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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	29 September 2025
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2025) 564 annex
Subject:	ANNEX 3 ANNEX to the COUNCIL DECISION establishing the position to be taken on behalf of the Union within the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture as regards certain proposals submitted for adoption during its eleventh session

Delegations will find attached document COM(2025) 564 annex.

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Encl.: COM(2025) 564 annex

Brussels, 29.9.2025
COM(2025) 564 final

ANNEX 3

ANNEX

to the

COUNCIL DECISION

establishing the position to be taken on behalf of the Union within the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture as regards certain proposals submitted for adoption during its eleventh session

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Annex III

GENERAL NEGOTIATION PRINCIPLES

1. The enhancement of the functioning of the Multilateral System (MLS) shall be attained through a package of measures including all of the following elements:

1.1. The development of a subscription-based system of payments that allows for predictable and sustainable income for the Benefit-sharing Fund and which is acceptable to users and providers.

1.2. The maintenance of a single-access system of payments as an alternative to a subscription-based system, that allows for sufficient flexibility for various user groups[1].

1.3. The expansion of the scope of the MLS as much as possible to cover ideally all plant genetic resources for food and agriculture.

2. Any revision of the Standard Material Transfer Agreement (SMTA) shall recognise the value of the breeders' exemption by clearly distinguishing between those products which are made available without restriction to others for further research and breeding, and those which are not. Accordingly, mandatory payments into the Benefit-sharing Fund resulting from the commercialisation of products which are made available without restriction to others for further research and breeding shall be significantly lower than mandatory payments resulting from the commercialisation of products which are not made available without such restriction. This differentiation shall apply both to the subscription system and to the single-access system[2].

3. As regards Digital Sequence Information (DSI) the following shall be respected:

3.1. As long as there is no final agreement on the definition of DSI, any revision of the SMTA should not include specific provisions on the sharing of benefits derived from the use of DSI on plant genetic resources for food and agriculture. This is in order to avoid legal uncertainty, as the SMTA constitutes a binding contract between the provider and the recipient of the material.

3.2. The subscription-based payment system shall be defined in a way that the contributions under that system are satisfying the obligation for contributions to the 'Cali Fund for the Fair and Equitable Sharing of Benefits from the use of Digital Sequence Information on Genetic Resources' that was established by the Decision 16/2 of the Conference of the Parties to the Convention on Biological Diversity. This is in order to avoid double payments between the two systems.

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[1] A subscription system for specific crops could however be accepted by the Union and the Member States as an additional payment option if this is necessary for the successful conclusion of the negotiations, and under the condition that the terms for such option are clearly defined and do not render the payment system overly complex.

[2] However, if the application of this differentiation to the subscription system is the only issue that precludes the successful conclusion of the negotiations, the Union and its Member States may agree to accept a subscription system with one rate.