



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



Compliance Procedures & Mechanisms under the International Treaty on Plant Genetic Resources for Food and Agriculture

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Background

- Treaty adopted in 2001 and came into force in 2004;
 - Membership: 127 Contracting Parties;
 - Compliance Procedures and Mechanisms based on Article 21 of the Treaty;
 - Compliance Committee established by GB-1 in 2006 under interim arrangements;
 - Compliance Procedures approved in 2011 by GB-4.
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BACKGROUND

Article 21 of the International Treaty

The Governing Body shall, at its first meeting, consider and approve cooperative and effective procedures and operational mechanisms to promote compliance with the provisions of this Treaty and to address issues of non-compliance. These procedures and mechanisms shall include monitoring, and offering advice or assistance, including legal advice or legal assistance, when needed, in particular to developing countries and countries with economies in transition.



BACKGROUND

- Fourth Session of the Governing Body, in approving the procedures and operational mechanisms:
 - ***affirmed*** that the procedures and mechanisms are separate from and without prejudice to any other procedures and mechanisms, including the possibility to seek recourse under Article 12.5 and the settlement of disputes under Article 22 of the International Treaty;
 - ***Decided*** that the Compliance Committee shall develop further rules of procedure relevant to its work, including rules on confidentiality, decision making, conflict of interest of Committee members, electronic decision making, replacement of Committee members and the format for submissions by the Governing Body;



MAIN FEATURES OF THE COMPLIANCE PROCEDURES & MECHANISMS

Objectives & principles

- The objective is “to promote compliance with all the provisions of the International Treaty and to address issues of non-compliance”.
- Shall be simple, cost-effective, facilitative, non-adversarial, non-judicial, legally non-binding and cooperative in nature.
- Based on the following principles:
 - transparency, accountability, fairness, expeditiousness, predictability, good faith, and reasonableness;
 - pay particular attention to the special needs of Contracting Parties that are developing countries and Contracting Parties with economies in transition;



MAIN FEATURES OF THE COMPLIANCE PROCEDURES & MECHANISMS

III. Institutional Mechanisms

- The Committee shall consist of a maximum of 14 members, elected by the Governing Body on the basis of up to two nominations from each of the seven FAO regions.
- Members of the Committee
 - shall have recognized competence in the field of genetic resources or other fields relevant for the International Treaty, including legal or technical expertise;
 - shall serve objectively and in their individual capacity;
 - elected for a period of four years and shall not serve for more than two consecutive terms.



MAIN FEATURES OF THE COMPLIANCE PROCEDURES & MECHANISMS

IV. Functions of the Committee

1. The Committee shall have the following functions:
 - a) Consider information submitted to it regarding matters relating to compliance and issues of non-compliance;
 - b) Offer advice and/or facilitate assistance;
 - c) Assist the Governing Body in its monitoring of the implementation by Contracting Parties of their obligations under the International Treaty on the basis of reports of the Contracting;
 - d) Address issues of non-compliance and identify the specific circumstances of the issue referred to it;
 - e) Promote compliance by addressing statements and questions concerning the implementation of obligations under the International Treaty;
 - f) Carry out any other functions as may be assigned to it by the Governing Body;
 - g) Submit a report to each regular session of the Governing Body:
- **The Committee shall not consider any questions concerning the interpretation of, implementation of, or compliance with the Standard Material Transfer Agreement by parties or potential parties to it.**



MAIN FEATURES OF THE COMPLIANCE PROCEDURES & MECHANISMS

VI. PROCEDURES REGARDING SUBMISSIONS RELATING TO ISSUES OF NON-COMPLIANCE

- I. The Committee shall receive, through the Secretary, any submissions relating to issues of non-compliance from:
 - Any Contracting Party with respect to itself;
 - Any Contracting Party with respect to another Contracting Party; or-
 - The Governing Body.

9. Confidentiality will be an essential element of the consideration of the submission.



MAIN FEATURES OF THE COMPLIANCE PROCEDURES & MECHANISMS

VII. Measures to promote compliance and address ISSUES of non-compliance

1. The Committee may:

- Provide advice or facilitate assistance, including legal advice or legal assistance, to the Contracting Party concerned, as appropriate;
- Request or assist, as appropriate, the Contracting Party concerned to develop an action plan, which addresses the issue of non-compliance within a timeframe to be agreed upon between the Committee and the Contracting Party concerned, taking into account its existing capacity to address the issue; and
- Invite the Contracting Party concerned to submit progress reports to the Committee on the efforts it is making to comply with its obligations under the International Treaty.

2. The Governing Body may, upon the recommendations of the Committee, decide to:

- Provide assistance, including, as appropriate, legal, financial and technical assistance, to the Contracting Party concerned;
- Take any other actions it deems appropriate, including for capacity-building, in accordance with the International Treaty and for the fulfilment of its objectives. <http://www.planttreaty.org>



MAIN FEATURES OF THE COMPLIANCE PROCEDURES & MECHANISMS

IX. OTHER PROCEDURES REGARDING THE PROMOTION OF COMPLIANCE

- A Contracting Party may, through the Secretary, address to the Committee statements and questions concerning the implementation of its own obligations under the International Treaty.
- The Committee shall also consider any questions concerning the implementation of obligations under the International Treaty referred to it by decision of the Governing Body.
- The Committee may only make recommendations to the Governing Body concerning statements or questions concerning the implementation of obligations under the International Treaty referred to it, unless the Governing Body specifically provides otherwise.



MAIN FEATURES OF THE COMPLIANCE PROCEDURES & MECHANISMS

X. Review of the procedures and mechanisms

Within six years of approval of these procedures and mechanisms and periodically thereafter, the Governing Body shall review their effectiveness and take appropriate action.



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Thank you!
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