed) responded with an approximate estimation that more than 90 % of all SMTAs signed, followed the benefit-sharing provisions under Article 6.7 of the SMTA. Germany also noted that in 2011 only 4 SMTAs (with 66 accessions) and in 2012 only 9 SMTAs (with 290 accessions) were provided under the benefit-sharing

provisions in Article 6.11 of the SMTA (alternative up-front payment). This reinforces the assumption that to see monetary benefit-sharing in the system will depend on the successful development of new varieties and their commercialization and this will take still a few years.

Having said this, **it is very important to realize that the figures in this report show already the main benefit for the Region: the exchange of material and the strengthening of trust among the participating collections, institutions and organisations.**

Finally, it should be borne in mind that, to date **there have been voluntary contributions to the Benefit-Sharing Fund owing to** which 2 project-cycles have been completed and a third will be launched soon. All those project sources have had a total of **9 funding sources** (Contracting Parties and an international organization) **7 of which are from the European Region: European Union, Germany, Ireland, Italy, Norway, Spain and Switzerland.**²

² 1st project cycle: Funds disbursed: 543,004 USD (donors: Norway, Switzerland, Spain, Italy)

2nd project cycle: Funds disbursed: 5,497,723 USD (donors: Spain, Italy, Ireland, Australia, IFAD)

3rd project cycle: Funds raised: 5,769,000 USD (donor: European Union) and 480.000 EUR (ca. 625.000 USD) (donor Germany)