

GB-11 CHAIR'S COMPROMISE PROPOSAL:

DRAFT TEXT FOR RESOLUTION ON THE ENHANCEMENT OF THE FUNCTIONING OF THE MULTILATERAL SYSTEM ON ACCESS AND BENEFIT-SHARING

THE GOVERNING BODY

Recalling Article 1 of the International Treaty;

Recalling that, in furtherance of these objectives, the International Treaty establishes a Multilateral System of Access and Benefit-sharing (Multilateral System);

Recalling that Articles 10.1, 11.1 and 11.2 of the International Treaty;

Recognizing that a fully functional, user-friendly and simple Multilateral System is central for the functioning and success of the International Treaty;

Recognizing that the Multilateral System, while functioning, with regard to the availability and transfer of plant genetic resources for food and agriculture (PGRFA), the sharing of monetary and non-monetary benefits, and contributing to reaching the objectives of the International Treaty, is not meeting all expectations;

Recalling Resolution 3/2023, by which it further refined the mandate of the Working Group and requested the Co-Chairs to give early attention to the three identified “hotspots”: digital sequence information/genetic sequence data, expansion of Annex I, and payment structure and rates;

Having considered the report of the Working Group on the results of its work, and particularly the results of the fourteenth meeting that included the draft revised Standard Material Transfer Agreement, proposed by the Working Group, and a draft text for amending Annex I of the International Treaty;

Thanking the Working Group for its productive work and constructive spirit, *noting* the work across several biennia;

Recalling Resolution 16/2022, which notes that the Governing Body has not yet decided on the official terminology for digital sequence information/genetic sequence data, and therefore uses “DSI/GSD” until new terminology is agreed.

Acknowledging that the issue of addressing expectations for monetary and non-monetary benefit-sharing from the use of DSI/GSD on PGRFA remains critical to enhancing the functioning of the Multilateral System;

1. **Decides** on a package of measures to enhance the functioning of the Multilateral System of Access and Benefit-sharing as follows:

- a. **Adopts** a revised Standard Material Transfer Agreement (SMTA) as contained in *Appendix 1*;
- b. **Decides** that adequate payment rates and thresholds will be approved at the Twelfth Session of the Governing Body and integrated in the adopted revised SMTA;
- c. **Decides** that an amendment to Annex I of the International Treaty to expand the coverage of the Multilateral System will be finalized by the Twelfth Session of the Governing Body;
- d. **Establishes** an *Ad Hoc* Technical Expert Group on Annex 1 Expansion, with a time-bound mandate until the Twelfth Session of the Governing Body, to propose the coverage for the amendment to Annex 1, as detailed in *Appendix 2*;
- e. **Requests** the Bureau to develop a draft amendment text taking into account the Chairs proposal in *Appendix 3*, as a basis for work, with the assistance of the Secretary and the FAO Legal Office, in accordance with Article 23.2;
- f. Further **decides** that the adopted revised SMTA will enter into force when the text of the Amendment is adopted at the Twelfth Session of the Governing Body;
- g. **Decides** to establish, with a time-bound mandate until the Twelfth Session of the Governing Body, an *Ad Hoc* Advisory Group to the Governing Body on measures of integrating DSI/GSD within Treaty implementation mechanisms, with terms of reference provided in *Appendix 4*;

2. **Recalling** Article 11.1 and 11.2, the Multilateral System will include all PGRFA listed in the amended Annex 1 that are in ex-situ collections, under the management and control of Contracting Parties and in the public domain, as notified by Contracting Parties, in line with the sovereign rights of Contracting Parties over their own plant genetic resources.

3. **Notes** that benefit-sharing payments under the subscription option of the revised SMTA could be considered to address monetary benefit-sharing from the use of DSI/GSD on PGRFA.

APPENDIX 2: TERMS OF REFERENCE
AD HOC TECHNICAL EXPERT GROUP ON ANNEX 1 EXPANSION

1. The *Ad Hoc* Technical Expert Group, with a time-bound mandate until the Twelfth Session of the Governing Body, will prepare a proposal on the coverage of the amendment of Annex 1, with the following parameters:

- i.* the 64 crops and forages in current Annex I will not be excluded;
- ii.* the proposal will include a list of other PGRFA in accordance with paragraph 2 of Resolution XX;
- iii.* in order to develop the list referred in (*ii*), the *Ad Hoc* Technical Expert Group will use as reference the lists included in the study “The Plants that Feed the World”, document CGRFA/Ex-6/01/3 and other relevant references, with the aim to cover a broad range of PGRFA according to criteria of food security and interdependence;

2. The *Ad Hoc* Technical Expert Group will comprise up to five members each from the Africa Region, Asia Region, the Europe Region and the Latin America and the Caribbean Region; three from the Near East Region; and two each from the North America Region and the South West Pacific Region. The Expert Group may invite, as appropriate, PGRFA experts to provide advice.

3. The Bureau of the Twelfth Session of the Governing Body will appoint two Co-Chairs from the Contracting Parties of the International Treaty - one from a developing country and one from a developed country. The two Co-Chairpersons shall be in addition to the members of the Committee nominated by the Regions.

4. The *Ad Hoc* Technical Expert Group may hold up to two meetings in the biennium 2026-2027, subject to the availability of financial resources.

5. The *Ad Hoc* Technical Expert Group will report back to the Bureau on its work, and its report will be made available to the Twelfth Session of the Governing Body.

6. The Secretary will facilitate regional consultations as an input into the work of the *Ad Hoc* Technical Expert Group.

7. The Secretary will facilitate the process and assist the *Ad Hoc* Technical Expert Group in its work.

APPENDIX 3

CHAIR'S PROPOSAL FOR AN AMENDMENT TO ANNEX I OF THE INTERNATIONAL TREATY, IN ACCORDANCE WITH ITS ARTICLES 23 AND 24

Article 1: Amendment to Expand Annex I

In Annex I, the following paragraph shall be inserted after the list of plant genetic resources for food and agriculture:

“1. In the exercise of their sovereign rights, the Contracting Parties agree that the Multilateral System shall, in addition to the food crops and forages listed above, cover plant genetic resources for food and agriculture listed below, provided they are under the management and control of the Contracting Parties and in the public domain and found in *ex situ* collections.”

Insert: list of additional PGRFA

APPENDIX 4: TERMS OF REFERENCE

AD HOC ADVISORY GROUP TO THE GOVERNING BODY ON MEASURES REGARDING DSI/GSD WITHIN TREATY IMPLEMENTATION MECHANISMS

1. The Terms of Reference of the Advisory Group will be as follows:
 - a. explore ways and means to address expectations for sharing of monetary and non-monetary benefits from the use of DSI/GSD on PGRFA through the implementation mechanisms, such as the SMTA and its payments options, available to the Treaty, and other tools and mechanisms that can serve the Treaty;
 - b. take stock of how DSI/GSD on PGRFA is currently being generated and published, and used in research and breeding, and liaise with the Scientific Advisory Committee on the Global Information System (GLIS) of the International Treaty, to consider practical approaches that will facilitate interlinking DSI/GSD databases with the GLIS of the International Treaty;
 - c. consider practical approaches to enhance reporting on the operations of the Multilateral System considering DSI/GSD on PGRFA;
 - d. consider measures to collaborate with the Multilateral Mechanism for the fair and equitable sharing of benefits from the use of digital sequence information, including the Cali Fund, established by the Conference of Parties of the Convention on Biological Diversity, through Decision 16/2;
2. The *Ad Hoc* Advisory Group will comprise up to five members each from the Africa Region, Asia Region, the Europe Region and the Latin America and the Caribbean Region; three from the Near East Region; and two each from the North America Region and the South West Pacific Region. The Advisory Group may invite, as appropriate, experts to provide advice.
3. The Bureau of the Twelfth Session of the Governing Body will appoint two Co-Chairs from the Contracting Parties of the International Treaty - one from a developing country and one from a developed country. The two Co-Chairpersons shall be in addition to the members of the Committee nominated by the Regions.
4. The *Ad Hoc* Advisory Group may hold up to two meetings in the biennium 2026-2027, subject to the availability of financial resources.
5. The *Ad Hoc* Advisory Group will report back to the Governing Body on its work.
6. The Secretary will facilitate the process and assist the *Ad Hoc* Advisory Group in its work.

Proposal by the Chair on addressing DSI/GSD in the SMTA

Under the Single Access Option:

Annex 4 Article 10 bis.

10 bis. The recipient may make voluntary benefit-sharing payments into the Benefit-sharing Fund related to the use of “DSI/GSD”¹ of the material.

¹ There is not yet an agreed definition of, or official terminology for, digital sequence information / genetic sequence data.