

ISF supports a single international regime to govern the development of rules and regulations concerning access to all genetic resources for plant breeding

(Adopted in June 2012)

The International Seed Federation (ISF) strongly recommends the adoption of a single international regime to govern the development of rules and regulations concerning access to all genetic resources that are used for plant breeding and the fair and equitable sharing of benefits derived from their utilization. An international regime must recognize the specific needs of the plant breeding sector such as the volume of transactions, interdependence of users and providers of genetic resources and the very large number of parent varieties combined in a single product. These needs have been envisioned by the multilateral system (MLS) under the International Treaty on Plant Genetic Resources for Food and Agriculture (IT PGRFA). In particular, the benefit of the MLS is its administrative simplicity designed to facilitate access and exchange of plant genetic resources at minimal cost for all stakeholders active in plant breeding.

The ISF recommends complete coherence with the IT PGRFA to the point of delegating access and benefit sharing (ABS) responsibilities for all genetic resources for plant breeding to the authority responsible for the management of genetic resources under the IT PGRFA. The ISF considers that the IT PGRFA is a "specialized access and benefit-sharing agreement" in accordance with Article 4 paragraph 2 and 4 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity.

An international ABS system that is appropriate for the needs of plant breeders would:

1. Assure legal certainty. The ISF believes that an agreement like a standard material transfer agreement¹ should be sufficient to create legal certainty that conditions of Prior Informed Consent and Mutually Agreed Terms have been met.
2. Be administratively simple and consistent. Many smaller-scale breeders may not be able to negotiate on a bilateral basis the large number of transfers needed in a breeding program. Because the majority of these transfers occur under similar terms and conditions, the process of transferring genetic resources for plant breeding must lend itself to administrative simplicity and consistency.
3. Include all genetic resources used in plant breeding. An appropriate ABS system would encompass all genetic resources used in plant breeding since with technological advances being made in breeding techniques breeders today and tomorrow must have ready access to resources from essentially all taxa of life.
4. Recognize breeders' exception as benefit sharing.
5. Be non-discriminatory. An implemented system must be non-discriminatory and create no unreasonable burdens for private sector breeders, for-profit companies or breeders seeking to protect investments through the use of intellectual property rights
6. Not create trade barriers. The ISF supports that position articulated by the International Chamber of Commerce on checkpoints as stated in Article 17(a)(iv) of the Nagoya Protocol. It should also not create trade barriers nor interfere with other legal/administrative/regulatory processes, such as intellectual property, product approvals, or customs clearance. Importantly, any checkpoint must not be seen as a "policing" mechanism", and
7. Assure conservation and future accessibility of the original genetic resources and/or its components.

¹ ISF recognizes that the Contracting Parties to the IT PGRFA finalized the Standard Material Transfer Agreement (sMTA) in 2006. Furthermore, ISF welcomes the work underway in the Expert Group on the Terms of the Standard Material Transfer Agreement to propose recommendations for improving the implementation of the sMTA.