

*CGRFA/TTLE-ABS-1/14/Report*

COMMISSION ON GENETIC RESOURCES FOR  
FOOD AND AGRICULTURE

# **First Session of the Team of Technical and Legal Experts on Access and Benefit- Sharing**

**Rome, Italy, 8 – 11 July 2014**



**Food and Agriculture Organization  
of the United Nations**



**REPORT OF THE TEAM OF TECHNIAL AND LEGAL EXPERTS ON  
ACCESS AND BENEFIT-SHARING**

**First Session**

**Rome, Italy, 8 - 11 July 2014**

The documents of the First Session of the  
Team of Technical and Legal Experts on Access and Benefit-Sharing  
are to be found on the internet at:  
<http://www.fao.org/nr/cgrfa/cgrfa-meetings/abs/ttle/en/>

They may also be obtained from:

The Secretary  
Commission on Genetic Resources for Food and Agriculture  
Food and Agriculture Organization of the United Nations  
Viale delle Terme di Caracalla  
00153 Rome, Italy  
E-mail: [cgrfa@fao.org](mailto:cgrfa@fao.org)

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## I. OPENING OF THE SESSION

1. The First Session of the Team of Technical and Legal Experts on Access and Benefit-Sharing (ABS Expert Team) was held in Rome from 8 to 11 July 2014. The list of experts and observers attending the session is given in *Appendix B*.

## II. ELECTION OF CHAIR, VICE-CHAIR AND *RAPPORTEUR*

2. Ms Elzbieta Martyniuk (Poland), Vice-Chair of the Commission on Genetic Resources for Food and Agriculture, welcomed participants and called for the election of the Chair, Vice-Chair and the *Rapporteur*. The ABS Expert Team elected Mr Javad Mozafari Hashjin (Near East) as Chair of the ABS Expert Team. Mr François Pythoud (Europe) was elected as Vice-Chair and Ms Chutima Ratanasatien (Asia) was elected *Rapporteur*.

3. The Chair thanked the ABS Expert Team for the confidence it placed in him. He recalled the Commission's previous work on access and benefit-sharing, including the work of the Ad Hoc Technical Working Group on Access and Benefit-Sharing for Genetic Resources for Food and Agriculture that had met in Longyearbyen (Svalbard), Norway, from 11 to 13 September 2012 and the Commission's subsequent decision to establish the ABS Expert Team at its last session.

4. The Chair stressed the importance of the task of the ABS Expert Team in light of the coming into force 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* (Protocol). He recalled that the Protocol recognizes the special nature of agricultural biodiversity, its distinctive features and problems needing distinctive solutions.

## III. ADOPTION OF THE AGENDA

5. The ABS Expert Team adopted the Agenda, as given in *Appendix A*.

## IV. PREPARATION OF THE MEETINGS WITH THE INTERGOVERNMENTAL TECHNICAL WORKING GROUPS

6. In preparing for its meetings with the Commission's intergovernmental technical working groups, the ABS Expert Team, recalled the mandate given to it by the Commission. The Commission had mandated the ABS Expert Team to:

- Coordinate, with the assistance of the Secretariat, by electronic means as appropriate, to help prepare the intergovernmental technical working group meetings, and based on input from their regions prepare written materials and propose guidance for the intergovernmental technical working groups;
- Participate in the relevant portions of the meetings of the intergovernmental technical working groups, to help inform and shape the intergovernmental technical working group discussions and output on access and benefit-sharing; and
- Work after each Intergovernmental Technical Working Group meeting with the Secretariat to compile the intergovernmental technical working group outputs into *Draft Elements to Facilitate the Domestic Implementation of Access and Benefit-Sharing for Different Subsectors of Genetic Resources for Food and Agriculture* (Draft Elements), and communicate the Draft Elements to their regions for information.

7. The ABS Expert Team recalled its involvement in the preparation of the documents, *Access and benefit-sharing and forest genetic resources*<sup>1</sup>, and, *Access and benefit-sharing and plant genetic resources*<sup>2</sup>, which had been circulated to the members of the ABS Expert Team, for review, prior to their publication. It noted that the Commission had requested the members of the ABS Expert Team to participate in relevant portions of the meetings of the intergovernmental technical working groups and to compile the outputs of the working groups into the Draft Elements.

8. The ABS Expert Team took note of the Commission's request to build its work on:

- *Government submissions on the conditions under which specific GRFA are exchanged and utilized, for the Commission to take a decision on the collection of model contractual clauses for subsectors;*<sup>3</sup>
- *Stakeholder submissions on voluntary codes of conduct, guidelines and best practices, and/or standards in relation to access and benefit-sharing for all subsectors of genetic resources for food and agriculture;*<sup>4</sup>
- *Explanatory notes to the distinctive features of genetic resources for food and agriculture;*<sup>5</sup>
- *International practices, initiatives and instruments of relevance to the subsectors of genetic resources for food and agriculture*<sup>6</sup>.

9. The ABS Expert Team took note of the Commission's request to the ABS Expert Team to collaborate closely with the Secretariat with regard to subsectors where no intergovernmental technical working groups have been established, to identify exchange and use conditions and existing codes of conduct, guidelines and best practices, and/or standards in relation to access and benefit-sharing. The ABS Expert Team requested FAO to invite governments and stakeholders to make additional submissions, as referred to in bullets 1 and 2 of paragraph 8 of this report, and to make submissions available to the ABS Expert Team.

## **V. MEETINGS WITH THE INTERGOVERNMENTAL TECHNICAL WORKING GROUPS**

10. The ABS Expert Team participated in dedicated portions of the Third Session of the Commission's Intergovernmental Technical Working Group on Forest Genetic Resources, held from 7 to 9 July 2014, and of the Seventh Session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture, held from 9 to 11 July 2014, to help inform and shape the working group discussions and output on access and benefit-sharing. The joint sessions were co-chaired by the Chair of the ABS Expert Team and the Chair of the Working Group on Forest Genetic Resources, Mr. Pierre Nicolas Stephane Bouillon (France) and the Chair of the Working Group on Plant Genetic Resources, Mr. Luis Salaires (Spain), respectively.

11. Ms Kathryn Garforth, Secretariat of the Convention on Biological Diversity provided in both joint sessions information on the Nagoya Protocol. Mr Kent Nnadozie, Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (Treaty), gave an overview of the Treaty, including the on-going process under the Treaty to enhance the functioning of the Multilateral System of Access and Benefit-Sharing.

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<sup>1</sup> CGRFA/TTLE/ABS-1/14/2 Rev.1.

<sup>2</sup> CGRFA/TTLE/ABS-1/14/3.

<sup>3</sup> CGRFA/TTLE-ABS-1/14/Inf.2.

<sup>4</sup> CGRFA/TTLE-ABS-1/14/Inf.3. Rev.1.

<sup>5</sup> CGRFA/TTLE-ABS-1/14/Inf.4.

<sup>6</sup> CGRFA/TTLE-ABS-1/14/Inf.5. Rev.1.

## **VI. WORKING GROUP OUTPUTS AND REVIEW OF DRAFT ELEMENTS**

12. The ABS Expert Team took note of the outputs of the joint sessions with the working groups and agreed to consider them when reviewing the Draft Elements.

13. The ABS Expert Team considered the document, *Preparation of Draft Elements to Facilitate Domestic Implementation of Access and Benefit-Sharing for Different Subsectors of Genetic Resources for Food and Agriculture*<sup>7</sup>. It reviewed the draft preliminary structure of the Draft Elements contained in the Annex to the above document, discussed changes and requested the Secretariat to revise the Draft Elements accordingly, for review by the ABS Expert Team at its second session.

## **VII. ORGANIZATION OF FUTURE WORK**

14. The ABS Expert Team requested the Secretariat to provide the Revised Draft Elements by 15 September 2014 at the latest to all experts of the Team, to allow them to communicate the Revised Draft Elements to their regions for information. It further agreed that comments on the Revised Draft Elements would be made available to the Secretariat by 1 November 2014 and requested the Secretariat to circulate the comments as soon as possible, for review by the ABS Expert Team at its second session.

15. The second session of the ABS Expert Team will be held from 27 to 30 November 2014 in Rome at FAO headquarters.

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<sup>7</sup> CGRFA/TTLE-ABS-1/14/4.



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## APPENDIX A

### AGENDA OF THE FIRST SESSION OF THE TEAM OF TECHNICAL AND LEGAL EXPERTS ON ACCESS AND BENEFIT-SHARING

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1. Election of Chair, Vice-Chair(s) and *Rapporteur*
2. Adoption of the agenda and time-table
3. Preparation of the meetings with the Intergovernmental Technical Working Groups  

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4. Meeting with the Intergovernmental Technical Working Group on Forest Genetic Resources
5. Compilation of outputs  

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6. Meeting with the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture
7. Compilation of outputs  

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8. Organization of future work
9. Any other matters
10. Adoption of the Report

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**APPENDIX B****LIST OF EXPERTS AND OBSERVERS**

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**EXPERTS****Africa**

Mr Gemedo DALLE TUSSIE  
Director-General  
Institute of Biodiversity Conservation  
P.O.Box 30726  
Addis Ababa  
Ethiopia  
Phone: +251 911887041  
Email: [gemedod@ibc.gov.et](mailto:gemedod@ibc.gov.et);  
[gemedod@yahoo.com](mailto:gemedod@yahoo.com)

Mr Pierre DU PLESSIS  
Senior Consultant  
Ministry of Environment and Tourism  
CRIAA SA-DC  
P.O.Box 23778  
Windhoek  
Namibia  
Email: [pierre.sadc@gmail.com](mailto:pierre.sadc@gmail.com)

**Asia**

Ms Chutima RATANASATIEN  
Senior Agricultural Scientist  
Plant Variety Protection Office  
Department of Agriculture  
Ministry of Agriculture and Cooperatives  
Phochakorn Building  
50 Phaholyothin Road, Ladyao, Chatuchak  
10900 Bangkok  
Thailand  
Phone: +66-2-940-7214  
Fax: +66-2-940-7214  
Email: [chutima\\_ratanasatien@yahoo.com](mailto:chutima_ratanasatien@yahoo.com)

Mr Gurdial SINGH NIJAR  
Professor  
Faculty of Law  
University of Malaya  
Centre Of Excellence For Biodiversity Law  
(CEBLAW)  
Kuala Lumpur 50603  
Malaysia  
Phone: +603-7967 6579 / 6580  
Fax: +603-7967 6582  
Email: [director.ceblaw@um.edu.my](mailto:director.ceblaw@um.edu.my);  
[nijar46@hotmail.com](mailto:nijar46@hotmail.com)

**Europe**

Ms Elzbieta MARTYNIUK  
National Research Institute of Animal  
Production  
30, Wspolna Street  
00-930 Warsaw  
Poland  
Phone: +48 226231714  
Fax: +48 226231056  
Email: [elzbieta\\_martyniuk@sggw.pl](mailto:elzbieta_martyniuk@sggw.pl)

M. François PYTHOUD  
Responsable du Secteur Agriculture  
Durable Internationale  
Office Fédéral de l'Agriculture  
Mattenhofstrasse 5  
CH-3003 Berne  
Switzerland  
Phone: +41 313234445  
Fax: +41 313222634  
Email: [francois.pythoud@blw.admin.ch](mailto:francois.pythoud@blw.admin.ch)

**Latin America and  
the Caribbean**

Mr Pedro BRANCANTE MACHADO  
Secretary  
Permanent Representation of Brazil to FAO  
Via di Santa Maria dell'Anima 32  
00186 Rome  
Italy  
Phone: +39 0668307576  
Fax: +39 0668398802  
Email: [rebrafao@brafao.it](mailto:rebrafao@brafao.it)

Sr Jorge CABRERA  
Professor  
University of Costa Rica/ INBio  
PO Box: 317-3015  
San Rafael de Heredia  
Costa Rica  
Phone: +506 22677594  
Email: [jcabrera@cisdl.org](mailto:jcabrera@cisdl.org);  
[jorgecmedaglia@hotmail.com](mailto:jorgecmedaglia@hotmail.com)

**Near East**

Ms Lamis CHALAK  
Biotechnology and Plant Genetic Resources  
Faculty of Agricultural Sciences  
Lebanese University  
Beirut  
Lebanon  
Phone: +961 3211855  
Email: [lamis.chalak@gmail.com](mailto:lamis.chalak@gmail.com)

Mr Javad MOZAFARI HASHJIN  
Head - National Plant Gene Bank  
Seed and Plant Improvement Institute  
(SPII)  
Mahdasht Avenue  
4119 Karaj  
Islamic Republic of Iran  
Phone: +98 2612701260  
Fax: +98 2612716793  
Email: [jmozafar@yahoo.com](mailto:jmozafar@yahoo.com)

**North America**

Mr Brad FRALEIGH  
Director, Multilateral S&T Relations  
Agriculture and Agri-Food Canada  
1341 Baseline Road, Tower 5-5, Room 133  
Ottawa, Ontario  
Canada K1A 0C6  
Phone: +613-773-1838  
Email: [Brad.fraleigh@agr.gc.ca](mailto:Brad.fraleigh@agr.gc.ca)

Mr Oliver M. LEWIS  
Attorney-Adviser  
Office of the Legal Adviser (L/OES)  
U.S. Department of State  
2201 C Street NW, Suite 6420  
Washington, DC 20520  
United States of America  
Phone: +202-647-1698  
Email: [LewisOM@state.gov](mailto:LewisOM@state.gov)

**Southwest Pacific**

Mr Brad SHERMAN  
Professor  
Deputy Head of School (Research)  
Griffith Law School  
Griffith University  
Australia  
Phone: +61-07- 373 53232  
Email: [b.sherman@griffith.edu.au](mailto:b.sherman@griffith.edu.au)

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**OBSERVERS****Convention on Biological Diversity (CBD)**

Ms Kathryn GARFORTH  
Programme Officer - Nagoya Protocol Unit  
Secretariat of the Convention on Biological  
Diversity  
United Nations Environment Programme  
413 St. Jacques Street West, Suite 800  
Montreal, QC, H2Y 1N9  
Canada  
Phone: +1 5142877030  
Fax: +1 5142886588  
Email: [kathryn.garforth@cbd.int](mailto:kathryn.garforth@cbd.int)

**International Treaty on Plant Genetic Resources  
for Food and Agriculture**

Mr Kent NNADOZIE  
Senior Treaty Officer  
International Treaty on Plant Genetic  
Resources for Food and Agriculture  
c/o Secretariat of the Convention on  
Biological Diversity  
413, Saint Jacques Street, suite 800  
Montreal, QC., H2Y 1N9  
Canada  
Phone: +1 514 764 6359  
Email: [kent.nnadozie@fao.org](mailto:kent.nnadozie@fao.org)

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## APPENDIX C

### LIST OF DOCUMENTS

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#### Working Documents

CGRFA/TTLE-ABS-1/14/1	Provisional agenda and time-table
CGRFA/TTLE-ABS-1/14/2 Rev.1	Access and benefit-sharing and forest genetic resources
CGRFA/TTLE-ABS-1/14/3	Plant genetic resources and access and benefit-sharing
CGRFA/TTLE-ABS-1/14/4	Preparation of <i>Draft Elements to Facilitate Domestic Implementation of Access and Benefit-Sharing for Different Subsectors of Genetic Resources for Food and Agriculture</i>

#### Information Documents

CGRFA/TTLE-ABS-1/14/Inf.1	Members of the Team of Technical and Legal Experts on Access and Benefit-Sharing
CGRFA/TTLE-ABS-1/14/Inf.2	Government submissions on conditions under which specific genetic resources for food and agriculture are exchanged and utilized
CGRFA/TTLE-ABS-1/14/Inf.3 Rev.1	Submissions of Stakeholders on voluntary codes of conduct, guidelines and best practices and/or standards in relation to access and benefit-sharing for all subsectors of genetic resources for food and agriculture
CGRFA/TTLE-ABS-1/14/Inf.4	Explanatory notes to the distinctive features of genetic resources for food and agriculture
CGRFA/TTLE-ABS-1/14/Inf.5 Rev.1	International practices, initiatives and instruments of relevance to the subsectors of genetic resources for food and agriculture
CGRFA/TTLE-ABS-1/14/Inf.6	List of documents

#### Background Study Papers

Background Study Paper No.42	Framework study on food security and Access and Benefit-Sharing for genetic resources for food and agriculture
Background Study Paper No.43	The use and exchange of animal genetic resources for food and agriculture
Background Study Paper No.44	The use and exchange of forest genetic resources for food and agriculture

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Background Study Paper No.45	The use and exchange of aquatic genetic resources for food and agriculture
Background Study Paper No.46	The use and exchange of microbial genetic resources for food agriculture
Background Study Paper No.47	The use and exchange of biological control agents for food and agriculture
Background Study Paper No.48	The impact of climate change on countries' interdependence on genetic resources for food and agriculture
Background Study Paper No.59	Access and benefit-sharing for genetic resources for food and agriculture – Current use and exchange practices, commonalities, differences and user community needs