



Food and Agriculture
Organization of the
United Nations



International Treaty
on Plant Genetic Resources
for Food and Agriculture



Introduction to the **Multilateral System of Access and Benefit-sharing (MLS)** and the **Standard Material Transfer Agreement (SMTA)**

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15 May 2024

The Multilateral System of Access and Benefit-Sharing – Section IV o the ITPGRFA

- *Mandatory for 64 crops, voluntary for others*
- *Comprises: national public germplasm, international collections, private collections*
- *Collections are made available by the holders*
- *Under standard terms and conditions (the SMTA) for research, breeding and training*
- *Continuous access to the source germplasm*
- *Equitable benefit-sharing, including in case of commercialization of derived products*

Facilitated Access to PGRFA			
Special features	Human made	Satisfy human needs	Country interdependency
Key role	Increase and diversify food production	Protect from pest and diseases	Resilience and adaptation to climate change
MLS	More visible and standard access	Reduces time and exchange costs	Regulates various types of benefits

SDGs 2 and 15

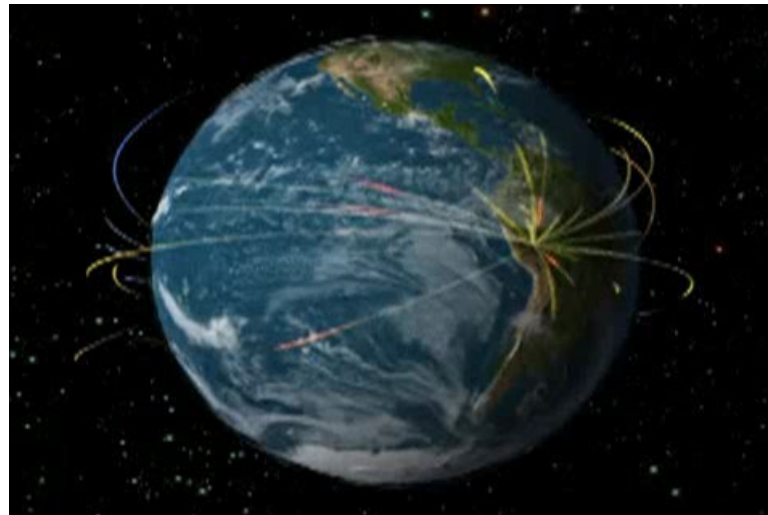


MLS: Daily Transfers of PGRFA

- *2.3-2.8 million documented accessions in the System*
- *information technology tools for managing System operations*
- *Easy-SMTA – Data Store*
- *6,8 million records of accession transfer reported (13 May 2024)*



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Recipient countries by number of samples

Source Easy-SMTA. Elaborated by the ITPGRFA Secretariat. 30/1/2024



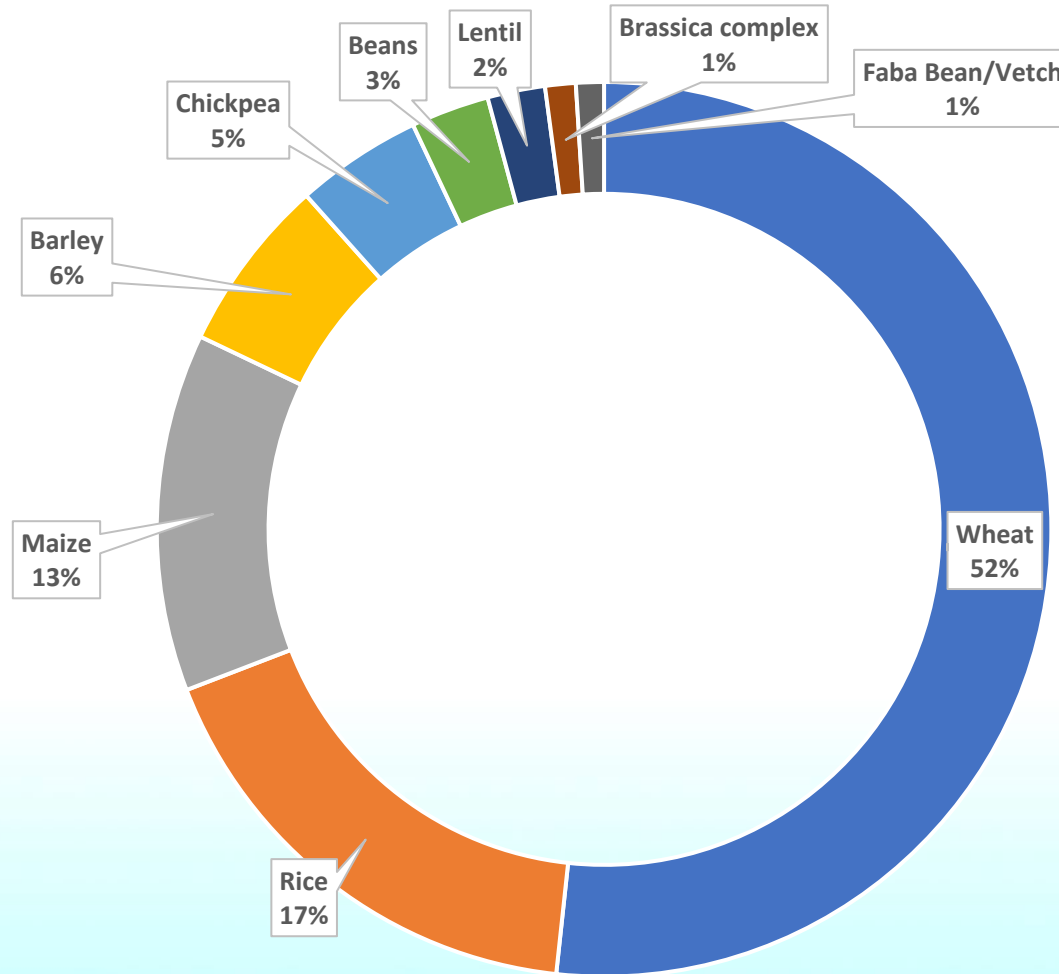


Providers by countries and number of samples

Source Easy-SMTA. Elaborated by the ITPGRFA Secretariat. 30/1/2024



Distribution of PGRFA by Crop



Source: Data Store of the ITPGRFA

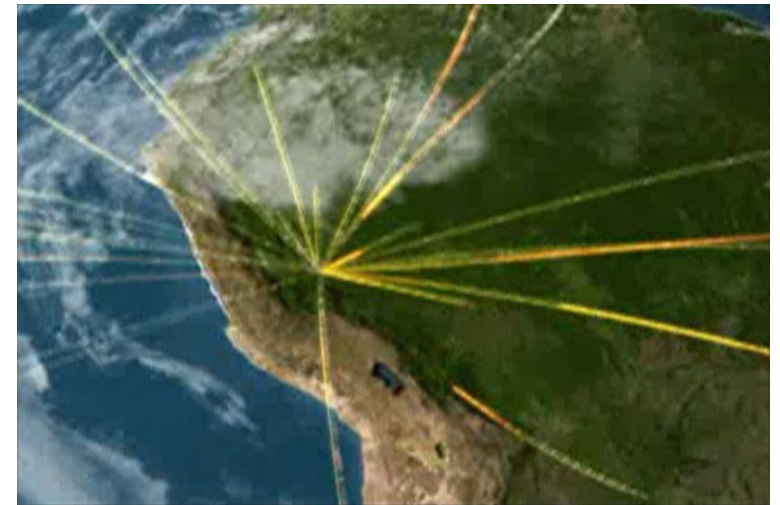


Facilitated Access – Article 12 ITPGRFA

- *ITPGRFA Article 12 – Facilitated access to Annex I crops*
 - *Direct control and public domain*
 - *12.3 B) expeditiously, 12.3C) no charge or minimum costs*
 - *12.3 D) Recipients shall not claim any IPRs or other rights that limit the facilitated access that PGRFA or their genetic parts and components in the form received (similar to Art.6 SMTA)*



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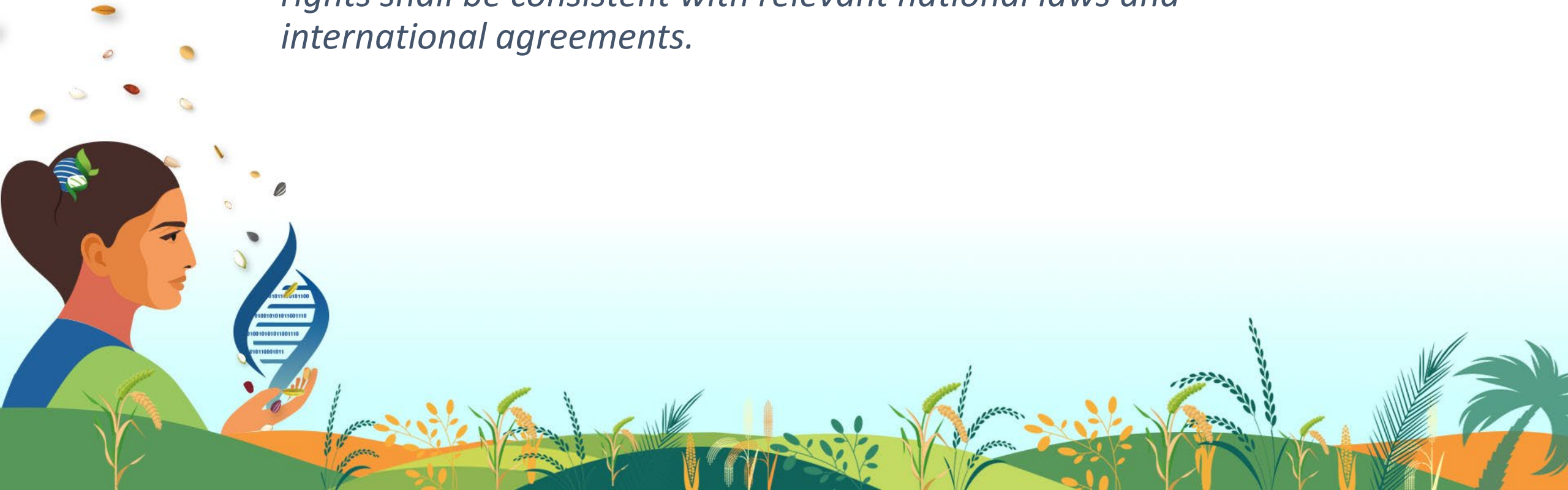


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PGRFA under Development

*Article 12.3 e) and f) access to PGRFA under Development (PGRFAuD) is **at the discretion of the developer**, during the period of the development, and that access to PGRFA protected by IPRs or other property rights shall be consistent with relevant national laws and international agreements.*



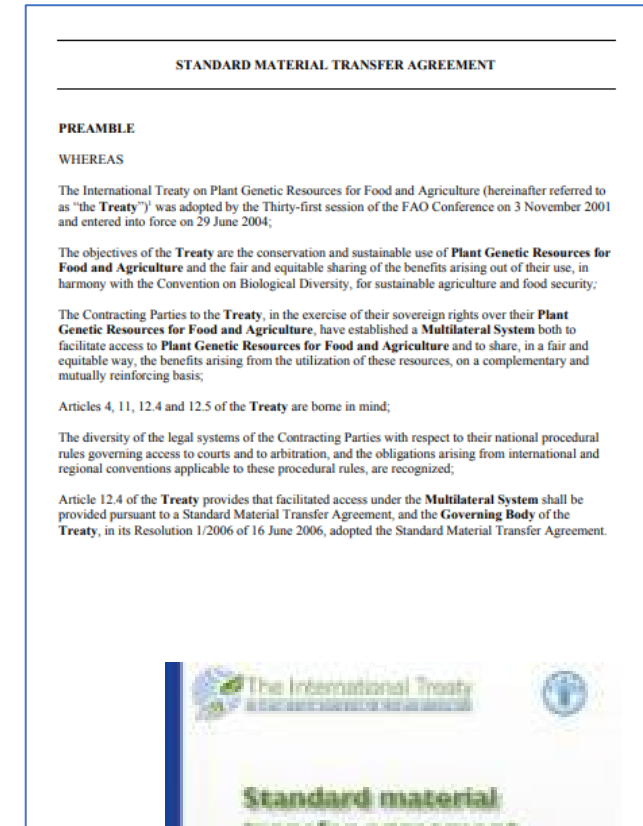
Article 13.2 Benefit-sharing

- *ITPGRFA Article 13.2.(d) (ii) states that the SMTA shall include a clause that a recipient who commercializes a product that incorporates material accessed from the MLS and who restricts the availability of that product for further research and breeding has to pay an equitable share of the benefits from commercialization.*
- Article 6.7 of the SMTA



What is the Standard Material Transfer Agreement?

- Mandatory standard contract for parties wishing to exchange PGRFA under the MLS
- Ensures that the provisions of the International Treaty are enforced
- Reduces negotiation time
- It is used by national public genebanks in CPs for Annex 1 crops in the MLS
- All recipients (non-CPs too) use the SMTA to transfer PGRFA received with a SMTA
- SMTA can be adopted voluntarily for non-Annex 1 crops, subject to national legislation (e.g. EU)
- Providers report to the Governing Body of the Treaty about the SMTAs they issued



Structure of the SMTA

Preamble

ARTICLE 1 — PARTIES TO THE AGREEMENT

ARTICLE 2 — DEFINITIONS

ARTICLE 3 — SUBJECT MATTER OF THE MATERIAL TRANSFER AGREEMENT

ARTICLE 4 — GENERAL PROVISIONS

ARTICLE 5 — RIGHTS AND OBLIGATIONS OF THE PROVIDER

ARTICLE 6 — RIGHTS AND OBLIGATIONS OF THE RECIPIENT

ARTICLE 7 — APPLICABLE LAW

ARTICLE 8 — DISPUTE SETTLEMENT

ARTICLE 9 — ADDITIONAL ITEMS

ARTICLE 10 — SIGNATURE/ACCEPTANCE

Annexes

Annex 1 – List of Material Provided

Annex 2 – Rate and Modalities of Payment under Article 6.7 of this Agreement

Annex 3 – Terms and Conditions of the Alternative Payment Scheme under Article 6.11 of this Agreement

Annex 4 – Option for Crop-Based Payment under the Alternative Payments Scheme under Article 6.11 of this Agreement



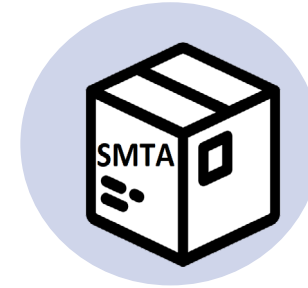
In general, we use the SMTA when transferring PGRFA that



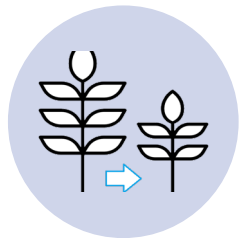
are Annex 1 materials under the management and control of the Contracting Party and in the public domain; or



are Annex 1 or non-Annex 1 materials, managed by an international organization subject to Article 15 agreements with the Governing Body of the Plant Treaty; or



were previously received with an SMTA; or



are derived from, and incorporate, PGRFA that you obtained originally with the SMTA; and



are going to be used or conserved for purposes specified in Article 6 of the SMTA, eg: ‘for the purposes of research, breeding and training for food and agriculture’, and



are being sent to recipients in countries that are Contracting Parties to the Plant Treaty.

You can also use the SMTA...

- legal persons that do not belong to the national public administration of a country can voluntarily include Annex 1 PGRFA in the multilateral system;
- Those legal persons can also distribute non-Annex 1 PGRFA; or
- when sending PGRFA to recipients in non-Contracting Parties.



You cannot use the SMTA, if the Material...

- is not PGRFA;
- domestic laws don't allow you to use the SMTA for non-Annex 1 PGRFA;
- is PGRFA that you have acquired under another material transfer agreement (MTA), which includes conditions that do not allow you to pass on the material with the SMTA;
- is PGRFA you have developed using germplasm obtained under another MTA, that does not allow you to distribute your resulting breeding product with the SMTA;
- is restored or transferred back to the original provider, or to the national authorities of their country;
- or if the recipient's intended use is not research, breeding and training for food and agriculture



Reporting Obligation of the Provider- Article 5 e)

- the Provider of material has to report a minimum amount of information about the transfer;
- Resolution 5/2009 (GB3, Tunis, 2009) – Procedures for the Third Party Beneficiary;
- within a period of two years since the signature or acceptance of the SMTA;
- The Secretariat developed Easy-SMTA to facilitate the compilation of SMTAs in the six official languages of the International Treaty and the reporting on SMTAs concluded in accordance with the instructions given by the Governing Body



Rights and obligations of the Recipient

Article 6 of the SMTA:

- Use or conserve the Material only for the purposes of research, breeding and training for food and agriculture;
- Not claim any IPRs or other rights that limit the facilitated access to the Material... in the form received from the Multilateral System
- Make it available in the MLS, if conserved;
- If transferred to a subsequent recipient, use the SMTA and notify the GB.





If the Recipient transfers PGRFuD

- Use the SMTA;
- Identify, in the Annex 1 to the SMTA, the material received from the MLS and specify that the PGRFAuD are derived from it;
- Notify the Governing Body.



Applicable Law – Article 7

The applicable law shall be:

- General Principles of Law, including the UNIDROIT Principles of International Commercial Contracts 2004;
- the objectives and the relevant provisions of the Treaty; and, when necessary for interpretation,
- the decisions of the Governing Body.

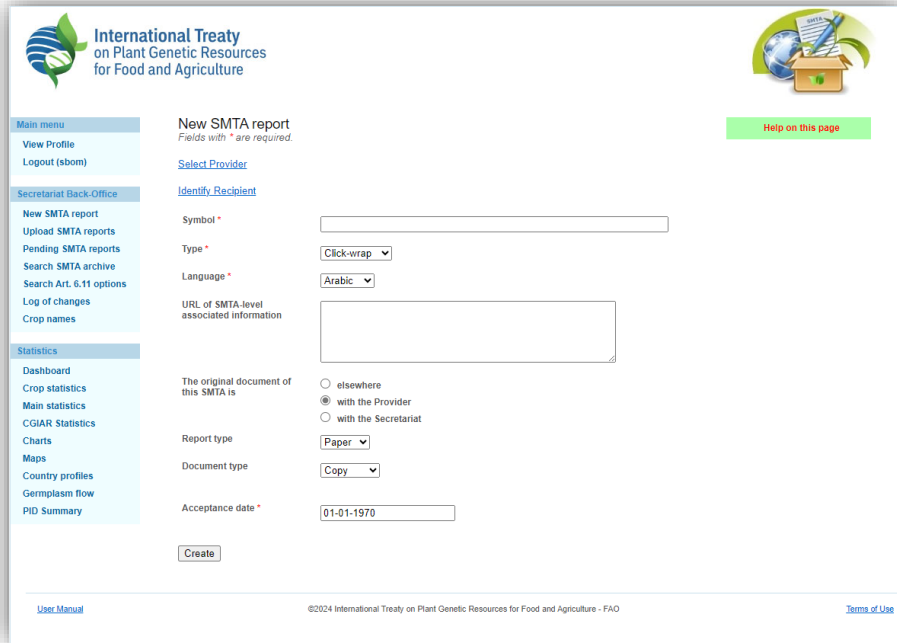


Dispute Settlement – Article 8

- a) Amicable dispute settlement
- b) Mediation
- c) Arbitration



Easy-SMTA and the Data Store



The screenshot shows the 'New SMTA report' form on the International Treaty website. The form includes fields for 'Symbol', 'Type' (set to 'Click-wrap'), 'Language' (set to 'Arabic'), and 'URL of SMTA-level associated information'. It also has radio buttons for 'The original document of this SMTA is' (options: 'elsewhere', 'with the Provider', 'with the Secretariat'), a 'Report type' dropdown (set to 'Paper'), a 'Document type' dropdown (set to 'Copy'), and an 'Acceptance date' field (set to '01-01-1970'). A 'Create' button is at the bottom. The left sidebar contains navigation links for 'Main menu', 'Secretariat Back-Office', 'Statistics', and 'Dashboard'. A 'Help on this page' button is visible in the top right of the form area.

- *Easy-SMTA helps SMTA providers with their reporting obligations. It was developed and published in November 2010 by the Secretariat of the International Treaty.*

1. compiling and generating SMTAs in the six official languages of the International Treaty;

2. reporting on SMTAs concluded in accordance with the instructions made by the Governing Body of the International Treaty



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Basic concepts

- Provider** The individual or organization shipping the material. Must be registered on Easy-SMTA
- Recipient** The individual or organization receiving the material
- PID** The unique code assigned by Easy-SMTA to each registered user
- Sample** The material being transferred. Can be "Material Under Development". It is identified by the Sample ID or a DOI
- Ancestry** Must be provided if "Material Under Development"
- Associated information** All available passport data and, subject to applicable associated law, any other available non-confidential descriptive information. Providing the DOI of the material being transferred complies with this requirement
- SMTA type** Click-wrap, Shrink-wrap and signed

MLS Website section

The Multilateral System

The Multilateral System of the International Treaty offers the largest global exchange mechanism for plant genetic resources for food and agriculture. Sharing crops sustainably, fairly and equitably through the Multilateral System means conserving crop diversity for all of us, now and in the future.

▶ OVERVIEW

- » What is the Multilateral System?
- » Benefits of the Multilateral System
- » Annex I: List of crops covered under the Multilateral System
- » Basic Features of the SMTA
- » The Third-Party Beneficiary
- » Reviews of the MLS
- » The Enhancement Process

▶ KEY DATA, FIGURES AND REPORTS

- » Report on the implementation of the MLS and on the Availability of Material in the Multilateral System
- » SDG Indicator 15.6
- » Data Store statistics
- » Plant genetic metrics

▶ SUBSIDIARY BODIES

- » Working Group on MLS Enhancement
- » Advisory Committee on the SMTA and the MLS
- » Third Party Beneficiary Committee

▶ PARTNERSHIPS AND COLLABORATIONS

- » Article 15 Agreements - CGIAR and others
- » The CGRFA
- » The Svalbard Global Seed Vault

▶ HELP-DESK FOR USERS

- » The Standard Material Agreement
- » Compile your SMTA and Report
- » Notifying material available in the MLS
- » Search Material in the MLS
- » FAQs
- » Educational Module on the MLS
- » Ask for support

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FAQs

These FAQs cover issues that have repeatedly been raised by users of the Multilateral System.

It includes the compilation of opinions and advice prepared by a sub-committee between 2010 and 2013.

Translation of FAQs.



Identification of PGRFA under the management and control of Contracting Parties and in the public domain

Legal and administrative measures to encourage natural and legal persons to voluntarily place material in the Multilateral System

Practical and legal implications for natural and legal persons putting material into the Multilateral System

Transfer and use of Plant Genetic Resources for Food and Agriculture under the SMTA

Restrictions on further transfer of Plant Genetic Resources for Food and Agriculture under development

Restoration of germplasm

Non-food/non-feed uses of Plant Genetic Resources for Food and Agriculture

Transfer and use of plant genetic resources under the Multilateral System – transfer by providers and recipients, other than CGIAR Centres and other Institutions, to farmers for direct use for cultivation

The practical and legal implications for natural and legal persons putting material into the Multilateral System

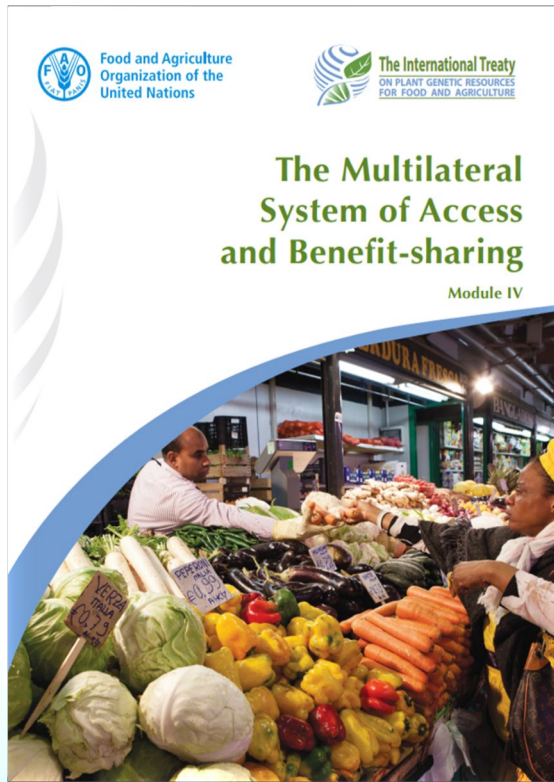
Inclusion of material into the Multilateral System

Commercialization of a product under the Multilateral System in the context of not-for-profit projects under Article 13 of the International Treaty

Availability without restriction for further research and breeding under the Multilateral System: geographical extent of the restriction

<https://www.fao.org/documents/card/en/c/cb7984en>

Educational Module - Web site: Tools/Training



<https://www.fao.org/plant-treaty/news/news-detail/en/c/1673510/>

Certified E-Learning Course on

The screenshot shows the FAO eLearning Academy website. The header includes the FAO logo and 'Food and Agriculture Organization of the United Nations' with a search bar. Below the header is a navigation menu with links: 'About the Academy', 'What we do', 'Courses', 'Certification', 'Webinars', 'Repository', 'Partners', 'Help and support', and 'You are not logged in. (Log in) Register'. The main content area features a large green banner with a photo of hands holding wheat stalks and the course title 'The Multilateral System of Access and Benefit-sharing'. To the right of the banner is the course logo. Below the banner, the text describes the course: 'This course provides an overview of the legal and historical perspectives that led to the development of the Multilateral System of Access and Benefit-sharing (Multilateral System). It emphasizes the importance of the exchange and transfer of plant genetic resources in order to feed a growing global population. It also outlines the principles required to effectively plan, implement and operate the Multilateral System within a national context.' There are three icons representing Sustainable Development Goals: 2 (Zero Hunger), 12 (Responsible Consumption and Production), and 15 (Life on Land). On the right side, there is a 'CERTIFIED COURSE' badge and social media share buttons for Facebook, Twitter, LinkedIn, and Email. Below these are details: 'Released in: OCTOBER 2023', '3 h of learning', and 'THEMATIC AREA: Agricultural risk management and resilience; Plant health, pre-breeding and crop improvement'. At the bottom right, there are four action buttons: 'Access course', 'Download course', 'Evaluate this course', and 'Take certification test'. On the left side of the main content area, there is a table of contents with expandable sections: 'Audience', 'You will learn about', 'Course structure', and 'System requirements', each with a plus sign icon.

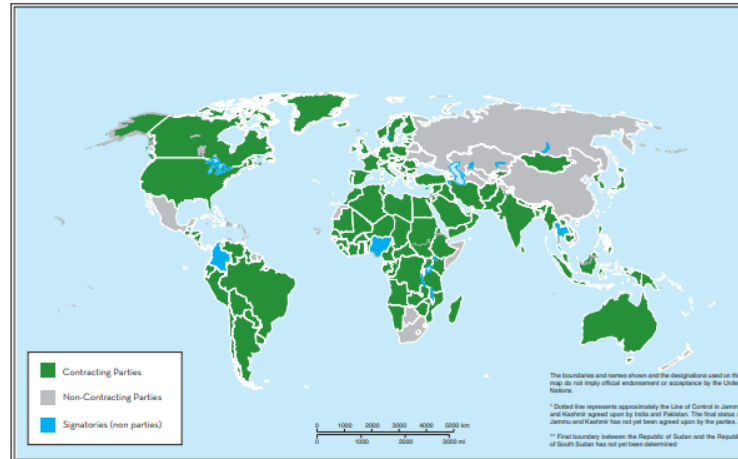
Instructional Design

Figure 5.1: The MLS in the making

May 1995 - 10th WG	The option for a list of crops was proposed - species and genera
June 1995 - 6th CGRFA	List of genera containing 231 genera by way of example. Species most used in food and Agriculture - 3rd draft
Dec 1996 - 3rd Extr. CGRFA	USA: 25 crops and forages essential to global food security Brazil: 25 crops/genera important for world food consumption Two options: Option A: unrestricted access and class B: non-designated materials with negotiated access
May 1997 - 7th CGRFA	Three options: Option A: Designated material in the international network or PGRFA (genus) Designated by national governments. Option B: Designated material or PGRFA (genus) listed in the Annex or Material not included. Option C: PGRFA (genus) listed in the Annex or Material not included. - 3rd draft
Dec 1997 - 4th Extr. CGRFA	Tentative List of Crops for further negotiation. This list contained 37 crops (41 genera), grasses (28 genera) and legumes (13 genera).
Jan 1999 - meeting of experts in Montreal	Criteria for further negotiation agreed: (i) their importance for food security at local or global levels, and (ii) countries' interdependence with respect to PGR.
April 1999 - 8th CGRFA	Agreed that the MLS should cover PGRFA listed in Annex I to the future Treaty and established the criteria of food security and interdependence.
April-August 2000 - 2nd and 3rd Contact Groups	Discussion of the size of the 'window' and submission of lists compiled by the Secretariat
April 2001- 6th Contact Group	With invited experts, 30 crops agreed (Table I) and list of widely consumed food crops (Table II)
June 2001- 4th Extr. CGRFA	Exclusion of such crops as soybean, tropical forages, oil palm, sugar cane and groundnut/peanut. The list contained 35 crops (38 genera), 15 genera of legume forages, 12 genera of grass forages and two genera of other forages
Nov 2001 - 31st FAO Conference	Adoption of the International Treaty and its Annex I

Source: ITPGRFA

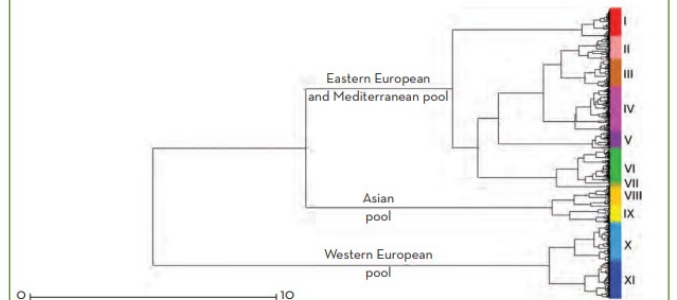
Figure 1.2: Contracting Parties having received PGRFA from the MLS



Source: Secretariat of the International with data from the Data Store of the International Treaty. January 2021.

Name	Entry into force of agreement	Main crops/forages	Headquarters	Website
CATIE - Tropical Agricultural Research and Higher Education Center	14 Jan 2007	Coffee, cocoa, pejobaye, yuca	Cartago, Turrialba (Costa Rica)	www.catie.ac.cr
CoPaCT - Centre for Pacific Crops and Trees*	30 Aug 2009	Taro	Suva (Fiji)	http://paifonet.spc.int/research-and-extension/the-centre-for-pacific-crops-and-trees-capact
ICBA - International Center for Biosaline Agriculture	7 Jun 2019	Various	Dubai (United Arab Emirates)	www.biosaline.org
International Cocoa Genebank ^o	30 Aug 2009	Cocoa	St. Augustine (Trinidad and Tobago)	https://sta.uwi.edu/cruv/international-cocoa-genebank
International Coconut Genebank for Africa and the Indian Ocean ^o	6 May 2007	Coconut	Currently Port Bouet (Côte d'Ivoire)	www.cogentnetwork.org
International Coconut Genebank for the South Pacific ^o	7 Aug 2007	Coconut	Madang, Papua New Guinea (relocation to Punipuni, PNG, under way)	www.cogentnetwork.org

Figure 9.1: Ward dendrogram showing phylogenetic relationships between 4 403 wheat accessions revealed by 8 741 haplotypes. The different colours correspond to the 11 groups



Source: Balfourier, F. et al., 2019

Two examples - CAPFITOGEN and the Darwin Initiative

In their national reports, Contracting Parties highlight two very different initiatives: (1) the impact of the Programme for the Strengthening of Capabilities in National Plant Genetic Resources Programmes (CAPFITOGEN) and its analysis tools, which have enabled researchers to be trained from countries including Albania, Argentina, Brazil, Ecuador, Jordan, Mexico, Norway, Portugal, South Africa and Spain; and (2) the Darwin Initiative, a grant scheme that helps to protect biodiversity and the natural environment through locally-based projects, many of which focus on capacity-building.

Source: FAO ITPGRFA, 2019d; see also Lesson 4.

Figure 10.1: Trends in SMTA reporting to the Governing Body from 2006 to 2018, based on the average number of SMTAs reported per year

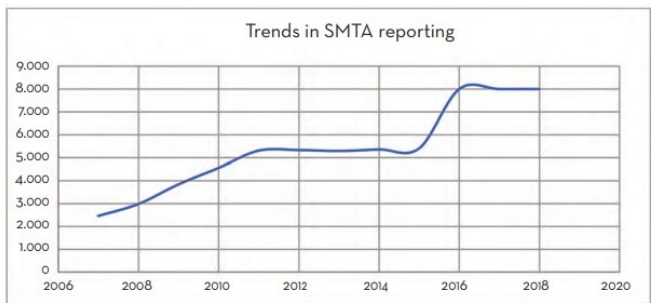
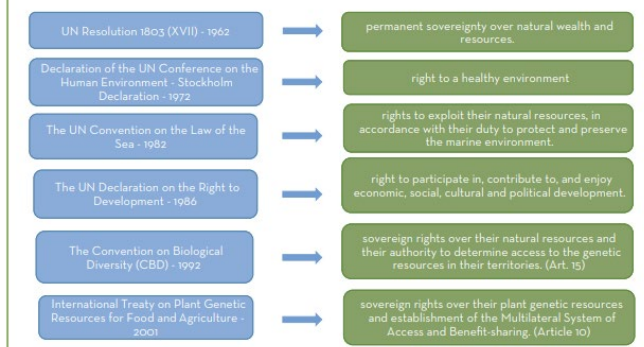


Figure 3.1: Sovereign rights as recognized in international resolutions and legal texts and their association with other rights



ECPGR / Eurisco

- Ongoing discussion with the Secretariat for a new MoU
- Specific system-to-system procedure to facilitate the assignation of DOIs when reporting to ECPGR
- Collaboration on crop descriptors
- Statistics
- Policy matters and discussions at the Governing Body





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Thank you!

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