PRO-GRACE
PROMOTING A PLANT GENETIC RESOURCE COMMUNITY FOR EUROPE

Funded by the European Union

International policy frameworks impacting the conservation, access, and use of PGR

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PRO-GRACE/ Emphasis policy symposium and workshop about Plant Genetic Resources and Phenotyping

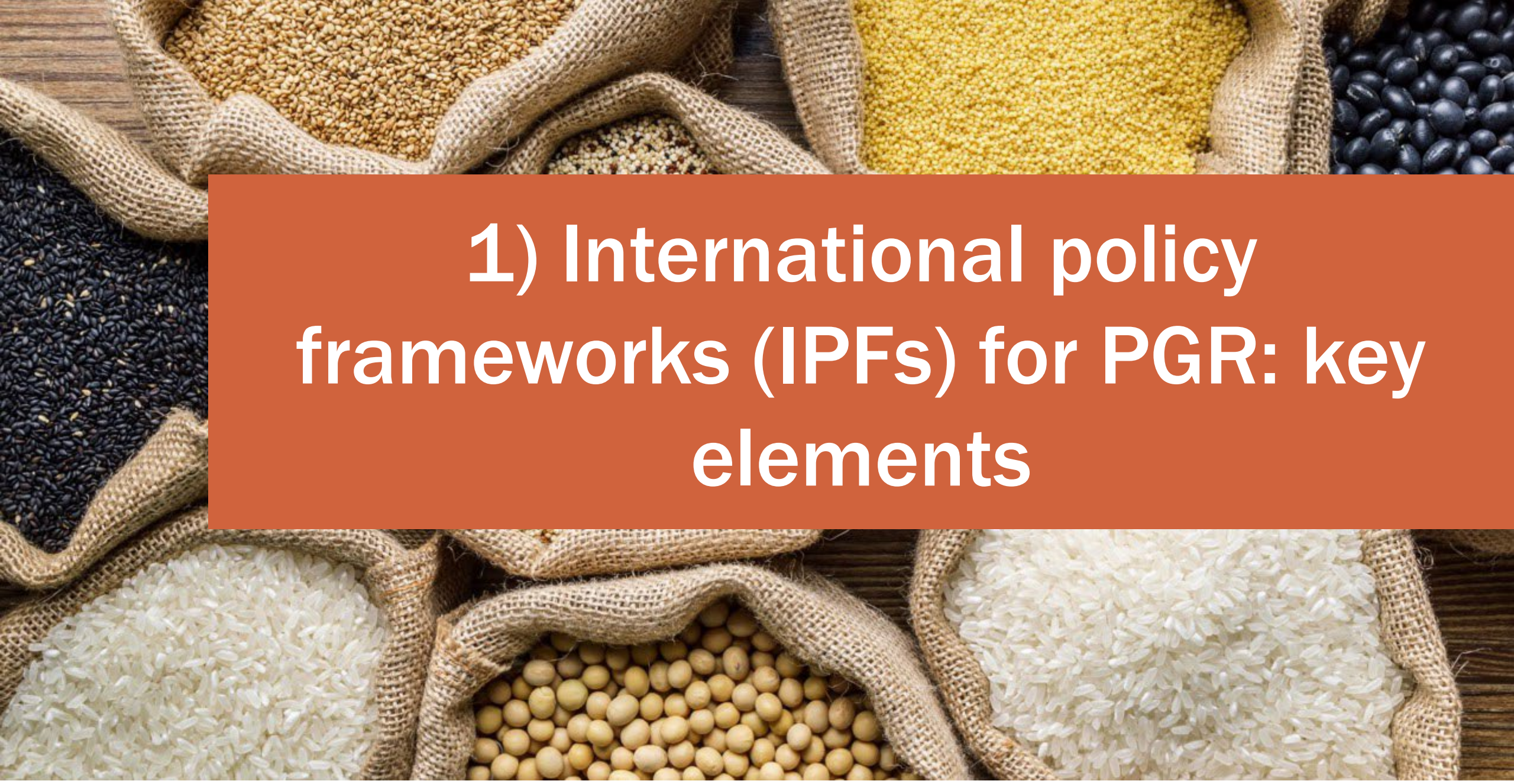
27-28 June 2024 (Brussels)

Outline

1) Current International policy frameworks affecting the conservation, access and use of non-commercial PGR (NC PGR): **key elements**

2) **A comparison of frameworks according to their impact on the PGR community. Material Transfer Agreements and ABS regimes.**

3) **Remaining challenges** (PGR community approach)



1) International policy frameworks (IPFs) for PGR: key elements

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Prior to 1992

"Open Access"? Commons?

Turning point

UN Convention on Biological Diversity

(1992)

Signed by 196 countries

(except. US and Holy See)

RIO EARTH SUMMIT, 1992

Any PGR. 2014. **The Nagoya Protocol** of 2010 entered into force. GENERAL INSTRUMENT for the implementation of CBD. Members 140

UNITED NATIONS

For some* PGRFA. 2004. The FAO International Treaty on PGRFA of 2002 entered into force. An SPECIALIZED instrument for the implementation of CDB. Members: 149 + US

Since 1992 (or earlier). Contries may develop national REGULATIONS on the Access, Conservation and Use of their own resources.

Impact of the paradigm shift and its implementation

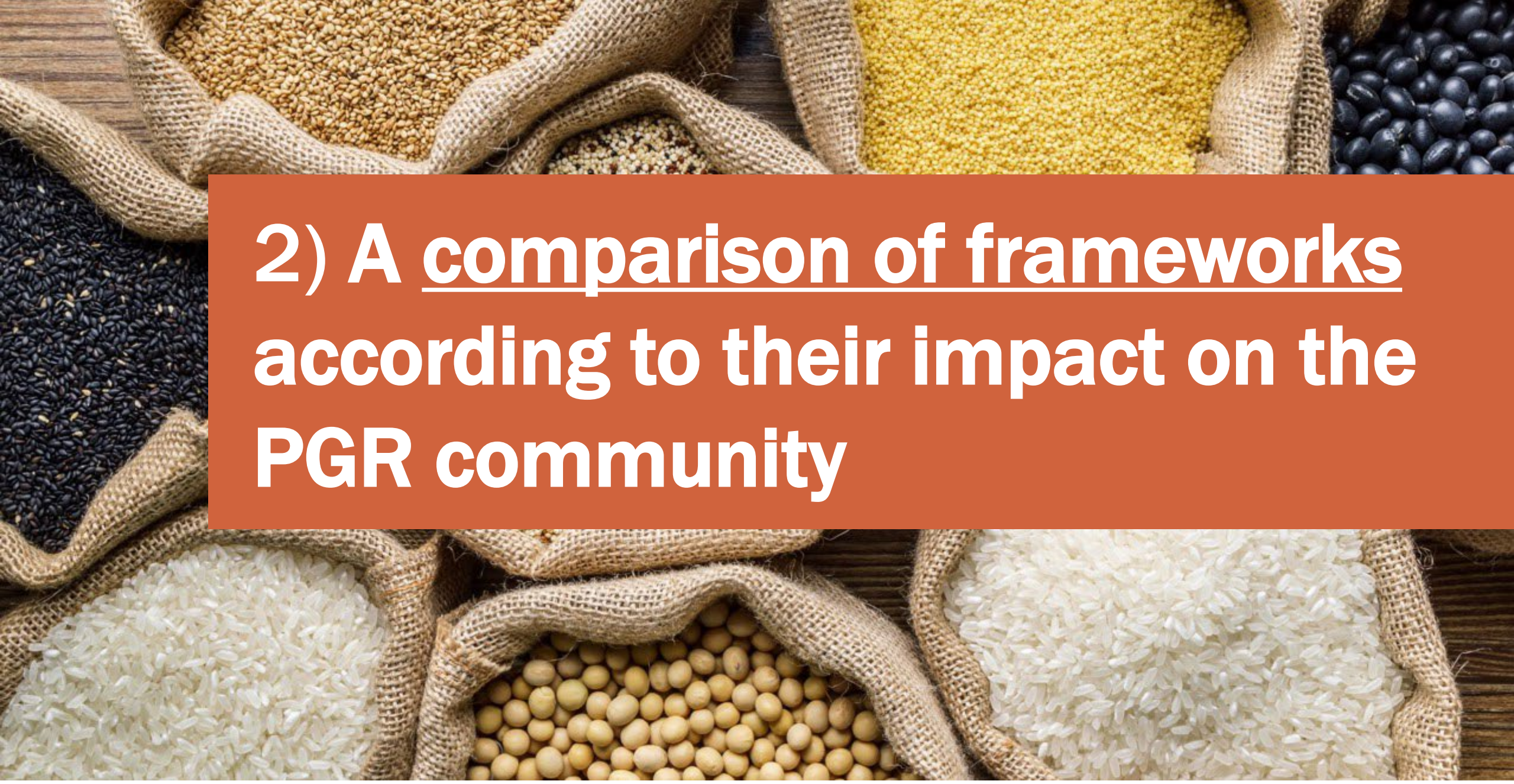
Key elements of the paradigm shift:

1) ACU of PGR is regulated as a part of a GLOBAL ALLIANZ towards sustainable development for all humans. A new scenario for the Global Environmental cooperation
2) A-C-U are considered strategical.
3) control and ownership of PGR belong to sovereign states; so does the responsibility to conserve them;
4) On a voluntary basis and without no deadline, systems are to be placed in order to facilitate access for environmentally sound purposes .
5) *Equitable benefit sharing (between users and providers) is to be granted*

Practicalities of the implementation

Signing CDB, ITPGRFA and/or Nagoya does not mean **that automatically all the PGR of a country get a LEGALLY CLEAR STATUS** in terms of A-C-U. Because:

1) The international frameworks ENCOURAGE but do not obligue. National and international framework coexist.
2) Even for the pools that are shared (e.g.) within the ITPGRFA the regulation is still evolving
3) Cataloguing and ex situ conservation have more clear status than other UTILIZATION. That has created de facto a deep divide that does not have a legal basis.



2) A comparison of frameworks according to their impact on the PGR community

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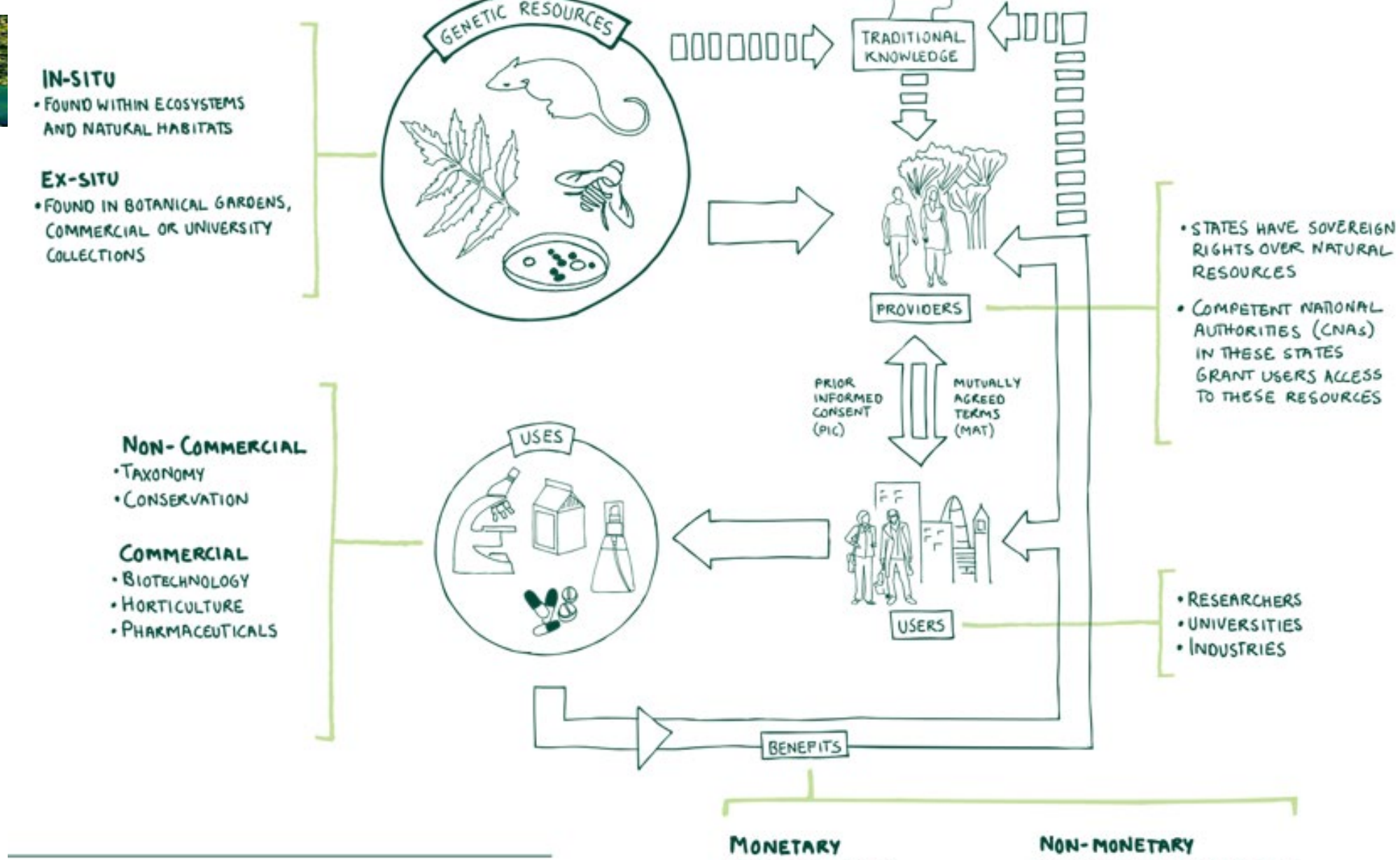
By the Plant Treaty and CDB-Nagoya Protocol:

- Conservation is ENCOURAGED (though it is of state responsibility).
- Countries of ORIGIN are asked to FACILITATE ACCESS to PGR (in situ, ex situ).
- The terms of USE of the PGR are specifically set out in the material transfer agreements (MTA) and include an ABS regime



Source: Secretariat of the CBD, 2010

Comparison of frameworks in terms of MTA and ABS

- **Bilateral agreements** are possible between the country of origin and third parties (on the basis of the CDB).

- The **FAO Plant Treaty** has developed:
  - a **Standard Transfer Material Agreement** covering all the relevant provisions in identical form for all cases;
  - offers a unique (and harmonised) understanding of the EQUITABLE BENEFIT SHARING and its practicalities: the so called Multilateral ABS system

- **The Governing Body of Nagoya Protocol is also working towards a MLS**

Bilateral agreements need specific MTA, but ABS regime could be negotiated among the parties.

Multilateral systems promote a STANDARD MTA, an a harmonized ABS regime (with a common BENEFIT FUND)

Advantages/ disadvantages MLS

Potential advantages

- **Broadest posible basis for access** and ABS, including CWR in the case of PGRFA. Being built also within the Nagoya Protocol
- **Avoids lengthy negotiations** (crop by crop)
- Potentially the ITPGRFA offers a space in which to negotiate the extension of the treaty to more crops (150 countries); Nagoya Protocol offers an space for "all the other PGR"
- Much effort by FAO and other institutions in its development; including SMTAs etc.

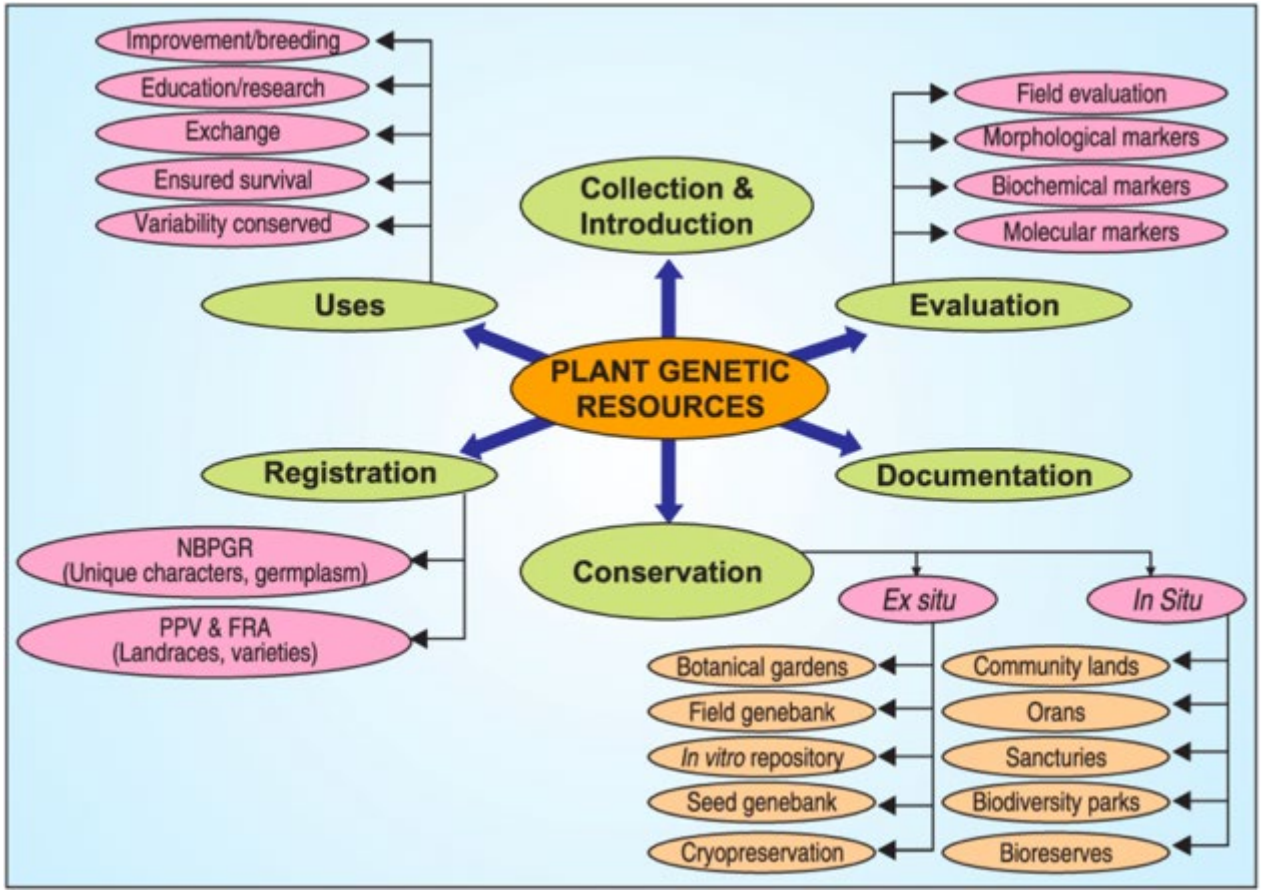
Disadvantages

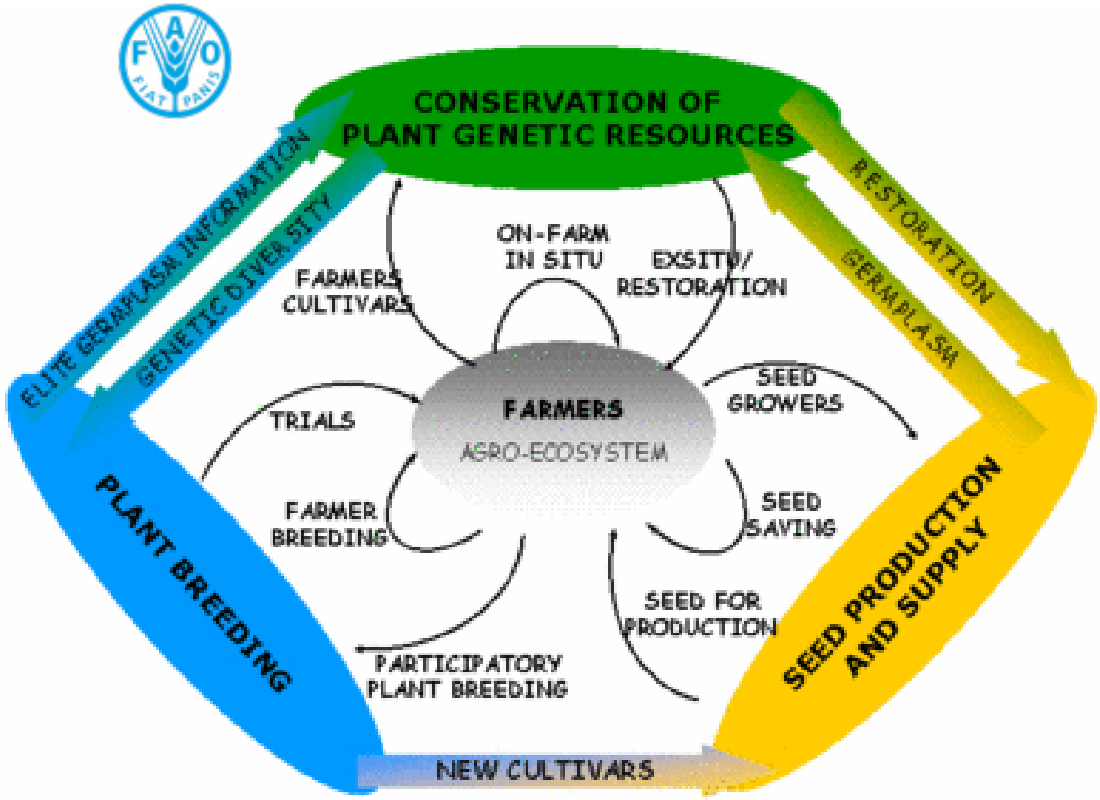
- Advantages are potential and **dependent on the efforts (and will) of the countries**
- MLS offers an harmonized "*equitable BS*"; in a bilateral negotiation some parties may get more.
- **Works more easily on PGR that are *ex situ***, than *in situ*.
- The Standard MTA has incorporated LONGLIFE burdens to the comercial use of any of the PGR shared through the MLS

3) Remaining challenges:

Perspective of EU PGR community

International PFs on PGR **were designed *from top to bottom*, in a wider background, but** severely affect, case by case, specific posibilities of CONSERVATION, ACCESS and USE.





Bhatt, R. & Singh, Jai & P, Rajora & Saha, Dipankar & Kalia, R.. (2018). Plant Genetic Resources in Hot Arid Region. 68. 115-120.

https://www.fao.org/agriculture/crops/core-themes/theme/seeds-and-plant-genetic-resources/en/

- The Rio Earth Summit 1992 represents a commitment by all countries of the world to ensure ***a more dignified and environmentally healthy life for all people***. Contributions must continue to be made to that goal.

- From the perspective of the PGR community, however, it should be recalled:
  - That access, conservation and use of PGRs **are not prohibited by the CBD**. On the contrary: they are encouraged as critical to the objectives of the CBD.
  - Lacks of legal certainty, bureaucratical dificulties and innecesary burdens **warn the EU PGR community AGAINST the use** of post-1992 PGR. Even regarding PGR from other EU countries. EU breeders are the most affected by this situation.

We need a new approach to deal with this 30 year-long 'impasse'

- The PGR community needs a virtual one-stop desk that OFFERS:
  - expert in a simplified way on the availability and selection of PGRs for different purposes of use,
  - and help for the completion of all procedures to access and use PGR.

- PGR community needs to generate, in cooperation with EU authorities, better possibilities for access and in situ conservation.

- PGR community needs help to overcome the deep divide, that separates (legally, bureaucratically or sometimes simply mentaly):
  - conservation and basic research uses
  - breeding activities

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THANK YOU

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