What is International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

• The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) is the only operational international agreement of legally binding nature with the overall goal of achieving global food security through the conservation and sustainable use of crop diversity and equitable sharing of benefits.
Objectives of ITPGRFA and number of contracting parties

OBJECTIVES:-
• Conservation of plant genetic resources for food and agriculture (PGRFA)
• Sustainable use of PGRFA.
• The sharing of the benefits arising from the use of PGRFA in a fair and equitable way.

NUMBER OF MEMBERS
• Presently there are 135 contracting parties/ member countries of ITPGRFA.
The Multilateral System of Access and Benefit-sharing

• Under the multilateral system, the exchange of germplasm is facilitated through the SMTA, which is standardised bilateral contract for the transfer of PGRFA under MLS.

• The MLS contributes greatly to the strengthening of the international gene bank system by creating a pool of important crop genetic resources, which may be accessed by users based in countries that are contracting parties.

• Over 1.3 million samples of mainly ex-situ PGRFA have been made available under the facilitated conditions of SAMTA, by contracting parties, the centres of consortium of International Agricultural Research centres (CGIAR centres) and other orgs.

• The exchange of information on PGRFA in the form of catalogues and inventories including characterization and evaluation data, the transfer of technologies for the conservation and characterization, evaluation and use of PGRFA and the development of capacities and facilities for the conservation and sustainable use of PGRFA including scientific research are now recognised as mechanism for non-monetary benefit sharing to support the conservation and sustainable use of PGRFA within the framework of the multilateral system.
Benefits of the MLS

• MLS now a day-to-day operational system;
• Access itself
• Low transaction costs (Specified quantity is exchanged.
• Provides public and private breeders with a wide range of resources
• Contributes to food security
• Provides the industry with a clear framework in which to plan investment
Crops/collections covered under the Multilateral System (Annex 1 of ITPGRFA)

- 64 crops (Food crops 35 and Forages 29) listed in the Annex-I of ITPGRFA.

- Existence collections of International Agriculture Research Centers (IARCs) of the Consultative Group on International Agriculture research (CGIAR).

- PGRFA collected before 1993 and held in ‘trust’ by IARCs shall also be made available in accordance with the provisions of SMTA pursuant to agreements between IARC and FAO.
Implementation of ITPGRFA in India

• India is Founder Member of the Treaty, signed and ratified the Treaty on 10\textsuperscript{th} June 2002 (till date we have about 135 members)

• Department of Agriculture and Cooperation (DAC), Ministry of Agriculture is the Nodal Ministry. Joint Secretary (Seeds) is the Focal Point for implementation of ITPGRFA in India.

• India contributed US$ 181644.23 for ITPGRFA includes biennium contribution for the year 2014-15.

• India also made a voluntary contribution of US$ 50000 towards Global Crop Diversity Fund in 2006 and proposal of modest contribution of US$ 5.20 lakh US $ to the GCDT is under process.
Implementation of ITPGRFA in India

- The main stakeholders for the implementation of the Treaty are MOA (Department of Agriculture & Cooperation & Department of Agriculture Research & Education), Ministry of Environment, Forests & Climate Change & National Biodiversity Authority which is a Authority under MoEF&CC, and PPV&FRA.
- DAC coordinates implementation of Treaty in India.
- Joint Secretary (Seeds) is the National Focal Point from India.
- NBPR provides Single-window service for exchange of plant Germplasm for research.
- National Advisory Board for Management of Genetic Resources (NABMGR) has been established under Ministry of Agriculture (DARE) for guidance on management of Genetic Resources including the implementation of Treaty and also for exchange of PGR in India.
- National Information Sharing Mechanism (NISM) has been developed for monitoring the implementation of Global Plan of Action.
Guidelines notified in 2014 for Implementation of ITPGRFA in India

• GOI has already developed and issued guidelines to facilitate for exchange of PGR under MLS of ITPGRFA.

• Notification of crops of annex-I of ITPGRFA for facilitating access to PGRFA under article 12 of ITPGRFA and to maintain harmony with the provisions of the article 4 of Nagoya Protocol on access to and fair and equitable sharing has also been notified.

• 26,563 accessions along-with minimal passport data belonging to nine crops of Annex I crops namely barley, chickpea, finger millet, lentil, paddy, pearl millet. Pigeon pea, sorghum and wheat for designation under MLS have been identified. Inclusion/expansion of crops in this list will be done as and when warranted.
Nodal Agency

- NBPG (ICAR), India acts as the Nodal Agency for import, export and quarantine of plant germplasm. Only specified quantity of PGRFA shall be supplied on request from the Contracting Party.

- The following procedure will be followed for processing applications for the export of PGRFA under the Treaty.

- The access shall be provided only for PGRFA (Annex 1 crops) notified by India under MLS of the Treaty.

- All requests for access to PGRFA shall be addressed to NFP.

- Access to PGRFA requested shall be granted with the approval of NFP i.e. Ministry of Agriculture and Farmers Welfare.

- On receipt of request, the Germplasm Export Facilitation Committee (GEFC), constituted for the purpose of examining the request, shall examine the request on case to case basis, and submit its recommendations to NFP.

- After the approval of NFP, NBPG will coordinate the supply of PGRFA as per established norms.
Nodal Agency and Requirements

• For export of PGRFA, the Import Permit (IP) from the importing country will be required. NBPGR will issue the necessary phytosanitary certificate (PSC).

• The seed/planting material shall be exported to the requesting country under the provisions of SMTA. SMTA shall be signed prior to transfer of PGRFA only as hard copies and the Director, NBPGR will be the authorised signatory.

• No requests for access to PGRFA will be entertained unless addressed to NFP.

• For importing PGRFA under MLS of the Treaty, any natural or legal person can make a request to any Contracting Party. The request for import shall be processed as per the extant national legislations. The Import Permit for importing PGRFA shall be issued by Director, NBPGR as per Plant Quarantine (Regulation of Import Into India) Order, 2003. phytosanitary certificate (PSC) from the exporting country is also required while importing the PGRFA into India.

• Proforma for intimation to NFP for export of PGFRA under MLS has been devised.

• The composition of Germplasm Export Facilitation Committee (GEFC) for the purpose of facilitating access to PGFRA under MLS has also been constituted.
Points covered under guidelines for facilitated access to PGRFA for National Focal Point

• The MOA, Government of India (GoI) currently being the NFP shall be the Competent Authority to decide on the requests received from Contracting Parties of the Treaty for access to PGRFA of designated accessions in accordance with the provisions of relevant international agreements to which India is a party, and extant relevant national legislations.

• All requests for exchange of PGRFA listed in Annex I 64 crops (35 food crops + 29 forages crops) to the Treaty (as per Article 12.3 c of the Treaty ) should be addressed to Joint Secretary (Seeds), Ministry of Agriculture, Krishi Bhawan New Delhi,

• Guidelines shall apply to providing facilitated access to the designated accessions of PGRFA under MLS of the Treaty by GOI that belong to Annex 1 crops only. The access shall be provided to the Contracting Parties only.

• In addition, germplasm of Indian Origin already available with IARCs collected before 1993 shall also be facilitated for access (Article 15).

• Facilitated access to PGRFA as notified by GoI under MLS of Annex I crops would be provided solely for the purpose of utilization and conservation for research, breeding and training for food and agriculture, provided that such purpose does not include chemical, pharmaceutical and/or other non-food/feed/ industrial uses.
Points covered under guidelines for facilitated access to PGRFA for National Focal Point

• All requests for other purposes including non-food/feed use of PGRFA shall be in accordance with the provisions of relevant international agreements to which India is a party, and extant relevant national legislations. Access by other countries, which are not Contracting Parties, will be in accordance with the extant relevant national legislations, on a bilateral basis.

• Voucher samples along with passport data of all PGRFA so accessed/ supplied, shall be conserved and documented by NBPGFR.

• All germplasm shall be supplied only under the SMTA adopted by GB of the Treaty. Specific conditions may be added in SMTA in case of any material ‘under development’ as per the provisions of the Treaty.

• Exchange of the requisitioned PGR will be undertaken subject to the ready availability of the same, or by the next cropping season required to multiply/ produce the material.
Role of National Biodiversity Authority

- NBA is India’s independent regulator on all matters pertaining to biodiversity protection, conservation and use
- Creating an enabling environment, as appropriate, to promote conservation and sustainable use of biodiversity
- Advising the Government of India on matters relating to conservation of biodiversity, sustainable use of its components and equitable sharing of benefits arising out of utilization of biological resources
- Regulating activities and issue guidelines for access to biological resources and for fair and equitable benefit sharing in accordance with the Section 3, 4 and 6 of the Biological Diversity Act, 2002
Regulatory and protection mechanisms for access to PGR in India

Protection of Plant Varieties & Farmers Rights Act, 2001

• Under the Trade-Related Aspects of Intellectual Property Rights (TRIPs) regimes, restrictions have been imposed on free trade in commodities, including the agricultural products.

• Countries are required to adopt patenting or enact effective *sui generis* system or a combination of both, for the protection of plant breeders’ rights.
The Protection of Plant Varieties and Farmers’ Rights Act (PPV&FR Act) is in **consonance** with the **provisions of ITPGRFA** (especially with regards to Farmers’ Rights) and also India’s international commitment to Article 27.3 (b) of TRIPS.
Important provisions of Plant Varieties & Farmers’ Rights Act, 2001

- Breeders’ Rights
- Farmers’ Rights
- Researchers’ Rights
- Community Rights
- Gene Fund and Recognition Awards
- Benefit Sharing
- Compulsory License
- Appellate Tribunal
- National Gene Bank & Field Gene Bank
- Plant Variety Journal
- DUS centers, special tests and projects
- Infringements, offences & penalties
- Convention Countries

Countries
Farmers’ Rights under the PPV&FR Act, 2001

- Access to seed [Section 39(1)(iv)]
- Registration of farmers’ varieties [Section 39(1)(iii)]
- Benefit sharing [Section 26]
- Compensation [Section 39(2)]
- Farmer protection from innocent infringement [Section 42]
- Community Rights [Section 41]
- Exemption from registration fees for farmers [Section 44]
- Prior authorization for the commercialization of essentially derived varieties [Section 28 (6)]
- Compulsory Licensing & Reasonable seed price [Section 47]
- Farmers’ recognition and reward for contributing to conservation [Section 39(i)(iii) & Section 45(2)(C)]
VARIETIES THAT CAN BE PROTECTED

- New Variety - Section 15 (1)
- Extant Variety - Section 2 (j), 15(2)
  - Notified under Seeds Act, 1966
  - Farmers Variety
  - Variety of Common Knowledge
- Essentially Derived Variety – Section 2 (i), 23
**Section 15 (1):** A new variety shall be registered under this Act if it conforms to the criteria of novelty, distinctiveness, uniformity and stability.

**Section 15 (3) a: Novelty**
- if the propagating or harvested material of the variety has not been sold or otherwise exploited

**Section 15 (3) b: Distinctiveness**
- Distinguishable by at least one essential characteristic from a variety which is a matter of common knowledge

**Section 15 (3) c: Uniformity**
- Sufficiently uniform in its essential characteristics

**Section 15 (3) d: Stability**
- Essential characteristics remain unchanged even after repeated propagation
## DURATION OF PROTECTION

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<td>15 from date of notification of variety under the Seeds Act, 1966 by the Central Govt.</td>
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Key issues for sharing germplasm under MLS and Regional Co-operation

- Approximate 10% Indian origin germplasm are already available in the IARCs. Such material has already become a part of the MLS through the agreements between the IARCs and the Governing Body of the Treaty. These materials are being supplied by IARCs on a regular basis through SMTA. This should be recognized by the Treaty as a meaningful and substantial contribution of India under MLS.
Key issues for sharing germplasm under MLS and Regional Co-operation

• Awareness workshop on Easy-SMTA may be organized by Secretariat of ITPGRFA in India.

• Periodic sharing of reports on implementation of Treaty by member countries on Regional basis.

• India’s experience on Farmers’ Rights implementation can be shared with other Treaty Members through separate workshops.
Implications

• It is felt that the implementation of the ITPGRFA process is very slow in Asian countries. The main reason for this slow implementation is due to wide subject which involves different Ministries/Departments.
Implications

• In order to proper awareness and better implementation regional workshop may be necessary to educate people at the policy level for better understanding on the implementation of ITPGRFA in their respective countries. Particular for countries that are not yet Party to the Treaty.

• As such there is also a concern regarding exchange of seed materials for those crops which are not part of Treaty Annex I crops but locally of great importance. How can international and regional agencies such as FAO and Bioversity International play a role to facilitate seed exchange of these materials?
Implications

• There is a need for a regional unit to be based at FAO Regional office of the Treaty Secretariat to address regional issues for the implementation of the Treaty in the Asia (such as a “Help desk”)

• There were a number of issues related to the Treaty and its implementation that are of concern to participants. They include:
  
  ➢ Information on germplasm submitted to the MLS is, in many cases, not available or hard to find.
  
  ➢ Benefits from the MLS seem less than were expected.
  
  ➢ People in the seed sector lack awareness of the SMTA.
To sum up

• the Treaty provides a framework for international collaboration in PGRFA, in harmony with the CBD;
• the Treaty raises the profile of PGRFA in the world, to better recognition of the importance of its sustainable utilization
• the only binding ABS system already fully operational today internationally;
• We fully support the idea of Regional Mechanism of germplam exchange which shall help in better conservation and suatuianble use strategies as there is similar kind of climatic conditions in the region.

****END****
THANK YOU