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## "I/A" ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Draft Council Conclusions with a view to the seventh session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) (Kigali, Rwanda, 30 October - 3 November 2017)

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1. The International Treaty on Plant Genetic Resources for Food and Agriculture (hereafter the Treaty) was adopted on 3 November 2001 by the 31st session of the Conference of the United Nations Food and Agriculture Organisation (FAO) and entered into force on 29 June 2004. The EU and its Member States are Contracting Parties to the International Treaty.
2. The Treaty establishes a global system to provide farmers, plant breeders and scientists with access to plant genetic material for food and agriculture and aims to ensure, through a multilateral system of access and benefit-sharing, that recipients share the benefits they derive from the use of this genetic material with the countries in which the material originates.
3. The seventh session of the Treaty's Governing Body will take place from 30 October to 3 November 2017 in Kigali, Rwanda. The central theme of this seventh session will be the role of plant genetic resources for food and agriculture in the implementation of the 2030 Agenda for Sustainable Development.

4. The Treaty's Governing Body will also discuss measures to strengthen the multilateral system of access and benefit-sharing established by the Treaty and will review the Treaty's funding strategy. In this context, it will examine, in particular, proposals aimed at ensuring more predictable and sustainable financial contributions to the Treaty's Benefit-sharing Fund and look into the possibility of expanding the scope of the Treaty to all genetic resources for food and agriculture.
5. In preparation of the above-mentioned seventh session of the Treaty's Governing Body, the Presidency, in close cooperation with the Commission services, collected delegations' views through a written consultation process and subsequently drew up draft Council Conclusions for examination by the Working Party on Genetic Resources in Agriculture (hereafter the Working Party).
6. At its meeting on 22 September 2017, the Working Party reached an agreement on the final text of the draft Council Conclusions, which was distributed to delegations on 25 September 2017<sup>1</sup>.
7. In view of the above, COREPER is invited to confirm the Working Party's agreement and to recommend that the Council adopt the draft Council Conclusions set out in the Annex to this note, as an "A" item on the agenda of one of its forthcoming meetings.

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<sup>1</sup> WK 13797/17.

**Seventh Session of the Governing Body of the International Treaty on  
Plant Genetic Resources for Food and Agriculture (ITPGRFA)**

**(Kigali, Rwanda, 30 October – 3 November 2017)**

**DRAFT**

**- Council conclusions -**

THE COUNCIL OF THE EUROPEAN UNION

1. HAVING regard to Council Decision 2004/869/EC of 24 February 2004<sup>2</sup> concerning the conclusion, on behalf of the European Community, of the International Treaty on Plant Genetic Resources for Food and Agriculture (hereafter the ‘International Treaty’) and HIGHLIGHTING that the EU and all its Member States are Contracting Parties to this International Treaty;
2. REAFFIRMING that the EU and its Member States are strongly committed to the implementation of the International Treaty, with a view to ensuring the conservation and sustainable use of plant genetic resources for food and agriculture and achieving food security and improved nutrition for all;
3. RECALLING the importance of the International Treaty for the implementation of the Global Plan of Action for Plant Genetic Resources for Food and Agriculture adopted by the FAO Commission on Genetic Resources for Food and Agriculture;
4. ACKNOWLEDGING that the consequences of climate change will further increase the interdependence among countries in regard to plant genetic resources for food and agriculture, and UNDERLINING the increasing importance of fully using the tools provided by the International Treaty to achieve sustainable agriculture and food security while contributing to the conservation of agro-biological diversity and climate change adaptation;

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<sup>2</sup> OJ L 378, 23.12.2004, p. 1.

5. UNDERLINING that the International Treaty can contribute to achieving the objectives of the Paris Agreement, which explicitly recognises the importance of the conservation of biodiversity in relation to actions to address climate change, and that the Paris Agreement in turn can help to achieve the objectives of the International Treaty;
6. HIGHLIGHTING that the International Treaty makes a key contribution to Sustainable Development Goals 2, 13 and 15, and RECALLING the importance of the International Treaty for the implementation of both the United Nations Convention on Climate Change (UNCCC) and the Convention on Biological Diversity (CBD), including Aichi Biodiversity Target 13, and therefore the importance of taking into account the International Treaty implementation when designing European and national strategies and legislation;
7. RECALLING the EU and Member States' commitment to Policy Coherence for Development (PCD) which requires taking into account the objectives of development cooperation in all policies which are likely to affect developing countries, and UNDERLINING the importance of the EU engagement in the Treaty, as a major international instrument, in this context; REAFFIRMING the recently adopted EU Consensus on development;
8. RECALLING that the International Treaty constitutes a specialised international access and benefit-sharing instrument within the meaning of Article 4(4) of the Nagoya Protocol and STRESSING the importance of mutually supportive implementation, at all levels, of the Nagoya Protocol and the International Treaty;
9. UNDERLINING the importance of mutually supportive implementation, at all levels, of the International Treaty and of the International Union for the Protection of New Varieties of Plants (UPOV) Convention;

### **Multilateral System**

10. RECALLS that the multilateral system of access to plant genetic resources and benefit sharing included in the International Treaty (hereafter the 'Multilateral System') requires Contracting Parties to include their plant genetic resources in the Multilateral System, thereby providing facilitated access to these resources for research, conservation and breeding through a Standard Material Transfer Agreement;

11. RECALLS that the Standard Material Transfer Agreement adopted by the Governing Body of the International Treaty in 2006 is a mandatory model for Contracting Parties wishing to provide and receive material under the Multilateral System and defines the mutually agreed terms for this exchange, including conditions for monetary benefit-sharing, which is collected in the Benefit-sharing Fund;
12. NOTES that, since its entry into force ten years ago, this Multilateral System has allowed the exchange of over 4 million plant genetic resources through standardised terms, thus leading to more research and better characterisation of plant genetic resources, and the development of new varieties resulting in better availability of seeds and other plant propagating material, suitable for improving food production and contributing to climate change adaptation; this facilitated access to plant genetic resources for all types of stakeholders is a major success of the International Treaty, which needs to be acknowledged and built upon;
13. RECOGNISES the efforts of all EU Contracting Parties to put their plant genetic resources in the Multilateral System; ACKNOWLEDGES that many other European stakeholders such as private breeders, public research institutes, farmers and NGOs have, on a voluntary basis, put material in the Multilateral System and ENCOURAGES them all to continue to do so;
14. UNDERLINES that the Multilateral System is directly benefiting farmers, breeders and public research institutes all around the world; that users of the Multilateral System are very diverse, and that CGIAR centres and national public research institutes in developing countries represent an important part of those users;
15. RECALLS the voluntary financial contributions of Member States, the European Union and other European stakeholders to the Benefit-sharing Fund, and UNDERLINES the projects which have been implemented and the results achieved in developing countries through these contributions;

### **Enhancing the functioning of the Multilateral System**

16. RECALLS that, at the Fifth Session of the Governing Body of the International Treaty in 2013, a process was launched to enhance the functioning of the Multilateral System by: (a) increasing user-based payments and contributions to the Benefit-sharing Fund in a sustainable and predictable manner, and (b) enhancing the functioning of the Multilateral System by additional measures;

- 17.** CALLS ON the Seventh Session of the Governing Body of the International Treaty to take the necessary steps to strengthen the Multilateral System by deciding on a package of measures, including:
- A. Developing a system to enable predictable and sustainable income to the Benefit-sharing Fund, which is acceptable to users and providers, including a subscription system;
  - B. Keeping sufficient flexibility for various user groups by maintaining an access and benefit-sharing mechanism alternative to a subscription system;
  - C. Expanding the scope of the Multilateral System to all plant genetic resources for food and agriculture; this needs to be inextricably linked to the establishment of a subscription system;
- 18.** EMPHASISES the importance of the recognition by the International Treaty that access to products available without restriction for further research and breeding, such as varieties protected by Plant Variety Rights, constitutes a benefit in itself; therefore STRESSES the need to clearly distinguish between those products which are available for further research and breeding and those which are not;
- 19.** UNDERLINES that a balanced approach between access on one side and benefit-sharing on the other side has to be upheld, so that facilitated access to plant genetic resources is maintained and even increased in the future;

### **Funding Strategy**

- 20.** EMPHASISES that the EU and its Member States finance many development cooperation programmes and projects aiming at conservation and sustainable use of plant genetic resources, including through strengthening of farmers' rights, in order to develop sustainable agriculture, to promote climate change adaptation and to develop agricultural research among others, which contribute to the Funding Strategy of the International Treaty;
- 21.** UNDERLINES that these contributions are often underestimated and should be better accounted for;

22. ENCOURAGES all countries to include and prioritise conservation and sustainable use of plant genetic resources for food and agriculture in their agricultural policies among others in order to increase financing to these sectors and thus contribute to the implementation of the International Treaty;
23. RECOGNISES the importance of contributions to the International Treaty's Fund for Agreed Purposes and to the Benefit-sharing Fund; UNDERLINES the important contributions Members States and the EU have provided to these funds;
24. WELCOMES the fact that the envisaged new system is expected to generate user-based payments for the Benefit-sharing Fund, but EMPHASISES that voluntary contributions from various sources have been and will continue to be important for the overall implementation of the Treaty Funding Strategy;
25. ACKNOWLEDGES that significant contributions to the implementation of the International Treaty are provided by the Global Crop Diversity Trust, which has made significant progress in fulfilling its mission to ensure *ex situ* conservation in the global effort for conservation and sustainable use of plant genetic resources for food and agriculture; REAFFIRMS the importance of mobilising resources for *in situ* and *on farm* conservation also;

### **Sustainable Use**

26. ACKNOWLEDGES that the International Treaty provisions on sustainable use are important for meeting critical challenges in relation to food security and nutrition, as well as climate change adaptation, and to build a more sustainable and resilient agriculture;

### **Farmers' Rights**

27. UNDERLINES the important contribution of farmers and local communities to the conservation and development of plant genetic resources;
28. ACKNOWLEDGES that the implementation of Article 9 of the International Treaty on 'Farmers' Rights' at the national level will help farmers contribute to the conservation and sustainable use of plant genetic resources for food and agriculture for the future;

## **Global Information System**

- 29.** HIGHLIGHTS the progress made in establishing a Global Information System, in order to create a global entry point for information and knowledge with a view to strengthening the capacity for the conservation, management and utilisation of plant genetic resources for food and agriculture;
  - 30.** SUPPORTS the suggestions made by the Scientific Advisory Committee to build upon and explore synergies with existing systems and databases in order to avoid duplication.
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