AEGIS Guidelines for Distribution of Material from the European Collection

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Introduction

With the establishment of the European Collection, guidelines need to be developed for each of the relevant operations of this dispersed and decentralized Collection. One area of operations concerns the distribution to users of germplasm from the European Collection. Reasons for a standardized approach across the genebanks holding accessions included in the European Collection are listed below:

- Guaranteed availability and effective distribution of plant genetic resources (PGR) is one of the main pillars of AEGIS. It is important that transparent and reliable Guidelines be harmoniously applied to the entire European Collection. This will be a significant element enhancing the quality of the service offered by AEGIS to its users.

- Few formal references to the distribution of plant genetic resources exist: the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and its Standard Material Transfer Agreement (SMTA), the Second Global Plan of Action for Plant Genetic Resources for Food and Agriculture (GPA) and the FAO Genebank Standards for Plant Genetic Resources for Food and Agriculture.

- Members of the European Cooperative Programme for Plant Genetic Resources (ECPGR) have opted to treat non-Annex I materials in the same way as Annex I materials, i.e. to distribute it using the SMTA.

- A harmonized approach among the AEGIS genebanks is justified to achieve equal treatment of all users requesting germplasm.

- While the SMTA provides a legal framework for the distribution of genetic resources, it does not address a number of practical and specific issues: Who qualifies to receive germplasm? What amount of material should be used per sample? What kind of precautionary measures, including phytosanitary ones, are required when distributing the material? What kind of information should be sent along with the material?

- During the discussions leading to the implementation of the ITPGRFA, references were made to *'reasonable requests'*. The AEGIS Distribution Guidelines should specify what constitutes a reasonable request for plant genetic resources to a genebank.

- Different views and practices appear to exist in European genebanks with respect to the distribution of germplasm to farmers and other direct users. Opinions of the Ad Hoc Technical Advisory Committee on the Standard Material Transfer Agreement and the Multilateral System of the International Treaty provide guidance that is also adopted by these Guidelines.

- The time span between receipt of a request for germplasm and the dispatch of the germplasm material should be kept to a minimum. It seems to be good practice to establish a target average delivery time in order to ensure a harmonized approach. Some genebanks indicate on their website an expected average time to handle requests.

- Various international agreements, in particular the ITPGRFA and the Nagoya Protocol, and national legislations have impacted on distribution policies. It was therefore felt opportune to provide a clear framework and guidance to the AEGIS Associate Member genebanks with respect to the distribution of germplasm samples from accessions forming the European Collection.

In view of the above, the present document sets out rules and procedures for germplasm distribution by European genebanks holding material that has been formally included in the European Collection. The ECPGR Steering Committee will provide oversight to and monitor the implementation of these Guidelines, through its Secretariat, and decide on advice and corrective measures.

Objective

The objective is to harmonize the procedures and practices among the AEGIS Associate Members with respect to the routine distribution of European Accessions.

Scope and other aspects covered by Guidelines

1. The Guidelines refer to the distribution within or outside the holding country of all the plant genetic resources accessions that have been formally included in the European Collection (either belonging to Annex I of the Treaty or not). These accessions have been flagged in EURISCO as AEGIS Accessions (hereafter referred to as European Accessions)[1]. The European Accessions are maintained by European genebanks and germplasm collections that have concluded the AEGIS Associate Membership Agreement with their respective National Coordinator (see list of Associate Member Institutions).

2. The Guidelines address formal requests for samples of European Accessions, either electronically or in hard copy, to AEGIS Associate Member genebanks that distribute the germplasm material and information (hereafter referred to as 'Providers') by users of the germplasm (hereafter referred to as 'Recipients').

3. As AEGIS Associate Members follow the rules and procedures of the International Treaty, all provisions that apply to the distribution of the germplasm as defined in the International Treaty are applicable to these Guidelines. This includes the different types of intended use of the requested germplasm as well as the subsequent obligations on further distribution of European Accessions and on benefit sharing.

4. Whereas germplasm shipments within the EU need to follow EU regulations, most non-EU countries use a system of import permits. In a number of countries these permits have to accompany the germplasm shipment and thus will have to be provided by the Recipient prior to the shipment. Import conditions might vary according to the crops and countries involved. In some countries small amounts of germplasm may be imported for scientific purposes without an import permit.

[1] For details see the AEGIS website European Accessions and the EURISCO website EURISCO Quick Search, setting the filter on AEGIS status = Yes.

5. Among the legal and policy-related aspects, the Guidelines will take plant quarantine (i.e. pest and disease) aspects into consideration. Where necessary, the distributed germplasm samples will be accompanied by a Phytosanitary Certificate or a related statement, in order to ensure that the distributed material meets all import permit requirements (see previous article). Any cost regarding this kind of phytosanitary certification will be borne by the Recipient, if so requested by the Provider.

6. The European Collection includes, in principle, all PGRFA that are unique and important for Europe, and are thus very diverse in a genetic sense. The genetic diversity within European Accessions might vary from one genotype (in the cases of clonally propagated material, pure lines of self-breeding species, and modern varieties) to entire populations (in particular of crop wild relatives and other non-domesticated plant species). As a consequence, the number of individual seeds/tissues/cuttings/etc. that are needed to represent this genetic diversity will greatly vary from one accession to the other. Article 4.8.4 of the Genebank Standards endorsed by the FAO Commission on Genetic Resources for Food and Agriculture states*: "For most species a sample of a minimum of 30-50 viable seeds should be supplied for accessions with sufficient seeds in stock. For accessions with too little seed at the time of request and in the absence of a suitable alternative accession, samples should be supplied after regeneration/multiplication, based on a renewed request. For some species and some research uses, smaller numbers of seeds should be an acceptable distribution sample size."* It should be noted that for field genebank and *in vitro*/cryopreserved material, no minimum quantities are given and that many fruit tree field genebanks maintain only two or three trees per accession, thus limiting the capacity to provide germplasm to users.

7. While the communication to the original Provider of information generated through research and evaluation by the Recipients on the distributed germplasm samples is formally outside the scope of these Guidelines, Providers are encouraged to request information on the performance of the accessions provided from the Recipients, in order to contribute to a steadily increase of the value of the conserved germplasm and to improve targeted selection by interested users.

General Provisions

1. In these Guidelines 'Recipient' refers to the person/institute that requests and eventually receives germplasm material. The 'Provider' refers to the Associate Member genebank that distributes the germplasm material and information.

2. 'European Accessions' as defined in the AEGIS Memorandum of Understanding (MoU) are subject to these Guidelines. As AEGIS follows the rules and procedures of the International Treaty, all provisions that apply to the distribution of germplasm as defined in the International Treaty are applicable to these Guidelines as well as all the provisions included in the SMTA of the International Treaty.

3. The Guidelines address requests that are made to AEGIS Associate Member genebanks (i.e. the Providers) by Recipients of plant genetic resource samples of European Accessions. Such requests may preferably include a clear statement of the purpose for which the material will be used, and should indicate if any import specifications apply where appropriate. If required by the Recipient's country, requests should also include an import permit, in order to allow the germplasm samples to be imported into the country of the Recipient.

4. Information about any request will be treated confidentially by the Provider.

5. Providers will only attend to large requests if these have been accompanied by a motivation for the size of the request. The Provider may follow up directly with the Recipient to clarify aspects regarding the size of the request.

6. All germplasm samples intended for purposes of research, breeding and training for food and agriculture will be distributed under a SMTA, with an explanatory note clarifying how the SMTA should be interpreted when it is used for distribution of non-Annex I material[2].

7. Providers are encouraged to request feedback from Recipients regarding information obtained through research or evaluation on the accessions provided, in order to increase the value of the conserved germplasm and facilitate and improve the targeted selection by subsequent interested users.

8. In the event that the European Accessions are accessed for purposes other than those provided for in Article 6.1 of the SMTA[3], the terms and conditions under which material is made available will be agreed upon on a case-by-case basis between the Provider and the Recipient. In the case of direct use for cultivation, it is left to the discretion of the Provider to formulate the rules whereby this material can be made available, including by signing an agreement in which the Recipient commits itself not to use the material for breeding, training or research purposes and not to transfer it to third parties for those purposes.

9. A Phytosanitary Certificate or a comparable document will be arranged by the Provider if requested by the Recipient and if feasible, in order to ensure that the distributed material meets the import permit's requirements. The Provider may bear the costs of such Certificate or request the Recipient to pay.

10. Providers of germplasm will take all possible measures to ensure that no accessions containing genetically modified traits are inadvertently included in the European Collection.

11. Distributed European Accessions will be accompanied by all available passport data or a reference to a website offering such information and, subject to applicable law, any other associated non-confidential descriptive, performance and management data.

12. In order to ensure that the Recipient receives the genetic material of interest, the Provider will strive to distribute samples of accessions that represent the genetic diversity of a given accession as adequately as possible.

13. The Provider will strive to distribute the requested germplasm expeditiously. Should it be impossible to fulfil the request, the Recipient will be informed accordingly.

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2 The SMTA with explanatory note is available from the AEGIS website.

3 6.1 The Recipient undertakes that the Material shall be used or conserved only for the purposes of research, breeding and training for food and agriculture. Such purposes shall not include chemical, pharmaceutical and/or other non-food/feed industrial uses.