

**Consultative Committee****CC/99/6 Add.****Ninety-Ninth Session  
Geneva, October 27, 2022****Original: English  
Date: October 3, 2022****ADDENDUM TO COMMUNICATION STRATEGY***Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*

1. The purpose of this addendum is to report on developments concerning the FAQ “What is the relationship between the UPOV Convention and international treaties concerning genetic resources, e.g. the Convention on Biological Diversity (CBD) and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)?” (FAQ on CBD, ITPGRFA and UPOV).
2. The draft FAQ on CBD, ITPGRFA and UPOV that was approved by correspondence by the Consultative Committee (see document CC/99/6 paragraphs 11 and 12 and Annex I), was transmitted to the Secretariats of the CBD and ITPGRFA on July 6, 2022, for their consideration.
3. On August 26, 2022, the Secretariat of the CBD (SCBD) provided its input on the document as presented in the Annex to this document. The SCBD clarified that it had not yet gone through all the levels of internal clearance that would be needed for the document to be considered final from the side of the CBD but agreed for its comments to be shared with the Consultative Committee at this stage. The SCBD explained that it would be useful to know if the ITPGRFA Secretariat had any inputs on the document before seeking final clearance in CBD.
4. The Ninth Session of the Governing Body of ITPGRFA (GB/9), was held in New Delhi from September 19 to 24, 2022. The Governing Body considered document IT/GB-9/22/16.4 Rev.1 “Report on Cooperation with Other International Bodies and Organizations” (see <https://www.fao.org/3/ni850en/ni850en.pdf>). Document IT/GB-9/22/16.4 Rev.1 referred to the work in UPOV concerning the draft FAQ as follows:

“18. The Vice Secretary-General of UPOV informed the Secretary that some UPOV members had made further submissions to the draft FAQ. He reported that the comments received had to be considered by the UPOV Council at its Fifty-sixth Ordinary Session in October 2022. According to the schedule provided by the Vice Secretary-General of UPOV, discussions on this matter with the CBD and the International Treaty could be initiated during the next intersessional period, following the review and approval of the draft FAQ by the UPOV Council.”
5. The Office of the Union explained that a draft FAQ on CBD, ITPGRFA and UPOV was approved by UPOV members on July 3, 2022, with a request that the UPOV draft FAQ be transmitted to the Secretariats of the CBD and the ITPGRFA for consideration by their respective organizations. It further reported that the Vice Secretary-General had sent the UPOV draft FAQ to the Secretariats of the ITPGRFA and CBD on July 6, 2022.
6. The Governing Body adopted the following in its Resolution “Cooperation with Other International Bodies and Organizations”:

“Requests the Secretary to finalize the work requested in paragraph 10 of Resolution 12/2019 as soon as possible and before the Tenth Session of the Governing Body, and report to the Governing Body at its Tenth Session.”
7. Paragraph 10 of Resolution 12/2019 “Cooperation with Other International Bodies and Organizations” is reproduced below for ease of reference (<https://www.fao.org/3/nb790en/nb790en.pdf>):

“10. Requests the Secretary of the International Treaty to continue cooperating with the Executive Secretary of the Convention on Biological Diversity and the Vice-Secretary General of UPOV on the review of the FAQ on the interrelations between the International Treaty, the Convention on Biological Diversity and UPOV as a basis to

explore means to facilitate exchanges of experiences and information on the implementation of the UPOV Convention, the Convention on Biological Diversity and the International Treaty;"

8. The Tenth Session of the Governing Body is planned to be held in Rome from November 20 to 25, 2023.
9. Any further developments will be reported to the Consultative Committee at its ninety-ninth session.

[Annex follows]

[Input from the Secretariat of the CBD is presented in revision mode]

July 3, 2022

*DRAFT FAQ ON CBD, ITPGRFA AND UPOV*

What are the complementary relationships between the UPOV Convention, the Convention on Biological Diversity (CBD) and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)?

**Complementary relationships between the UPOV Convention, the Convention on Biological Diversity (CBD) and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)**

Commented [A1]: What was the objection to 'synergies'?

*Aims and objectives*

Biological diversity or 'biodiversity' is the term used to describe the variety of all living organisms and includes diversity within species, between species and of ecosystems. Biodiversity underpins all human activity, notably including agriculture and, therefore, food security.

The Convention on Biological Diversity (CBD) has three objectives: the conservation of biodiversity, the sustainable use of the components of biodiversity and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. A supplementary agreement to the CBD, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from the Utilization elaborates on the Convention's provisions on access to genetic resources, traditional knowledge and benefit-sharing in order to contribute to the conservation and sustainable use of biodiversity.

The objectives of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) of the Food and Agriculture Organization of the United Nations (FAO) are: the conservation and sustainable use of plant genetic resources; facilitation of access to plant genetic resources by farmers, plant breeders and scientists; and ensuring that recipients share the benefits they derive from the use of these genetic resources, for sustainable agriculture and food security. It recognizes the enormous contribution of farmers to the diversity of crops that feed the world.

UPOV's mission is to provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society.

*Synergies between biodiversity, sustainable agriculture and plant breeding*

Conservation of biodiversity depends on sustainable agriculture and a halt or reversal to the expansion of agricultural land, while there are parallel demands on agricultural land for food and energy production. This means that there is a need to produce more from existing agricultural land, in a sustainable way. Conversely, sustainable agriculture is dependent on the conservation and sustainable use of biodiversity, in particular by ensuring healthy soils and thriving populations of pollinators to achieve fertile crops, among other things.

By encouraging the development of new varieties of plants, the UPOV system encourages the sustainable use of biodiversity while creating new genetic diversity. New plant varieties with improved yield, more efficient use of nutrients, resistance to plant pests and diseases, salt and drought tolerance and better adaptation to climatic stress, according to the needs and preferences of farmers and consumers, can sustainably increase productivity and product quality in agriculture, horticulture and forestry. These attributes can reduce the pressure on the natural environment and biodiversity by reducing the need for inputs while reducing the area of land needed for agriculture. Plant breeding sustainably uses biological diversity and relies on the conservation of biodiversity to develop new varieties that deliver substantial benefits for farmers and society as a whole. The critical importance of biodiversity to agriculture is recognized in the CBD and the Nagoya Protocol acknowledges the importance of genetic resources for food and agriculture and their special role for food security. The recognition of the importance of crop and genetic diversity for sustainable agriculture and food security is central to the objectives of the ITPGRFA.

*Benefits arising from the utilization of genetic resources*

By encouraging plant breeding, the UPOV system incentivizes the generation of benefits arising out of the utilization of genetic resources. In addition, the "breeder's exemption" in the UPOV Convention enables plant diversity in the form of protected plant varieties to be available for further breeding activities because acts done using such varieties for the purpose of breeding other varieties are not subject to any restriction by the breeder. This reflects the fact that access to protected varieties contributes to sustaining greatest progress in plant breeding and, thereby, to maximize the use of genetic resources for the benefit of society.

The CBD, Nagoya Protocol and ITPGRFA establish the requirements and mechanisms for the sharing of benefits arising out of the utilization of genetic resources. In relation to the breeder's exemption, a recipient of material from the Multilateral System of the ITPGRFA who commercializes a product that is available without restriction to others for further research and breeding is not obliged but it is encouraged to contribute to the benefit sharing fund of the ITPGRFA.

*Legislation in Contracting Parties*

International cooperation, as well as coherence in the relevant legislative, administrative and policy measures ~~legislation~~ concerning the CBD, ITPGRFA and the UPOV Convention, in the Contracting Parties concerned, is beneficial for achieving the desired outcomes of those treaties, notably in relation to sustainable agriculture and food security in the context of climate change and land degradation, as well as the conservation of biodiversity, access to genetic resources and the sharing of benefits from their utilization.

[End of Annex and of document]