

MINUTES OF THE GENETIC RESOURCES POLICY COMMITTEE (GRPC)

21th Session, Bioversity International, Rome, 23-25 April 2007

Members present:	Carlos Correa (Chair) Emile Frison (Committee Secretary) Mike Gale (Science Council) Tony Gregson (Alliance Board) Carl-Gustaf Thornström (CGIAR member) Teresita Borromeo (NARS) Chee Yoke Ling (NGOs) Shadrack Moephuli (CGIAR member) Orlando de Ponti ¹ (Private sector) Benito Odala Eliasi (Farmers' Organizations) Mahmoud Solh (Alliance Executive) Clive Stannard (FAO Observer)
Members of Secretariat:	Michael Halewood, Isabel Lopez Noriega, Victoria Henson-Apollonio and Gerald Moore (Bioversity International)
Additional participants:	Manuel Lantin (CGIAR Secretariat), Haruko Okusu and Peter Gardiner (Science Council Secretariat)

Monday 23 April 2007

A. Welcome, introductions, logistics, and adoption of the agenda

Carlos Correa welcomed everyone to the meeting, particularly the new members of the committee. The participants introduced themselves.

B. Update on the implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture and preparations for the Second Session of the Governing Body (including ongoing work on development of the global information system)

Clive Stannard, Interim Secretary of the Commission on Genetic Resources for Food and Agriculture (CGRFA), and Interim Secretary of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (the Treaty) reported the appointment of the new Secretary of the Governing Body, Shakeel Bhatti. He also described ongoing preparations for the Second Session of the Governing Body, 29 October – 2 November 2007.

Regarding the system-wide activity to develop Centres' contributions to the Governing Body concerning Article 6 (Sustainable Use)

Michael Halewood described efforts to collect data from the Centres to develop submissions concerning sustainable use (Article 6 of the Treaty) in response to an invitation from the Governing Body to the Centres to provide such information.

The committee welcomed the Centres' initiative, noting that the enumerated list of measures in Article 6.2 is not intended to be exhaustive, and emphasizing that the

¹ Attended Monday, 23 April 2007 only.

Centres should not limit their submissions to that list; to do so would inadvertently imply that the list is indeed exhaustive. The committee recommended that the submissions should identify key elements of what needs to be considered in the concept of sustainable use. It cautioned the Centres against expressing too strong opinions about the impacts of existing policies.

Regarding the amendment of the interim MTA by the Governing Body

Emile Frison and Clive Stannard described ongoing coordination across the CGIAR Centres, and between Bioversity International and the Secretariat of the Governing Body, to develop a submission to the Governing Body concerning the amendment of the interim material transfer agreement (interim MTA) for Centres' use with non-Annex 1 materials, in accordance with Article 15.1a of the Treaty. It was recalled that, during its 20th session, the committee recognized that, from the perspective of the Centres, it would be preferable to be allowed to use the standard material transfer agreement (SMTA) for non-Annex 1 materials. This was also the recommendation of the Inter-Centre Working Group on Genetic Resources (ICWG-GR) at its January 2007 meeting in Addis Ababa, Ethiopia. The committee repeated that recommendation, and noted that it will be important to include the grounds for this preferred outcome in the submission to the Governing Body, (i.e., administrative simplicity, the Treaty requires the amended MTA to reflect the substance of articles 12 and 13, etc).

The committee considered a number of options concerning how to address the fact that the SMTA includes explicit mention of Annex 1 materials and the multilateral system of access and benefit-sharing (MLS). The committee recommended that including explanatory footnotes in the text of the SMTA would be the best approach. The next best approach would be to include the information on an explanatory cover page attached to the SMTA.

The Centres, along with the Secretariat of the Governing Body, should jointly submit a document addressing this issue to the Governing Body setting out the options identified and indicating what the preferred option is, and why.

Information technology support for the implementation of the multilateral system of access and benefit-sharing

Clive Stannard described the efforts coordinated by the Secretariat of the Governing Body to develop a global information system in support of the MLS, including the technical consultation meeting with stakeholders, 13-14 February 2007, in Rome, Italy. He identified common elements that need to be included in the information systems of Providers of PGRFA within the MLS, and progress that is being made to develop the necessary software.

The committee recognized the importance of this work and the cooperation between Bioversity on behalf of the CGIAR and the Secretariat of the Governing Body.

C. Report on the upcoming 11th Ordinary Session of the Commission on Genetic Resources for Food and Agriculture with a focus on the multi-year programme of work

Clive Stannard described the process the Secretariat of the Commission is following to prepare for the 11th Ordinary Session of the Commission. He also highlighted the proposed ten-year Multi-year Programme of Work for the work of the Commission, pointing out that it will provide additional coherence to the work of the Food and

Agriculture Organization of the United Nations (FAO) and a basis for enhanced cooperation with other organizations, including the CGIAR Centres.

D. Using the SMTA, including:

- **Review of draft text of the 'Guide for the CGIAR Centres' Use of the SMTA'**
- **Options for additional terms (to be included in ancillary contracts) for PGRFA products of Centres' research distributed under the SMTA**
- **Charging Recipients for administrative costs**

Regarding the Centres' policy to use the SMTA for products of Centres' research
Emile Frison provided a brief history of the evolution of the Centres' policies regarding terms to be included in material transfer agreements for the products of their research. In 2003, a system-wide process was initiated to address the fact that the products of Centres' research might not be included in the MLS and consequently, a significant range of material would be distributed by the Centres to which the benefit-sharing provisions would not apply. The Centres adopted a policy – at a joint meeting of the Alliance Board /Alliance Executive (AB/AE) – to voluntarily close this potential 'loophole' by distributing the products of their research using MTAs including the benefit sharing provisions that would eventually be included in the SMTA. Later, in the negotiations of the SMTA, the concept of 'PGRFA under Development' was recognized, and embodied in the SMTA. It followed, therefore, that the Centres should use the SMTA for the products of their research, designated as 'PGRFA under Development' when appropriate.

Very recently, at least one company has stated that it would prefer not to accept materials under the SMTA, with particular reference to the Centres' research products, expressing the hope that the Centres will not voluntarily distribute such products under the SMTA. The committee noted that this would be contrary to the current policy adopted by the AB/AE.

It was pointed out that the International Seed Federation has no difficulty with the Centres' policy to distribute the products of their own research that incorporate materials accessed from the Centres' in trust collections prior to 1 January 2007 under the SMTA as PGRFA under Development, in accordance with Articles 6.5 and 6.6 of the SMTA.

It was noted that it would create enormous transaction costs for Centres if they were obliged to state which products do, or do not, include materials accessed from the MLS before or after 1 January 2007.

The committee recommended the current policy should be continued, recognizing that the policy includes the products of Centres' research (as 'PGRFA under Development') that incorporate materials accessed before 1 January 2007.

The committee expressed its understanding that the Treaty's mandatory benefit sharing obligation (set out in Article 13.2.d.ii) expires upon the expiry of a patent or other form of restriction for further research and breeding on the Product in question.

It was suggested that the CGIAR could submit a document to the Governing Body setting out its experiences to date using the SMTA, highlighting some of the practical challenges in its implementation.

Regarding royalty payments

The SMTA allows for the Provider of a Product under Development to attach conditions to the transfer of that Product under Development to reflect the value added by the developer. Such conditions are separate from and additional to those in the SMTA. They should therefore be contained in a contract ancillary to the SMTA between the Provider and the Recipient.

In this context, Emile Frison provided an update of discussions within the CGIAR system concerning a potential policy to require, in such ancillary contracts, for its PGRFA under Development, a contribution to the international fund created under the Treaty. At its meeting in December 2006, the AB/AE called this issue into question, and requested the GRPC to review it further.

The committee emphasized the importance in this context of distinguishing between the benefit sharing provisions under the SMTA, and the charging of royalties in recognition of the breeding efforts of the Centres.

In subsequent discussion, the committee focused on two related questions: a) whether the Centres should charge a royalty in recognition of their breeding efforts in view of their mandate of creating global public goods, and b) whether they should direct those royalties to the international fund under the Treaty, or to themselves in support of their programmes.

The committee concluded that further consideration or development of a policy concerning royalties to be paid to the international fund under the Treaty under an ancillary contract should be postponed.

Regarding the possibility of directing royalty revenue to support their own programmes, it was emphasized by the committee that this is not a Treaty-implementation issue *per se*. The SMTA allows for additional charges to be made for PGRFA under Development; that is not the question. Instead, the issue that needs to be addressed concerns CGIAR policy, i.e., whether the Centres should be raising revenues through royalties paid by Recipients of PGRFA under Development to support Centre programmes. The committee felt it did not have sufficient information to address the issue and therefore requested the secretariat to:

- prepare a paper identifying the range of issues that need to be addressed in this context, (including decreased funding for the Centres, segmented markets, the need to access proprietary technologies, the danger of incentives to change direction of CGIAR research, the definition of global public goods, etc.); and
- collect information on current system-wide practices.

As a guiding principle, the committee noted that the Centres should use the flexibility that is open to them for PGRFA under Development to advance the objectives of the Treaty and the mission of the CGIAR. It was also suggested that guidance on this issue should be requested from the CGIAR membership. A document could be prepared for submission to the CGIAR. A draft will be developed for consideration by GRPC22 before being forwarded to the CGIAR.

Meanwhile, the committee expressed concern that Centres receiving money in royalty payments for their own benefit could have a detrimental impact on the image of the Centres' as the creators and promoters of global public goods.

Regarding the draft 'Guide for the CGIAR Centres' Use of the SMTA'

Emile Frison described the development of the draft Guide. The Guide is a living document and will be updated as necessary in line with experience gained and comments received. The committee members were invited to send comments on the Guide as soon as possible. The committee noted that, given the complexity of the issues addressed in the Guide, it is essential that some form of training should be provided along with its distribution. To this end, it was acknowledged that a series of teleconferences between policy experts in the CGIAR's System-wide Genetic Resources Programme (SGRP) and representatives of Centres are underway, with the objective of reaching out to Centres' breeders. Clive Stannard noted that the Secretariat of the Treaty and the FAO would be willing to participate in joint efforts with Bioversity, on behalf of the Centres, to address training needs. In this context the committee welcomed the proposed new 'Joint FAO/Bioversity International Programme for Technical Assistance on Implementing the International Treaty on Plant Genetic Resources for Food and Agriculture' and called for the proposal to be submitted to donors as soon as possible.

It was recommended that the Guide include a template with optional terms and conditions that could be included with ancillary agreements to the SMTA for the materials under development.

Regarding herbarium specimens

Michael Halewood introduced the request for guidance from the ICWG-GR on what MTA should be used when transferring herbarium specimens. The committee recommended that since the intent of the recipients of herbarium specimens is not to exploit their DNA, Centres should distribute them using an MTA that says the specimens are not to be used for any other purpose, and that, if later, the recipient wants to use the material as PGRFA, it must re-acquire the material under the SMTA. If the Centre is in doubt as to how the requested material will be used, – i.e., whether it will be used exclusively as a herbarium specimen – the Centre should transfer it under the SMTA.

Regarding information to go with the SMTA

The committee recommended that the secretariat should include a section in the Guide for the CGIAR Centres' Use of the SMTA concerning the requirement, under article 12.3(c) of the Treaty, to provide "all available passport data and, subject to applicable law, any other associated available non-confidential descriptive information". The section should identify legal issues that need to be taken into consideration and identify best practices.

Regarding charges for administrative costs

Michael Halewood stated that during the ICWG-GR meeting in Addis Ababa, Ethiopia, 20-26 January 2007, the Centres stated it would be useful to have guidelines for determining minimum administrative costs (i.e., "minimal costs involved," from Article 12.3.(b) of the International Treaty).

The committee recalled the following section of the statement issued by the Centres upon signing the Agreements with the Governing Body:

Obligations of Centres to make plant genetic resources for food and agriculture available (Article 2 (a) and (b))

Under the terms of this provision, the Centres “undertake to make plant genetic resources for food and agriculture available for the purpose of utilization and conservation for research, breeding and training for food and agriculture”. It is implicit in this undertaking that users will make reasonable requests for these purposes, and that the undertaking of the Centres in this regard would not, as under their previous agreements with FAO, extend to the fulfilment of unreasonable requests.

For example, sound management practices as well as practical or even biological constraints (such as seed availability or the health status of a sample) may at times limit the ability of centres to provide plant genetic resources for food and agriculture for the purposes spelled out above. It is understood that Centres will have to use some discretion in determining the size and number of samples to be provided at any given time to a particular Recipient. Centres may not be able to distribute seed or other materials immediately when such distributions would reduce stocks below accepted levels for conservation purposes, or when the request is for such a number of samples or quantity of a particular accession as to make it financially or technically impossible for the Centre to meet the request in full, or make it impossible for the Centre to meet requests from others. In such cases, the Centre may ask that the Recipient cover all or part of the costs of multiplying the relevant accessions. In cases of limited supplies, immediate availability of materials cannot be guaranteed. Such availability will follow a process of multiplication. Recipients might be advised that they may need to undertake their own seed multiplication when existing sample sizes are small (such as in the case with many accessions of wild relatives) or when demand for a particular sample exceeds supply.

In particular, multiplying woody species accessions and supplying materials of vegetatively propagated species can involve very time-consuming and expensive procedures. While Centres endeavour to supply materials free of cost, in such circumstances it would be unreasonable to expect that Centres could guarantee unlimited quantities or immediate availability of all germplasm. At their discretion, Centres may request that users cover all or part of the costs involved in multiplication.

The committee noted that the situation was so different from Centre-to-Centre that a one-size-fits-all approach would not be possible. It also noted that this was an issue that ultimately needed to be decided by each Centre.

E. Standardizing rules to frame negotiations and licensing agreements by the Centres

Victoria Henson-Apollonio presented a draft paper concerning criteria for making decisions about what terms and conditions should be included in licensing agreements entered into by the Centres, and the development of a decision-making tool to assist Centres ‘think through’ their options. Ultimately, it is proposed that the Central Advisory

Services on Intellectual Property (CAS-IP) should develop a series of templates, a data base of provisions allowing customization of the templates, and a decision-making tool or tools. The committee supported the initiative, noting that it would introduce a welcome degree of system-wide standardization, transparency and have cost-saving implications system-wide.

The committee recognized the system-wide importance of CAS-IP's work and recommends that all Centres continue to fund its operation.

F. CGIAR Guidelines for Centres and Challenge Programs for Managing and Accessing Intellectual Property

Victoria Henson-Apollonio introduced a document entitled 'Draft CGIAR Policy for Managing and Accessing CGIAR Products and Intellectual Assets'.

It was recalled that a study jointly supported by the Science Council and the GRPC entitled *CGIAR Research Strategies for IPG in a Context of IPR: Report and Recommendations Based on Three Studies*², identified the need for expert input into stewardship and liability in the revision of the guidelines. The committee reconfirmed that that stewardship and liability issues need to be addressed, but acknowledged that circumstances made it necessary to proceed with the development and finalization of the policy without explicitly addressing those issues for the time being. The committee therefore noted that development of the policy should be considered "without prejudice" to future work on stewardship and liability, and that this should be noted in a footnote to the policy adopted.

The committee reviewed and revised the document which it recommends for adoption by the Alliance, calling the attention of the Alliance to the need to resolve the issue included in bracketed text.

The Science Council, with CAS-IP, will follow up in developing sections on liability and stewardship, in particular in the case of GM related activities. The committee noted that for further development of the policy, it would be important to involve other bodies, such as the Private Sector Committee. The committee emphasized the importance of the 15 Centres adopting a common policy, at the level of the AB/AE.

G. Distributing materials for purposes other than conservation, research or training for food and agriculture

Michael Halewood introduced a paper entitled 'Distributing PGRFA for purposes outside the International Treaty,' emphasizing that it was an issue taken up in response to a request for guidance from the Centres.

After considerable discussion, the committee agreed upon the following key points for deciding what material transfer agreement Centres should use when transferring material that will be used for non-food/feed purposes.

² CGIAR Research Strategies for IPG in a Context of IPR: Report and Recommendations Based on Three Studies - October 2006. This report is available from:
<http://www.sciencecouncil.cgiar.org/publications/index.html>

1. When a Recipient indicates that it will use the material for multiple purposes, including both food/feed and non-food/feed purposes, the Centres should provide the material using the SMTA.

The onus is on Recipients to use materials for the purposes articulated in the SMTA. Where it is not clear what the use of received materials will be, the Centres should use the SMTA.

2. Where it is clear that the material will be used principally for non-food/feed purposes, the Centres should supply materials accessed by them prior to the Convention on Biological Diversity coming into force (1993) using an amended version of the current interim MTA, updated to include the same benefit sharing conditions as those included in the SMTA.
3. Regarding materials accessed by the Centres after 1993, the Centres must ensure that they received those materials on the condition that they can be distributed by the Centres for research (and direct use). A useful guide in this context is to check if the material was “designated” pursuant to the CGIAR-created guidelines for the designation of ‘in trust’ materials³ pursuant to the 1994 FAO-In Trust Agreements. Following those guidelines, the Centres could only ‘designate’ materials which they were committed to conserving on a long-term basis, and which they were able to distribute without restriction. In short, if the material was designated, it can be distributed by the Centre for the purposes of non-food/feed related research and direct use, under the revised interim MTA referred to in paragraph 2.
4. More consideration is needed concerning materials accessed by the Centres after 1 January 2007.

The committee requested the secretariat to develop a first draft of the amended MTA Centres should use for the purposes set out in paragraphs 2 and 3 above.

The committee recommended presenting an information paper on this issue to the CGIAR membership at the Annual General Meeting in December 2007. A draft will be presented to the GRPC.

It was noted that biofuel-related research was not included in the current list of System Priorities for CGIAR Research. Such work would be considered as part of the 20 percent funding to be applied outside the Priorities and, in particular, in novel, innovative research. The ethics of using materials for biofuels research was also raised.

It was further noted that, based on the *Nairobi Final Act for the Adoption of the Agreed Text of the CBD*, Article 3, the CGRFA is competent to provide guidance on *ex situ* collections of plant genetic resources assembled before the CBD came into force. This understanding should be emphasized in whatever policy documents are developed addressing this issue.

³ See ‘Guidelines for the Designation of Accessions under the FAO Agreements,’ in *Booklet of CGIAR Centre Policy Instruments, Guidelines and Statements on Genetic Resources, Biotechnology and Intellectual Property Rights*, at: <http://www.biodiversityinternational.org/Publications/Pdf/1178.pdf> at page 20.

Tuesday 24 April 2007

H. Guidelines for Centres concerning working with traditional knowledge holders and or obtaining and using information provided by them

Victoria Henson-Apollonio introduced a document entitled 'Research findings concerning Centres' uses of traditional knowledge and draft suggested guidelines.'

The committee made recommendations for future revisions of the paper, confirming that what is required is a code of conduct for CGIAR researchers, with emphasis on participatory research, and procedural recommendations for taking cognizance of, and complying with, national laws.

Committee members were invited to send further comments to Victoria following the meeting.

I. Question and Answer session regarding update papers

Regarding the update on development of germplasm acquisition policy/instrument for non-Annex 1 materials pursuant to article 15.4 of the Treaty
Committee members were invited to send comments to Gerald Moore within two weeks concerning the draft policy. Ultimately, the policy should be adopted at the level of the Alliance Executive.

Regarding the update on the enola bean case (Centro Internacional de Agricultura Tropical)

The committee reiterated the recommendation from its 20th session that the Centres should develop a publicity campaign about the enola bean case and the implications of such IP practices for agricultural research. The committee emphasized that such a campaign should not be delayed until the final decision of this case. Bioversity will offer its assistance to Centro Internacional de Agricultura Tropical (CIAT) in this regard.

Regarding the update on the CGIAR statement on ethics and agriculture
Mike Gale informed the committee that the Science Council had produced one report "Ethics and CGIAR Research - November 2006"⁴ and was undertaking a further study on ethics and the CGIAR mission. This latter report should be available in 2008.'

Regarding the update on efforts by the Centres to get their innovations included in patent offices' prior art searches

The committee recommended that Centres should be encouraged to incorporate their publications in databases used by patent examiners. It was noted that the International Crops Research Institute for the Semi-Arid Tropics (ICRISAT) has offered to facilitate the incorporation of Centres' publications into the European Patent Office data base.

Regarding the update on the implementation of the 'Guiding principles for the development of Centres' policies to address the possibility of unintentional presence of transgenes in ex situ collections'

It was noted that the 11th Session of the CGRFA in June 2007 will be considering the Guiding Principles. The Secretariat of the Commission, in consultation with Bioversity International on behalf of the CGIAR Centres, developed a document introducing the

⁴ Ethics and CGIAR Research - November 2006. This report is available from <http://www.sciencecouncil.cgiar.org/publications/index.html>

Guiding Principles to the Commission. The document invites the Commission to consider the following:

- Welcome the Guiding Principles for CGIAR Centres and encourage the CGIAR to bring the guidelines to the attention of relevant international institutions;
- Consider, as its Working Group recommended, relevant sections of these Guiding Principles in the development of the draft *Code of Conduct on Biotechnology* and in the review of the *Code of Conduct on Plant Germplasm Collection and Transfer* if and when it is updated;
- Recommend to national, regional and international genebanks to consider using the Guiding Principles;
- Consider, as its Working Group recommended, whether the database on the global status of research and development in genetic modification, described in paragraph 12 of the Guiding Principles, should be placed under international auspices, so that it will be publicly accessible internationally; and
- Review the crop-specific guidelines for potato, rice and maize currently under development at its 12th Session.

Mike Gale informed the committee that the Plant & Animal Genome XVI meeting to be held in San Diego, USA, in January 2008 will probably include a workshop on genetically modified organisms (GMOs). The proposed agenda includes a review of the global status of GMOs in crop species, which would map very closely to the GMO database intended originally to be maintained by SGRP. Mike Gale and Emile Frison will discuss 'ways and means' to have the GRPC represented at that meeting.

Regarding the update on development of microbial genetic resources paper by Professor John Howieson

A revised version of the paper by Professor Howieson will be forwarded to the members of the committee by the end of the GRPC meeting. The members will provide their comments within one week. The revision based on members' comments will be circulated to members on a no-objections basis. It will then be forwarded to CGRFA-11 for distribution as an information paper commissioned by the GRPC.

Regarding the update on developing papers on a) policy gaps concerning conservation and use of aquatic and farm animal genetic resources and b) sectoral approaches to access and benefit-sharing

The committee noted that the Science Council paper "Conservation of Livestock and Fish Genetic Resources - Joint report of two studies commissioned by the CGIAR Science Council - November 2005"⁵ was an excellent source of background information and that the CGRFA would be the most appropriate forum to address GRFA-related access and benefit-sharing issues.

J. GRPC at the CGIAR Annual General Meeting 2006

Emile Frison presented the GRPC brochure that was developed for the CGIAR Annual General Meeting 2006, and the GRPC website. Carlos Correa described the side event organized by the GRPC and the presentation he made on behalf of the GRPC to the Business Meeting of the AGM.

⁵ Conservation of Livestock and Fish Genetic Resources - Joint report of two studies commissioned by the CGIAR Science Council - November 2005. This report is available from:
<http://www.sciencecouncil.cgiar.org/publications/index.html>

The committee recalled that the Chair of the GRPC is a full participant at the Annual Business Meeting.

The committee clarified that finalized minutes, finished papers and approved policies will be posted on the GRPC website.

The committee will explore the possibility of holding a side event at AGM07.

K. Teleconference on Issues of Relevance to the Centres in the Implementation of the Cartagena Protocol on Biosafety

The following people, in addition to the members, observers and secretariat staff listed above, participated in the call: Zaida Lentini, Centro Internacional de Agricultura Tropical (CIAT); C.L. Laximpathi Gowda and David Hoisington, International Crops Research Institute for the Semi-Arid Tropics (ICRISAT); John Komen, International Food Policy Research Institute (IFPRI); Gabrielle Persley, International Livestock Research Institute (ILRI); and Ed Redona, Ruairaidh Sackville Hamilton and Gerard Barry, International Rice Research Institute (IRRI).

The teleconference was chaired by Carlos Correa.

The participants identified a number of issues of particular relevance to the CGIAR Centres concerning the implementation of the Cartagena Protocol on Biosafety (CPB), both at international and national levels, including the following:

- Some of the opposition to transgenic technologies expressed at meetings of the CBD/CPB reflects a lack of awareness of research by organizations other than multi-national corporations. The work of public scientific organizations, and the CGIAR Centres in particular, developing technologies to benefit small farmers in developing countries needs to be more strongly represented at international meetings. CGIAR contributions should be framed in the context of the potential impacts on such research;
- There is growing consensus that much of the training that has been provided by various organizations concerning the implementation of the CPB has been too general in scope, provided to the wrong people, at the wrong time. Centres have oriented their training efforts to address particular technologies in individual countries;
- There are considerable gaps in countries' capacities to implement their existing biosafety regulatory frameworks, particularly to conduct risk assessments. Some Centres are focusing on strengthening the capacity of national partners to undertake their own risk assessments. The Centres could usefully contribute to ongoing discussions/negotiations by conducting analyses of knowledge gaps and methodologies to do risk assessments, and addressing how to interpret the precautionary principle in light of these gaps;
- The Science Council report entitled "Report of the Biosafety Panel to the CGIAR Science Council on Biosafety Policy and Practices of the CGIAR Centres"⁶ is a useful resource in moving forward on this issue; It recommends areas of action for the Centres, both individually and collectively;

⁶ Report of the Biosafety Panel to the CGIAR Science Council on Biosafety Policy and Practices of the CGIAR Centres. This report will shortly be available from the Science Council website: <http://www.sciencecouncil.cgiar.org/publications/index.html>

- The CGIAR is generally regarded in this field as a neutral broker with independent information; it should establish a more active, constant and independent presence at CBD/CPB meetings; and
- There is a need for system-wide coordination of Centres' participation at, and contributions to, CBD/CPB meetings. There are opportunities to develop collective contributions in response to requests from the Conference of the Parties to the Convention on Biological Diversity (COP)/Meeting of the Parties to the Cartagena Protocol on Biosafety (MOP). Bioversity could contribute by collating contributions from Centres in that context.

It was noted that in partnership with FAO and the United Nations Environment Programme (UNEP), the International Center for Agricultural Research in the Dry Areas (ICARDA) is bringing together representatives of ministries of trade, environment and agriculture from the Central and West Asia and North Africa region for training and harmonization of biosafety regulations.

There will be a meeting on biosafety issues in 2007, organized by the Science Council, involving representatives of national programmes. This meeting could be used to generate inputs into the documents being developed for submission to COP.

In summary, the committee concluded by recommending the following:

- The CGIAR should establish more active presence at CBD/CPB meetings under the CGIAR banner;
- There should be a system-wide mechanism or mechanisms to coordinate the collective participation at, and contributions to, those meetings;
- In the short run, the CGIAR should develop a paper describing the LMO-related activities of the Centres for submission to the Fourth meeting of the Ad Hoc Open-ended Working Group of Legal and Technical Experts on Liability and Redress in the context of the Protocol in Montreal, Canada 22-26 October 2007. The Centres should also organize a side event to present that work, involving a number of Centres. The Centres should coordinate their efforts with Codex Alimentarius and the International Plant Protection Convention (IPPC); and
- In the longer term, the Centres should develop
 - A set of short technical papers based on the scientific work of the Centres with policy messages; and
 - A paper or papers, based on the scientific work of the Centres, addressing implications to their research, of possible legal/policy scenarios.

L. Policy issues that the committee should be focusing on in the future/Demands from Centres driving the GRPC agenda.

Emile Frison introduced the issue, highlighting the importance of having inputs from ICWG-GR to the GRPC. He stated that the committee could be more active in its dealings with the various bodies in the system, particularly the AE and the ICWG-GR. The teleconference with the ICWG-GR Executive in preparation for this meeting is an example of a strengthened approach. Emile Frison, as Chair of the Alliance Executive, and Tony Gregson, as representative of the Alliance Board, will ensure that identification of issues for consideration by the GRPC is a standing issue on the meetings of the AE and AB respectively.

The committee is partially demand driven; it also has a responsibility to identify issues in its own right, drawing on the collective expertise in the group. The terms of reference are

from the CGIAR and members are appointed by the CGIAR Chair. The committee provides policy advice to the CGIAR system. Issues of relevance to the Centres are to be referred by the GRPC to the Alliance for consideration/approval.

Wednesday, 26 April 2007

Review/update of the GRPC work plan

The revised work plan based on the outcomes of the meeting is included in *Appendix 1*.

Any other business and next meeting

Carl-Gustaf Thornström introduced two reports on synthetic genomics: one by the ETC Group and another by the MIT/Venter Institute. The committee agreed that these issues should be included on the agenda of the next meeting.

The committee noted the importance of organizing side events during GRPC meetings at Centres to increase contacts with those Centres' staff.

The next meeting will be held during the week of 12-14 November, 2007. The secretariat will see if the meeting can be held at the World Agroforestry Centre (ICRAF) campus, Nairobi, Kenya.

Appendix 1: GRPC workplan (as amended at GRPC 21)

Issue	Activity/Input	Outputs	Timetable
Guiding principles for the development of Future Harvest Centres' policies to address the possibility of unintentional presence of transgenes in <i>ex situ</i> collections	Emile Frison and Mike Gale will explore representation of the GRPC at a workshop at the Plant & Animal Genome XVI meeting, San Diego, USA, in January 2008. CIMMYT will continue to coordinate development of crop specific guidelines, through SGRP, in the context of GPG 2	Invitation to GRPC representative Update on development of crop specific guidelines to GRPC 22	GRPC 22
Guidelines for the Centres' use of the SMTA	The Guide for the Centres' use of the SMTA will be revised to accommodate recommendations of the GRPC, ICWG-GR (including template with options for conditions for inclusion in ancillary contracts for PGRFA under Development, best practices for associated information, relevant aspects of non-food/feed recommendations) The Centres will submit the SMTA guide to the Governing Body for information Paper on Centres experience using the MTA	Revised guidelines Information document to GB	Ongoing September 2007
Compensation for Centres' research efforts	The Secretariat will collect data on Centres' practices charging royalties The Secretariat will develop issues paper concerning charging royalties The GRPC will develop a paper during its 22 nd session concerning royalties to submit to CGIAR GRPC paper submitted to the CGIAR	Draft paper for GRPC Draft paper for GRPC GRPC draft paper to the CGIAR Final paper	GRPC 22 GRPC 22 GRPC 22 AGM 2007

Issue	Activity/Input	Outputs	Timetable
Submissions by the Centres to GB regarding sustainable use	Bioversity will coordinate the development of submissions for the Governing Body concerning sustainable use on behalf of the Centres	Submission to GB Update to GRPC by Secretariat	September 2007 GRPC 22
Amending the interim MTA for non-Annex 1 materials	AE will confirm position of the Centres on preferred outcome. Bioversity will draft statement for consideration by the AE and ICWG-GR. Upon approval, it will be forwarded to the Secretariat of the GB	Responses to message to the CGIAR Draft statement Final statement	April 2007 May/June 2007 June 2007
MTA for products of Centre research (PGRFA under Development)	AE/AB will consider the issue. Emile Frison and Mahmoud Solh will bring GRPC recommendation to the attention of the AB/AE	Consideration by AE/AB Update to GRPC by Secretariat	April 2007 GRPC 22
Distributing materials for non-food/feed purposes	Secretariat will send message regarding GRPC recommendations to the Centres Secretariat will develop draft information paper, for adoption by the GRPC for submission to the CGIAR. GRPC will forward paper to the CGIAR AGM Secretariat will develop draft MTA	Message to Centres Draft paper Information paper Draft MTA	April/May 2007 July 2007 November/December 2007 GRPC 22
Guidance for Centres' research involving traditional knowledge	CAS-IP will develop a draft code of conduct for CG researchers concerning the use of TK	draft code of conduct	GRPC 22

Issue	Activity/Input	Outputs	Timetable
Licensing agreements	CAS-IP will develop data base, decision making tool, templates	Draft tool, including criteria Update to GRPC by Secretariat	Ongoing GRPC 22
Svalbard long term storage facility	GRPC will monitor developments	Update to GRPC by Secretariat	GRPC 22
Operationalization of Article 15.4 of IT	GRPC will consider the outcomes of the second session of the Governing Body, particularly the MTA amended for non-Annex 1 materials by the Centres Secretariat will revise the draft germplasm acquisition agreement (GAA) for Centres that is consistent with the MTA adopted by the GB Secretariat will present draft policy to GRPC 22 GRPC will forward to the AE	Draft GAA Revised GAA and report to GRPC 22	June 2007 After June 2007 meeting of the GB GRPC 22 After GRPC 22
System-wide policy on intellectual assets	The AE/AB will consider the draft policy forwarded from the GRPC Science Council with CAS-IP will prepare a paper on stewardship and liability to inform the system-wide policy. Following the recommendations set out in 'CGIAR Research Strategies for IPG in the Context of IPR', the GRPC will consider stewardship and liability issues for amendment of policy	Draft policy Draft paper Update from Science Council/CAS to GRPC 22	April 2007 GRPC 23 GRPC 22

Issue	Activity/Input	Outputs	Timetable
Assessment of Centres' impact concerning: 1. technology transfers as benefit-sharing, and 2. contributions to the implementation of Farmers' Rights	CAS-IP will draft paper	Draft paper	GRPC 22
Agricultural microorganisms and exchange policies	Secretariat will forward most recent version of paper to GRPC members for comment within 7 days. Revised text based on those comments will be circulated back to the membership on no-objections basis. Final approved document will be made available to the Commission Secretariat by mid May	Revised paper Final paper	April 2007 Mid May 2007
Demand driven GRPC agenda setting process	Secretariat will consult systematically with the ICWG-GR, AE, AB	Update papers GRPC by Secretariat	GRPC 22
Developments at CBD, WIPO, WTO, other bodies	Secretariat will prepare short update paper(s) summarizing relevant developments CGIAR Centres will be represented in relevant meetings	Update papers	GRPC 22

Issue	Activity/Input	Outputs	Timetable
Animals, fisheries & forestry	Secretariat will commission issues paper identifying gaps in policy frameworks affecting conservation and use of FiGR and FAnGR, including challenges facing Centres	Draft paper	GRPC 23
	Secretariat will explore development of a background paper analyzing the need for approaches to ABS regulation for GRFA to be submitted to the CGIAR	Draft paper	GRPC 23
	The Secretariat will explore collaboration with FAO on these issues, particularly with respect to the development of the CGRFA MYPOW (Multi Year Programme of Work)		
Cartagena Protocol on Biosafety	Secretariat will send a message to the participants of the teleconference with a summary	Paper Side event	October 2007
	Secretariat will coordinate: a) development of collective submission from the Centre to the Fourth meeting of the Ad Hoc Open-ended Working Group of Legal and Technical Experts on Liability and Redress b) side- event presenting Centres' LMO work.	Secretariat report to the GRPC	GRPC 22
Global Crop Diversity Trust	GRPC will monitor progress	Update to the GRPC by the Secretariat	GRPC 22
MYPOW of the CGRFA	Some Centres will attend, on behalf of the CGIAR, the Commission meeting in June 2007	Update paper from Commission secretariat	October-December 2006 GRPC 22
Patents	Secretariat or Chair will write message to CIAT recommending publicizing impacts on research	Message Chair or Secretary of GRPC	May 2007

Issue	Activity/Input	Outputs	Timetable
GRPC at AGM	Secretariat will request time allocation for side event, and develop GRPC brief preparation for AGM.	Brief, side event	AGM, December 2007