

Genetic Resources Policy Committee– Meeting Minutes
15th Session, Rome, 16-18 February 2004

Members present: Carlos Correa (Chair)
Emile Frison (Secretary)
Bernard Le Buanec
Ronald Cantrell
Benchaphun Shinawatra Ekasingh
José Esquinas-Alcázar (FAO Observer)
Mike Gale
Juan Restrepo
Maria José Sampaio
Anil Subedi
Carl-Gustaf Thornstrom

Excused absence: Leonardo Montemayor

Special presentations: Dave Hoisington, Marilyn Warburton (CIMMYT)

Observers: Cary Fowler, Victoria Henson-Apollonio, Michael Halewood

Monday, 16 February

Dr. Carlos Correa, Chair of the GRPC, opened the meeting, welcoming all of the members, and briefly reviewed the mandate of the Committee.

Dr. Emile Frison, Secretary of the GRPC, reviewed logistics for the meeting, stating he was looking forward to working with the Committee in the years to come.

Dr. José Esquinas-Alcázar made a presentation regarding the history of the development of the International Treaty and ongoing issues associated with its implementation.

The Committee identified Treaty-related issues that should be of particular interest to the GRPC and could potentially be addressed in its three-year work plan. In this context, the Committee discussed the following:

- The draft agreement between the individual Centres and the Governing Body that was approved in principle by the Centre Directors in 2001 and was included on the agenda of the first meeting of the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA) acting as the Interim Committee for the International Treaty, 9-11 October 2002 (Doc no CGRFA/MIC-1/02/8). The Commission did not have time to consider the draft at that meeting. The text, however, was circulated, and is currently available on the Commission website. The agreement will likely need to be accompanied by an interpretative statement (upon signing) addressing details concerning Centres' implementation of the Treaty;
- The need for MTAs for Annex 1, non-Annex 1, and Centre improved materials;
- The possible use of the FAO Code of Conduct for Collecting and Transfer of Plant Germplasm to guide countries and Centres to regulate future collections and distributions (and benefit-sharing) regarding non-MLS materials; and,

- The need to develop strategies for accessing PGRFA of non-Annex I PGRFA, pursuant to the Treaty's Article 15.4.

Dr. Emile Frison made a presentation concerning the Global Crop Diversity Trust (the Trust). In the subsequent question and answer session, it was noted that, in October, 2002, Dr. Geoff Hawtin, made a presentation concerning the Trust to the 9th Regular Session of the Commission. The initiative was "universally appreciated and supported" by the Commission recognizing that:

- it would provide, in perpetuity, a "flow of funds for *ex situ* conservation by national and international institutions and for relevant capacity building",
- "would operate in the framework of the International Treaty",
- "be an essential element of [the Treaty's] funding strategy",
- the "overall policy guidance for the Trust would come from the Governing Body of the Treaty",
- it would need to "work in a transparent and efficient manner", and
- it would make progress reports to the Inter-governmental Technical Working Group on Plant Genetic Resources. (GRFA-9/02/REP, paras. 49, 50).

The GRPC noted the importance of the Trust for the conservation of PGRFA and endorsed further work for its operationalization in the framework of the International Treaty.

Dr. Cary Fowler made a presentation about reviving the idea of developing a long-term, back-up storage facility in Svalbard, Norway. The Inter-Center Working Group (ICWG) on Genetic Resources has endorsed the idea of approaching Norway to ask if they might be prepared to study the question and possibly reiterate their previous offer, in the context of the upgrading of CGIAR genebanks and the further development of the International System under FAO. The GRPC recognized the value of the proposal and concluded that IPGRI on behalf of the ICWG-GR and GRPC should make an enquiry to the government of Norway about its willingness to enter into a process of reconsidering the idea.

Michael Halewood provided a summary of the progress of the WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). In this presentation and subsequent discussion, the following points were noted:

- At its last meeting, in August 2003, most developing countries recommended that the IGC should have the mandate to negotiate an international binding agreement on protection of Traditional Knowledge and Genetic Resources. Developed countries were opposed. Only FAO and IPGRI on behalf of the CGIAR intervened mentioning the Treaty and the FAO-Centres In-Trust Agreements;
- The new mandate for the IGC is open-ended, with the possibility that the parties can embark on developing an international binding agreement, and
- The Centres will need to be active in monitoring the progress of activities at the IGC. The GRPC discussed the importance of informing delegates attending the IGC about the ITPGRFA, FAO's mandate, and the special nature of PGRFA, and about the need to organize a special side event on the matter, during the next IGC meeting, 15-19 March 2004.

Dr. Carlos Correa provided a summary of progress within the WTO. He highlighted the lack of progress in the review of 27.3.b (including divided interpretations between northern and southern countries regarding the scope of the review) and developing countries' efforts to amend TRIPS so that patent applicants would have to provide information about the origin of the materials they used. Some developed countries are opposed. The EU accepts the idea though holds that not providing such information should not be grounds for denying or revoking the patent.

Dr. Carlos Correa requested Mr. Bernard Le Buanec to make a short presentation on UPOV and their agreement on the declaration of source material.

Tuesday, 17 February

Dr. Ronald Cantrell made a presentation concerning the impact of GMOs on Plant Genetic Resources – Work and Policy, and provided information about draft policy guidelines developed by Centre Directors. Issues about how the draft could be improved were addressed, including the need for a statements about the importance of producing public goods and technology transfer, the need for case-by-case analysis of the advantages or disadvantages of conducting research with respect to any given technology or tool, and the need to establish policies for including GM materials in *ex situ* collections.

Drs. Dave Hoisington and Marilyn Warburton of CIMMYT were invited to present the history of the development of the draft document "Towards a CIMMYT strategy for screening germplasm and genebank accession of genetically engineered traits." The draft strategy outlined in the paper is not yet adopted policy at CIMMYT. In the question and answer session, the following points were discussed:

- Cost estimates for carrying out the screening are still not complete;
- The policy could be expensive, time consuming and create pressure for other Centres and NARS to institute similar policies;
- GRPC could organize an event/workshop at the next AGM as a means to promote the debate on this issue with all stakeholders and to get inputs to look into the issue further. CIMMYT and NARS should make presentations at the event. The emphasis should be on policy and economics. It would be good if the Science Council was present to deal with scientific issues that will probably be raised. (Mike Gale will consult if the Science Council would be willing to be involved), and
- Meanwhile, GRPC should communicate to Centres that it has started to consider this issue and that, given the significant implications for other Centres and NARS, policies on this matter should be adopted after further investigation/consideration on a system-wide basis.

At the request of the Committee, Dr. José Esquinas-Alcázar made a presentation about the expansion, in 1995, of the Commission's mandate to cover all the components of biodiversity of relevance to food and agriculture, including crop, farm animal, forestry, and fishery genetic resources. The Commission has subsequently established subsidiary intergovernmental technical working groups on plant and animal genetic resources. The Committee noted that the GRPC should monitor developments in the field.

At the request of the Committee, Dr. José Esquinas-Alcázar made a presentation on the FAO subcommittee on Ethics and Agriculture, of which he is the Chair. The

subcommittee has representatives from each FAO relevant department. It meets every month or two. He distributed a number of related FAO publications.

Dr. Cary Fowler tabled a document and made a presentation about the need to develop a System-wide policy and approach regarding MTAs for products of Centre research, in accordance with the ITPGRFA. This document, amended in accordance with the suggestions of the Committee, and endorsed, is attached. In Dr. Fowler's presentation and subsequent discussion, the following points were raised:

- CGIAR Centers should establish a uniform policy and practice regarding benefit-sharing provisions in MTAs associated with products of Center research. Such products of research which are PGRFA, may not be considered in all cases as being part of the International Treaty's Multilateral System, as they are not automatically part of the ex situ collections of the Center, as described in Article 15.
- Products of Center research, when they incorporate material from the Multilateral System, should be offered through MTAs, in such a way that the benefit-sharing provisions of the Treaty apply and are binding both to the initial recipient and subsequent recipients. In cases where IPRs and commercialization are not envisaged, Centers should consider that products of Center research become part of their ex situ collections, subject to the terms of the Treaty.
- In summary, Centres should apply the provisions of the Treaty in every possible circumstance, and thus avoid placing themselves in the position of interpreting the Treaty in regards to if or when its provisions might apply legally. Centres might include an announcement of this policy in support of the Treaty in the statement they make upon the occasion of signing agreements with the Governing Body of the Treaty.

It was recommended that the above-mentioned document with its specific wording for policies regarding products of Centre research be forwarded to and considered by the Center Directors Committee and the Committee of Board Chairs.

In further discussions about MTAs associated with the Treaty, it was observed that the form of MTA may change from the software model currently used by the Centres to one requiring a signature. While this may impose some burdens on the Centres, the ultimate decision on the matter will be taken by the Governing Body.

At the request of the Committee, Mr. Bernard Le Buanec made a brief presentation on the ISF position on the MTA. Discussion was held regarding paragraph A.2. ISF members would probably be some of the main users of the system.

Wednesday February 18

During the third day of the meeting, the Committee made an inventory of policy issues relevant to the CGIAR and discussed the type of action required by GRPC, the expected outputs of those actions and a proposed timetable. On the basis of this discussion, the Committee decided upon the work plan set out in the table below. The Committee agreed to update the work plan each meeting, based on an evaluation of results and identification of issues on which policy advice from the Committee is required.

The Committee also agreed to conduct interim meetings by e-mail, unless the nature of the issue under consideration requires discussion as a group at a Committee meeting. Documents and communications to be issued in accordance with the work program will be circulated prior to meetings by the Secretariat and approved on a non-objection basis, unless otherwise agreed upon. The Committee will hold two meetings per year.

Issue	Activity/Input	Outputs	Timetable
Implementation of the Treaty: MTA for Centre-developed materials	Amend, as agreed, the two documents "Benefit-Sharing Provisions of Material Transfer Agreements for Products of Centre Research under the International Treaty" and "MTAs for the CGIAR: Today and Tomorrow" to capture GRPC discussions.	Revised, endorsed texts sent to CDC	E. Frison will circulate revised texts – March 2004 Comments from GRPC members – mid March 2004 Texts sent to CDC – end March 2004 Before next Commission meeting
Implementation of the Treaty: Centres' agreements with the GB	GRPC takes note of the current draft as basis for discussion with the GB		
Assessment of Centres' impact concerning: 1. technology transfers as benefit-sharing, and 2. contributions to Farmers' Rights	Conduct a study focused on mechanisms for implementation of benefit-sharing under ITPGRFA. GRPC will ask the CDC for a report on what the Centres are doing and can in the future do: 1. vis-à-vis technology transfer , 2. to contribute to the realization of Farmers' Rights. With respect to Farmers' Rights, the GRPC Secretariat will develop a draft list of questions for CDC to include to their request to the CDs.	CDC report to GRPC GRPC will review paper and consider policy implications	GRPC Secretariat will draft TOR and make request to the CDC – March 2004 Paper from CDC – before Sept 2004 GRPC meeting
CGIAR GMO management policies	GRPC will issue a statement to all Centres informing about workshop and possible follow-up on a system-wide basis of implications of GMO management policies. In the meantime, GRPC will suggest that they take the approach that recipients take the burden to do extra testing if they feel it is necessary. GRPC will request CIMMYT to provide GRPC with updates regarding their own policy development process R. Cantrell and E. Frison will revise the CDC's draft CGIAR GMO policy document based on discussions at GRPC E. Frison will contact the Secretariat suggesting a ½ day workshop be held during AGM re: management of GMDs with emphasis on: 1. Centres' screening policies, e.g., CIMMYT's 2. Presentation of CDC's draft CGIAR GMO Policy statements.	GRPC letter to Centres Proposal for workshop Workshop at AGM If mandate is given to GRPC for future work, possibly a draft System-wide screening policy or guidelines.	Secretariat will prepare draft letter to Centres – March 2004 M. Gale will discuss possibility of Science Council participation – 10 May 2004 Proposal for workshop – June 2004 or Workshop at AGM – late October 04

	GRPC will invite the Science Council to co-organize/participate. E. Frison and M. Halewood to prepare a proposal for the workshop		
GR & TK at WIPO	GRPC to monitor developments at WIPO	Update by Secretariat	GRPC Meeting – Sept 04
Global Crop Diversity Trust	GRPC endorsed the Trust as noted by the Commission in October 2002 as set in page 2 of the minutes above.	GRPC endorsement	Update at GRPC Meeting – Sept 04
Svalbard plan revisited	E. Frison to send a letter on behalf of IPGRI making reference to GRPC, ICWG, asking Norway if it is willing to reconsider its original offer. Not a formal request; just an inquiry. IPGRI, on behalf of GRPC/ICWG-GR could also raise the issue at the next Commission meeting.	Letter to Norway from IPGRI Intervention at Commission meeting	Letter – late March 2004 Intervention at next Commission meeting
IPRs held by third parties	GRPC will request CAS to conduct an overview/survey of issues that we need to address. C-G Thornstrom will draft TORs for Committee to review/endorse before sending to CAS. [NB: CAS will require financial support for this paper]	Report from CAS	C-G Thornstrom to circulate TORs, – end of Feb 2004 Report – before next GRPC meeting
Ethics and activities at FAO	GRPC will inform Centres of existence of FAO initiatives on Ethics for Food and Agriculture and FAO papers on the FAO web-site (without endorsing them). J. Esquinas-Alcázar, as Chair of the FAO Sub-committee on Ethics for Food and Agriculture will keep GRPC informed on FAO activities and publications on this area. GRPC to consider, next year, how to promote awareness within the CG system of ethical issues.	Message from GRPC to Centres Briefing reports	Message – end of March 2004 Briefings – GRPC meetings
FAO International Code of Conduct for Plant Germplasm Collecting and Transfer	GRPC (through IPGRI) will introduce the idea of updating the Code for use as Centre Guidelines for collecting and distribution of materials not covered in Annex 1 and art 15.1.a. and b to the ICWG-GR. GRPC (through IPGRI) will commission a study on how it can be used in harmony with other existing international agreements and regulations. IPGRI will provide background material that might be useful regarding collecting/distributing guidelines. CAS will be consulted throughout process.	Revised version of code, updated for use as guidelines for collecting and distribution	E. Frison to contact ICWG-GR about idea – April 2004 Commission draft – May 2004 Circulate draft to ICWG-GR through E-mail – July 2004 Revision accommodating ICWG comments distributed – before next GRPC meeting, Sept 04.

Demand driven GRPC agenda setting process	GRPC will request the CDC for feedback on policy issues that should be addressed by the GRPC. E. Frison will make this request during his report to the CDC.	Report from CDC Briefing report by Secretariat	Report from CDC – Before next GRPC meeting Briefing – GRPC meeting, Sept 04
Animals, Fisheries and Forestry and Microbes	GRPC will monitor progress in the field vis-à-vis policy issues.	Briefing report by GRPC Secretariat	Briefing – GRPC meeting, Sept 04
Operationalization of article 15.4	Cary Fowler will write a one page concept note concerning: a) examining SINGER data for inflows of materials from non-Annex 1 crops, b) developing strategies for accessing PGRFA of non-Annex I PGRFA, pursuant to the Treaty's Article 15.4.	One page concept note	GRPC Meeting – Sept 04
Invasive species	GRPC will monitor policy consequences for the Centres of discussions about invasive species at CBD and elsewhere.	Briefing report by IPGRI If appropriate, policy guidelines could be developed	Briefing – GRPC meeting, Sept 04

The Committee will hold the next GRPC meeting Wednesday – Friday, 1-3 September 2004 in Rome. Regarding subsequent meetings, if the budget allows, half should be held in Rome; half should be held elsewhere, 'piggy-backing' on other international meetings whenever possible.
