

Accession MLS status in GGCE

Documenting accession status in the Multilateral System of the Plant Treaty

This version was finalized on the 17th of October 2024 by the Crop Trust and the Secretariat of the Plant Treaty

This document assists genebanks in curating their databases to reflect the MLS status for each individual accession under their management. This document, in its entirety or in any of its parts, does not constitute an official interpretation of the Treaty or the SMTA.

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The Multilateral System of Access and Benefit-sharing (MLS)

The International Treaty on Plant Genetic Resources for Food and Agriculture¹ (ITPGRFA, the Plant Treaty) establishes (in Article 10) the Multilateral System of Access and Benefit-sharing (MLS), “which is efficient, effective, and transparent, both to facilitate access to plant genetic resources for food and agriculture, and to share, in a fair and equitable way, the benefits arising from the utilization of these resources, on a complementary and mutually reinforcing basis.”

The current list of Parties is available at:

<http://www.fao.org/plant-treaty/countries/membership/en/>

The ITPGRFA regulates the exchanges of certain PGRFA for users in the territory of State Contracting Parties but may also extend to users based in non-Contracting Parties on a contractual basis. Any material received with an SMTA is, and will always be, part of the MLS as the same SMTA requires that recipients of material, when transferring the received accessions or derived material to a third party, apply the same contract. Conscientious genebank managers are to keep track of any material that comes with legal obligations, including the SMTA.

At its core, **the Multilateral System covers the plant genetic resources for food and agriculture listed in Annex I (para 11.1) that are in the public domain and under the management and control of a Contracting Party**. Other holders of material are invited to include PGRFA in the MLS (para 11.2). **Any material may be voluntarily included in the MLS by its holder**. Inclusion in the MLS of material in international ex situ collections (such as those of the CGIAR centers) is foreseen under Article 15 of the Plant Treaty through agreements between the each holding institution and FAO.

The MLS governs access to the material available in the system, and benefit-sharing flowing from its use. Recipients of the material need to be properly informed of the rights and conditions of the PGRFA they access. The sharing of commercial benefits derived from this material, and the subsequent material derived from it, is regulated in the SMTA. It is therefore critical that holders of PGRFA update and properly maintain records on the legal status of each accession with regards to the MLS.

This document assists genebanks in curating their databases to reflect the MLS status for each individual accession under their management. The document refers to articles of the ITPGRFA text in parentheses (e.g. “Art. 15.1”) when relevant.

¹ <http://www.fao.org/3/i0510e/i0510e.pdf>

Recording MLS status in GGCE

GRIN-Global does not provide a dedicated field to capture the status of an accession in regard to the MLS. The GGCE is extended with a new field called “**mls_status**” in the “**accession**” table, using the **MLSSTATUS** code value group to ensure a fixed set of allowed values. The field is not mandatory and is initially set to the *undetermined* (NULL) value.

Available codes in this group are based on the relevant descriptor used by the [GLIS DOI Registration Service](#):²

Code value	Title	GLIS Description	GLIS Code	Genesys	MCPD
N	Not in MLS	Not available under the MLS	0	0	0
Y	In MLS*	Available under the MLS. It can be further specified as described below.	1	1	1
ANNEX1	In MLS (Annex I)	The PGRFA is of a crop listed in Annex I and is under the management and control of a Contracting Party to the Treaty and in the public domain	11	1	1
ARTICLE15	In MLS (Art. 15)	The PGRFA is in an international collection under Article 15 of the Treaty	12	1	1
SMTA_SOURCE	In MLS (Received with the SMTA)	The holder received the PGRFA with an SMTA	13	1	1
VOLUNTARY	In MLS (Voluntary inclusion)	The holder has voluntarily placed the PGRFA into the MLS	14	1	1
MLS_DEVELOP	In MLS (Under development)	The PGRFA is derived from, and distinct from, material in the MLS, is under development and not yet ready for commercialization, and may be made available at the discretion of the developer, with the SMTA.	15	1	1

* Genebanks are advised to avoid the use of the “Y” code and rather use one of the more specific options.

² <http://www.fao.org/3/I8840EN/i8840en.pdf>

Determining the MLS status of an accession

The guidelines below do not constitute any form of legal or technical advice on implementation of the relevant provisions of Treaty and the SMTA. Each institution holding PGRFA is invited to assess its specific conditions and needs, and consult the relevant stakeholders to determine the MLS status of accessions held in its collection.

Starting from the undetermined (*NULL*) **MLS status** for each accession, apply the following checklist:

A) For genebanks in the territory of a State Contracting Party³

- I) When the ex-situ **collection is under the management and control of a government entity**
 1. **Yes:** When the genus or species of the PGRFA is **listed in Annex I** of ITPGRFA and the PGRFA is in the **public domain** (i.e. it is not subject to intellectual property rights), the accession is in the MLS.
Use code value **ANNEX1**.
 2. **Yes:** When the material was received by the genebank with an SMTA, the accession is in the MLS.
Use code value **SMTA_SOURCE**.
 3. **Yes:** When the material was received by, or is otherwise in, the genebank under another instrument that allows the genebank to redistribute the PGRFA under the SMTA, the accession is in the MLS. This category may also include material that is commercially available.
Use code value **VOLUNTARY**.
 4. **Yes:** for breeding lines, genetic stocks and other materials developed/improved by the genebank that incorporate material described in section 2 above, the genebank may grant access at its discretion. If access is granted, the SMTA will be applied. The genebank may apply additional terms and conditions that are consistent with the SMTA.
Use code value **MLS_DEVELOP**.
 5. **No:** All other cases.
Use code value **N**.
- II) If the ex-situ **collection is not under the management and control of a government entity** (e.g. in a university), the entity managing the collection may make it available in the MLS. In this case, it is suggested to apply the same code values (1 to 5) as above.

B) For genebanks not in the territory of a State Contracting Party

Subject to applicable legislation, the entity managing the collection may make it available in the MLS. In this case, it is suggested to apply the same code values (1 to 5) as above.

³ <https://www.fao.org/plant-treaty/countries/membership/en/>

C) For genebanks and other collections under the management of international institutions that have signed agreements with the Governing Body of the ITPGRFA under Art. 15 of the ITPGRFA

I) For genebanks and other PGRFA collections managed by CGIAR Centers

1. **Yes:** PGRFA held 'in trust' by the Centers in genebanks or other collections and placed within the purview of the International Treaty under the Article 15.

Use code value **ARTICLE15**

2. **Yes:** all PGRFA received by the Centers under the SMTA or under another legal instrument that allows the Center to redistribute the PGRFA under the SMTA.

Use code value **SMTA_SOURCE**

3. **Yes:** for breeding lines, genetic stocks and other materials developed/improved by a Center that incorporate material described in sections 1 and 2 above, the SMTA will be applied. The Center may apply additional terms and conditions that are consistent with the SMTA.

Use code value **MLS_DEVELOP**

4. **No:** All other cases.

Use code value **N**.

II) For genebanks and other PGRFA collections managed by non-CGIAR institutions

1. **Yes:** PGRFA of a genus or species **listed in Annex I** of ITPGRFA.

Use code value **ARTICLE15**

2. **Yes:** for PGRFA of a genus or species not listed in Annex 1 and acquired before the entry into force of the Treaty, i.e. 29 June 2004.

Use code value **ARTICLE15**

3. **Yes:** material received with an SMTA or under another instrument that allows the institution to redistribute the PGRFA under the SMTA.

Use code value **SMTA_SOURCE**.

4. **Yes:** for breeding lines, genetic stocks and other materials developed/improved by the institution that incorporate material received with an SMTA, the institution may grant access at its discretion. If access is granted, the SMTA will be applied. The institution may impose additional terms and conditions that are consistent with the SMTA.

Use code value **MLS_DEVELOP**

5. **No:** All other cases.

Use code value **N**.

Additional information on the MLS status can be obtained from the helpdesk of the Multilateral System at PGRFA-Treaty@fao.org.

Notes on ITPGRFA text⁴

Mechanisms for the inclusion of PGRFA in the MLS

Article 11.2 refers to the inclusion of PGRFA from Contracting Parties

The Multilateral System, as identified in Article 11.1, shall include all plant genetic resources for food and agriculture listed in Annex I that are under the management and control of the Contracting Parties and in the public domain. With a view to achieving the fullest possible coverage of the Multilateral System, the Contracting Parties invite all other holders of the plant genetic resources for food and agriculture listed in Annex I to include these plant genetic resources for food and agriculture in the Multilateral System.

Article 11.3 refers to the inclusion of PGRFA in the Multilateral System by natural and legal persons.

Contracting Parties also agree to take appropriate measures to encourage natural and legal persons within their jurisdiction who hold plant genetic resources for food and agriculture listed in Annex I to include such plant genetic resources for food and agriculture in the Multilateral System.

Article 11.5 refers to the inclusion of PGRFA from International Collections

The Multilateral System shall also include the plant genetic resources for food and agriculture listed in Annex I and held in the ex situ collections of the International Agricultural Research Centres of the Consultative Group on International Agricultural Research (CGIAR), as provided in Article 15.1a, and in other international institutions, in accordance with Article 15.5.

Facilitated access to material available in the MLS

Article 12.2 refers to measures to be taken by Contracting Parties

The Contracting Parties agree to take the necessary legal or other appropriate measures to provide such access to other Contracting Parties through the Multilateral System. To this effect, such access shall also be provided to legal and natural persons under the jurisdiction of any Contracting Party, subject to the provisions of Article 11.4.

Article 12.3 refers to the access conditions

Ex situ collections held by the IARCs and other international institutions (excerpts from Article 15)

Article 15.1

The Contracting Parties recognize the importance to this Treaty of the *ex situ* collections of plant genetic resources for food and agriculture held in trust by the International Agricultural Research Centres (IARCs) of the Consultative Group on International Agricultural Research (CGIAR). The

⁴ The full text is available at <http://www.fao.org/3/i0510e/i0510e.pdf>

Contracting Parties call upon the IARCs to sign agreements with the Governing Body with regard to such ex situ collections, in accordance with the following terms and conditions:

- a) Plant genetic resources for food and agriculture listed in Annex I of this Treaty and held by the IARCs shall be made available in accordance with the provisions set out in Part IV of this Treaty.
- b) Plant genetic resources for food and agriculture other than those listed in Annex I of this Treaty and collected before its entry into force that are held by IARCs shall be made available in accordance with the provisions of the MTA currently in use pursuant to agreements between the IARCs and the FAO. This MTA shall be amended by the Governing Body no later than its second regular session, in consultation with the IARCs, in accordance with the relevant provisions of this Treaty, especially Articles 12 and 13 and under the following conditions [...].⁵

[...]

Article 15.2

The Contracting Parties agree to provide facilitated access to plant genetic resources for food and agriculture in Annex I under the Multilateral System to IARCs of the CGIAR that have signed agreements with the Governing Body in accordance with this Treaty. Such Centres shall be included in a list held by the Secretary to be made available to the Contracting Parties on request.

Article 15.3

The Material other than that listed in Annex I, which is received and conserved by IARCs after the coming into force of this Treaty, shall be available for access on terms consistent with those mutually agreed between the IARCs that receive the material and the country of origin of such resources or the country that has acquired those resources in accordance with the Convention on Biological Diversity or other applicable law.

Article 15.4

The Contracting Parties are encouraged to provide IARCs that have signed agreements with the Governing Body with access, on mutually agreed terms, to plant genetic resources for food and agriculture not listed in Annex I that are important to the programmes and activities of the IARCs.

Article 15.5

The Governing Body will also seek to establish agreements for the purposes stated in this Article with other relevant international institutions.

⁵ The Standard Material Transfer Agreement was adopted by the First Session of the Governing Body and used since January 2007 by the CGIAR Centres for the transfer of PGRFA listed in the Annex I to the International Treaty. At its Second Session, the Governing Body endorsed the proposal from the Centres to use the same SMTA for the transfer of non-Annex I PGRFA, with the insertion of an interpretative footnote.

List of crops in Annex I

Annex I lists the PGRFA included in the MLS by genus, with indication of **food crops** and **forages**, along with any exceptions.

Food crops

Crop	Genus	Observations	Crop	Genus	Observations
Breadfruit	Artocarpus	Breadfruit only.	Barley	Hordeum	
Asparagus	Asparagus		Sweet Potato	Ipomoea	
Oat	Avena		Grass pea	Lathyrus	
Beet	Beta		Lentil	Lens	
Brassica complex	Brassica et al.	Genera included are: Brassica, Armoracia, Barbarea, Camelina, Crambe, Diplotaxis, Eruca, Isatis, Lepidium, Raphanobrassica, Raphanus, Rorippa, and Sinapis. This comprises oilseed and vegetable crops such as cabbage, apeseed, mustard, cress, rocket, radish, and turnip. The species Lepidium meyenii (maca) is excluded.	Apple	Malus	
Pigeon Pea	Cajanus		Cassava	Manihot	Manihot esculenta only.
Chickpea	Cicer		Banana / Plantain	Musa	Except Musa textilis.
Citrus	Citrus	Genera Poncirus and Fortunella are included as root stock.	Rice	Oryza	
Coconut	Cocos		Pearl Millet	Pennisetum	
Major aroids	Colocasia, Xanthosoma	Major aroids include taro, cocoyam, dasheen and tannia.	Beans	Phaseolus	Except Phaseolus polyanthus.
Carrot	Daucus		Pea	Pisum	
Yams	Dioscorea		Rye	Secale	
Finger Millet	Eleusine		Potato	Solanum	Section tuberosa included, except Solanum phureja.
Strawberry	Fragaria		Eggplant	Solanum	Section melongena included.
Sunflower	Helianthus		Sorghum	Sorghum	
			Triticale	Triticosecale	
			Wheat	Triticum et al.	Including Agropyron, Elymus, and Secale.
			Faba Bean / Vetch	Vicia	
			Cowpea et al.	Vigna	
			Maize	Zea	Excluding Zea perennis, Zea diploperennis, and Zea luxurians.

Forages

Genera	Species	Genera	Species
<i>LEGUME FORAGES</i>		<i>GRASS FORAGES</i>	
Astragalus	chinensis, cicer, arenarius	Andropogon	gayanus
Canavalia	ensiformis	Agropyron	cristatum, desertorum
Coronilla	varia	Agrostis	stolonifera, tenuis
Hedysarum	coronarium	Alopecurus	pratensis
Lathyrus	cicera, ciliolatus, hirsutus, ochrus, odoratus, sativus	Arrhenatherum	elatus
Lespedeza	cuneata, striata, stipulacea	Dactylis	glomerata
Lotus	corniculatus, subbiflorus, uliginosus	Festuca	arundinacea, gigantea, heterophylla, ovina, pratensis, rubra
Lupinus	albus, angustifolius, luteus	Lolium	hybridum, multiflorum, perenne, rigidum, temulentum
Medicago	arborea, falcata, sativa, scutellata, rigidula, truncatula	Phalaris	aquatica, arundinacea
Melilotus	albus, officinalis	Phleum	pratense
Onobrychis	viciifolia	Poa	alpina, annua, pratensis
Ornithopus	sativus	Tripsacum	laxum
Prosopis	affinis, alba, chilensis, nigra, pallida		
Pueraria	phaseoloides		
Trifolium	alexandrinum, alpestre, ambiguum, angustifolium, arvense, agrocicerum, hybridum, incarnatum, pratense, repens, resupinatum, rupeppellianum, semipilosum, subterraneum, vesiculosum		
		<i>OTHER FORAGES</i>	
		Atriplex	halimus, nummularia
		Salsola	vermiculata

Relevant resources

FAO 2009. International Treaty on Plant Genetic Resources for Food and Agriculture, <http://www.fao.org/3/i0510e/i0510e.pdf>

FAO 2015. Opinions and advice of the Ad Hoc Technical Advisory Commimittee on the Multilateral System and the Standard Material Tranfer Agreement

<https://openknowledge.fao.org/server/api/core/bitstreams/b521226e-72fc-48dd-8a3d-6442a6157de3/content>

FAO 2021. The Multilateral System of Access and Benefit-Sharing - Educational - Module IV. Rome . <https://doi.org/10.4060/cb7984en>

FAO 2023. FAO elearning Academy. Certified course on The Multilateral System of Access and Benefit-sharing. <https://elearning.fao.org/course/view.php?id=999>