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NEXT Black Sea Basin

SeedGuard

BSB00450, SEEDGUARD: Seed Guardians for Biodiversity, Agrobiodiversity, Ecosystem Services and Climate Adaptation

Module 5. Organization of CSCs and CSBs. Management for seed success and sustainability

Activity 1.3. Trainings “Guardians of the Seeds”

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Introduction

The ways, the CSCs and CSBs are organized and managed vary a lot. They can differ in the same region, even, by number of varieties, taken care of, the thematic focus and management style, applied approaches and organizational set-up, social structure and infrastructure. Some may integrate the efforts of a small number of members, others can involve many farmers in a network. Many CSCs and CSBs are set as associations, foundations, cooperatives or LTD's, but a big percentage (about 25%) are informal. Most operate on a non-profit basis, but some generate revenues, which allow them to grow and extend the activities.

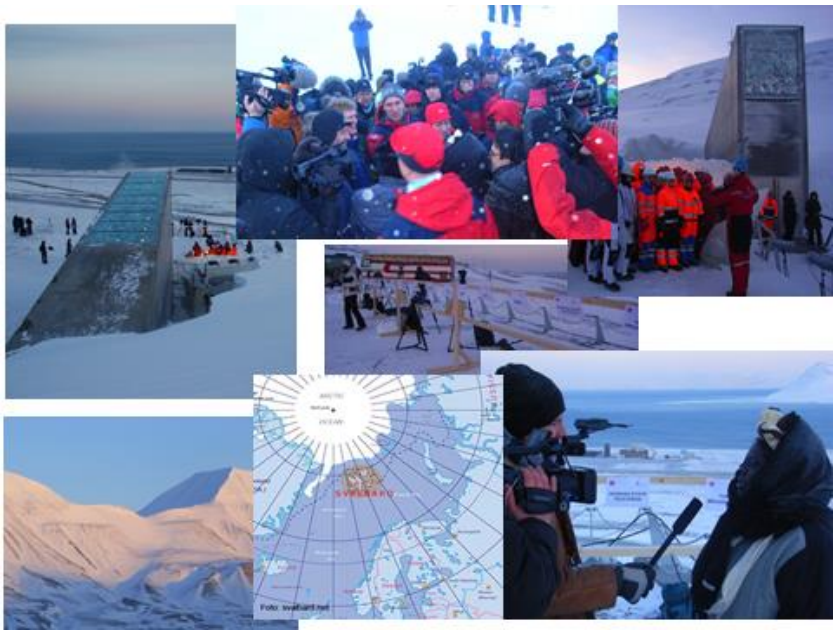
For each CSC or a CSB is important to execute SWOT analysis and define the key factors that can contribute to its sustainability.

CSCs and CSBs are usually small-scale local organizations that store seed on a short term basis and serve the needs of individual communities or several communities of a particular area. This format may have a much larger meaning as it results in consolidation of community members, establishment of partnerships and networking with multiple actors. Especially with those from the formal and the informal seed systems.

Photo: CHI, Asmund Asdal

The seed saving can start with creation of a CSC, which can grow and develop into an CSBs with an enlarged scope and complexity in correspondence with sophistication of the needs and demands of its members.

Regardless of the format, the process of establishing and supporting a community seed bank includes steps, which would be discussed with the members and will respond to the community interests, needs, principles and practices of the CSC or the CSB.



The Svalbard seed vault Photo: CHI, Asmund Asdal

The multiple functions and services of community seed banks

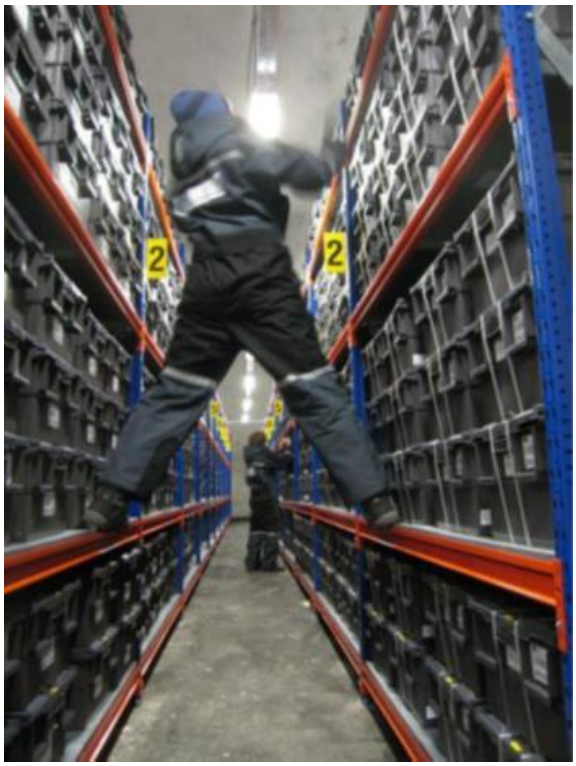


Photo Svalbard

Functions and services of community seed banks can be grouped into three core areas or activities:

1. Conserving local and heirloom varieties and restoring lost varieties from the area
2. Providing access to and availability of vegetable varieties at community level, fostering exchanges and production of seeds of participatory vegetable bred varieties
3. Ensuring seed and food sovereignty, execution of local control over seed conservation, sharing of agricultural biodiversity knowledge and expertise, and promotion of ecological agriculture.

It is important to organize learning formats for the farmers – workshops, on-site demonstrations, etc. The topics would cover:

- Introduction of the CSBs – purpose and philosophy behind;
- detailed description of the major functions and services and link them to what CSB can do for the community and the region.

Operational issues of the CSCs

Crop selection and seed collection

The local vegetable growers have to discuss and agree about what species and varieties are to be will be chosen to save and conserve. Will these be the local varieties, only, or the improved ones as well?

The number of vegetable varieties collected and conserved in the CSB will depend on the local specifics:

- the spread, popularity and availability of locally cultivated species;
- their cultural meaning for the community;
- human and technical capacity to collect and deliver the seeds to the CSB;
- availability of resources to explore and collect seeds not in the community, only, but in the surrounding area as well;
- the level of understanding the value of local genetic resources and their role for sustainability of the community, food security and sovereignty and negative climate factors' mitigation; the support needed to promote the CSB;
- existence of enabling environment.

Important considerations

The adopted definition of a CSB is a local, mainly informal institution whose core function is to maintain, safeguard, and exchange local and farmer-preferred seeds for local use (Vernooy et al. 2015).

It has to be noted, that a local organization that produces and sells seeds as its core function is a seed enterprise and cannot be considered a CSC or a CSB, as its main objective is not the conservation and sustainable use of PGR. The CSCs and the CSBs are organized and managed by a small group of local small farmers and gardeners. They provide services to a great number of similar structures within the community and outside it. They act as preservers of local diversity where there are no other sources for getting access to the locally adapted plants.

The CSCs and the CSBs execute activities, such as:

- Awareness raising, training and knowledge provision
- Documentation of origination, history, main characteristics, etc., of the varieties
- Provision of information to their members
- Collection, production, distribution, and exchange of seeds
- Sharing of experiences with peers and collaborative initiatives
- Promotion of agrobiodiversity
- Community engagement and participation
- Execution of schemes for financial rewarding of their members
- Networking for generation of problems' solutions and policy initiatives

The existing practices demonstrate, that the CSCs and the CSBs can have different prime focusses, complementing the other functions of theirs:

- some CSBs and CSCs can put a priority on seeds' preservation for agrobiodiversity
- some CDBs can prioritize revival of lost local varieties
- CSBs can give priority to conservation and access and availability of diverse types of seeds and planting materials suitable to various agroecological domains, primarily for local farmers.
- CSBs can prioritize seed and food sovereignty

To summarize, functions and services of CSBs can be grouped into three core areas:

- conservation (conserving local and heirloom varieties and restoring lost varieties from the area)
- providing access and availability (offering access to varieties at the community level
- fostering exchange and production of seeds
- ensuring seed and food sovereignty (local control over variety and seed conservation, sharing of agricultural biodiversity knowledge and expertise and promoting agrobiodiversity

Some community seed banks combine functions, e.g.:

• Conservation + access and availability
• Conservation + access and availability + seed and food sovereignty.

How to organize a CSB

There are differences in the way CSBs are organized and governed, depending on local situation and circumstances (as per Regine Anderson, Fridtjof Nansen institute, Norway):

- basic level without key elements of formal governance (as in Rwanda and Bolivia)
- governed by a board of volunteers and managed as a seed network based on membership (as in Brazil, Honduras, Mali, Mexico, Spain, Trinidad, the USA)
- governed by an elected committee with transparent operational plans and guided by locally developed rules and regulatory frameworks (as in Bangladesh, Costa Rica, Nepal, Nicaragua and Zimbabwe)
- governed by an ideology of free access, open source, seed sovereignty (as in Canada)
- controlled by the state/public sector (as in China and Bhutan)

According to Ms. Anderson, most CSBs in the Global South have been initiated by international or national NGOs. In some cases they are supported by the national governments, as in Nepal, Uganda and India. Some community seed banks have been initiated by governments, as in Mexico, Bhutan and South Africa, whereas others are not supported by any policy or legal instruments, as in Sri Lanka. In general, community seed banks do not have strong governmental policy and legal support.

The European community seed banks are preserving big variety of crops. Some CSBs concentrate on a limited number (often one or 2-3), others (especially those, supported by the national government), include many crops. In Europe, the covered crops by the CSBs include grains, potato, vegetables, legumes, herbs, fruits, vines, nuts, ornamentals, wild plants, etc. A big portion of the preserved crops are the local land-races and farmers' varieties. Some commercial varieties, which had built a good reputation throughout the time, also are taken care of and get preserved.

The first contributors of seeds to CSBs are the founders and the members of the community seed banks, as well as the farmers, gardeners, hobby growers and breeders with whom they share or exchange seeds. Also, other gene banks can be a source of plant material.

Management of a CSC (CSB)

CSCs (CSBs) can be formally registered (as an NGO), but very often, they are informal.

A CSC is collectively managed by the community in an agreed manner between its members, stepping on local conservation attitudes and practices and use of plant genetic resources in small farms and gardens. In countries like Norway and other Scandinavian countries, the CSCs (CSBs) are collaborating with the gene-banks and the scientific institutes. The governance of the CSCs is aiming at inspiring and empowering the community to preserve seeds and extend cultivation of vegetable varieties. The management of the CSCs is responsible for the day-to-day operations to sustain it in a

long run. Dedicated volunteers are often involved in most important operational steps, as to share management efforts and to encourage spirit of belonging of community members. For learning how to properly manage a CSC a customized training is to be organized, the lessons from learning-by-doing are taken inconsideration and peer reviews are organised. The CSCs (CSBs) are often started in an informal way, but with the time their management applies more formalized approaches.

Different management approaches are mentioned below:

1. No formal management is applied at the beginning. The CSC may be run by external stakeholders, who appoint a manager, or by an NGO. Locals, related to the plant diversity may also take the management function.
2. The CSC (CSB) can be initiated as an affiliation of a gene bank with involvement of small farmers and seed producers. Then, it is under the management and a control of it (example: NordGen, POM in Sweden, etc.). A professional phytosanitary control, genetic quality and purity monitoring is executed by the gene bank.
3. The CSC (CSB) is managed by volunteers and acts as a seed network, based on membership. The conservation and commercial activities are run by a local committee/assembly. External support from private companies may be involved. Membership fees and income from seed sales (if allowed by national regulation) are envisaged.
4. The CSC (CSB) is managed by an appointed committee from the very beginning, involving local men and women farmers. They are engaged with the operational planning and development of rules. The committee organizes collection, cleaning, drying, storing, distributing, and regenerating seeds.
5. CSC (CSB) is managed as an open source and a free access to seeds. It is set as a volunteer network of seed-savers (example: The Norwegian Seed Savers). Sometimes it may act as a seed library and supports seed exchange world-wide.

Cost of management of a volunteered CSC (in-situ) is in most of cases quite low. It includes storage facility, equipment and activity supporting materials. The work of the person,

operating the CSC is usually done by volunteers, or a locally nominated person, who could get compensated from the sale of seeds (as suggested in the current project). In many countries, there are start-up funds provided by the governments, or through EU funds. Farmers' associations, whose members are interested in provision of heritage seeds may also finance establishment of a CSC (CSB). Other support organisations can be traced as well.

It will be very beneficial for the CSCs to establish partnerships with various stakeholders, such as the national gene bank, the ministry of agriculture, the local government, etc., for support to achieve sustainability.

Important building stones of the CSC and CSB

Key building stones of a CSC or a CSB are the training, learning and awareness-raising. Also, the involvement and participation of the locals. Building collaboration with academia and national gene banks, if they exist, is important for maintenance of the quality of the seeds and their "purity". And, finally, publicity and media presence are very important building stones of the CSCs.

Political actions and policy initiations, as well as the advocacy are fundamental for the future of the CSCs and the CSBs. Mutual support and trust between the CSCs members and other farmers are extremely valuable. As well as creativity, flexibility and innovativeness. Ability to take decisions independently and voice them are leads to resilience. Consistency in media appearances and collaboration with public bodies is a must. Maintenance of contacts and exchange with other CSCs and CSBs nationally and internationally is contributional to learning and self-training of the CSCs members and the farmers and gardeners' community of the place in building power and forcefulness.

As the lack of financial resources could be a hurdle for the ambitions of the CSCs members, a plan for attraction of financial support should be designed and followed with consistency.

As the availability of human resources to serve the activities of the CACs and the CSBs could threaten the management dynamics, attention to secure attraction of additional human power when needed is important.

A constant watch of legal actions, domestically and internationally, related to the seeds has to be executed, as some legal initiations can create difficulties to the CSCs and the CSBs.

Objectives and operational structures of CSCs and the CSBs

The success of the started CSC or a CSB depends on the successfully built awareness and common understanding of the community members and the key influencing factors, that acknowledge the need to conserve, assure access of farmers to seed and planting material and enhance agrobiodiversity, and admit the objectives and the initiative of the CSCs and the CSBs.

There will be several phases in starting the CSC:

1. Define the inspiration for the community initiative. Why do we need and want to have a CSC or a CSB?
2. Define the main and subordinated objectives: to revive, conserve, make seeds available. What do we want to achieve?
3. Define who will be the beneficiaries – the farmers, who are the CSC members, and the rest of community members, gardeners and amateur growers outside the community, etc.
4. Define the needed physical, human, financial and management structures for running the CSB.
5. Define collaborative factors for building supportive ecosystem.

Important aspects influencing success of operations

A. Financial aspects

Financial back up of the CSCs activities will mirror the specifics of the location and the environment it will work in. There is a big variety of scenarios to follow. They can involve public funds, membership fees, private contributions, etc. In the current project, membership fees are not envisaged. The members' contributions will involve volunteering at the beginning. Later, sale of seeds and offering expertise through trainings for newcomers may be considered. As well as applying for project financing – EU and other sources.

European CSB experiences show that annual operational costs can be as low as 1000 EUR (as in Portugal and Greece) up to 100 000 EUR (in some cases in France or Italy). Some big CSBs incorporated in governmental support structures with wide-ranging distribution and promotional activities can reach 1 million EUR per year.

The spending of the CSB goes for infrastructure (office, space for keeping seeds and equipment), travel, advertisement, management, when there is a person nominated to do the job, etc. In most of cases, the European CSB relies on voluntary members to do the everyday work. Some CSBs hire a professional staff.

A good way to go is to collaborate with national institutions in conservation, for execution of research, for technical training and supervision. Collaboration with NGOs at national and international level in projects could be financially rewarding to cover activities, such as:

- Seed, soil and crop health
- Seed management, production and reproduction
- Crop diversity assessment, variety selection and decentralised and participatory breeding
- Documentary and registration
- Organizational development, etc.

B. Governance

Firstly, let's introduce the concept of participatory breeding, which could be useful to have in mind when constructing the CSCs and the CSBs. Please, advise with the links **https://dicoagroecologie.fr/en/dictionnaire/participatory-plant-breeding/ and https://www.researchgate.net/publication/344150825_PARTICIPATORY_PLANT_BREEDING_AN_OVERVIEW**

The perception of the Participatory Plant Breeding (PPB) is of a breeding setting, which includes collaboration between breeders, academia and farmers, marketers, processors, consumers, and policymakers.

The above links consider that the PPB

"……..is a collective mode of genetic improvement of plants which brings together different stakeholders, including researchers, farmers, facilitators, etc. This participatory approach supplements the limits of the delegating mode of plant breeding established post-war in Europe, mode in which research and innovation were delegated by farmers to a small group of professionals, breeders and seed companies.

Furthermore, the established delegative mode has led to an increasing uniformity of crops, selected for intensive farming, based on chemical inputs.

Participatory breeding has thus emerged from farmers' desire to reclaim the knowledge of selection and therefore gain autonomy. This changes roles through an active participation of farmers at all stages of the selection process. This system therefore equitably promotes the farmer's and the researcher's contribution. The objectives of participatory breeding also include developing varieties of populations that are adapted to the farmers' diverse practices and recreating a dynamic genetic diversity that evolves with the variability of its environment (climate change, pathogen pressure …).

However, developing this selection mode is linked to the developments of the regulatory framework which to date does not include it. Indeed, for a variety to be recognized as such and registered in the official catalogue it must comply with the "DHS" criteria (Distinction, Uniformity, Stability). On the other hand, heterogeneous and evolutionary traits are sought for the varieties selected in a participatory manner.

Participatory breeding is a practice which promotes the development of agroecology by having an approach that goes beyond the traditional scientific framework and by taking into account a territory's economic, social and environmental potentials. Indeed, it encourages farmers' financial autonomy, promotes a system that contributes to the redistribution and share of knowledge and works for the preservation and sustainable use of biological diversity."

We step on the principle that the community biodiversity and agrobiodiversity governance are in the core of the activities of the CSCs and the CSBs. This principle determines the CSBs' governance and the devotion of farmers, gardeners, etc. growers to exercise collective PGR guardianship.

Governance set up of a particular CSB depends on the chosen legal format, maturity, local circumstances, social perceptions and cultural expressions (lifestyles, traditions, etc.).

In the newly emerged CSCs and CSBs governance is performed collectively by those (members, facilitators) who are directly involved in the work. In the matured entities with accumulated history and experience and more sophisticated activities, a more complex governance appears appropriate.

Most CSBs in Europe, which are registered as no profit legal entities, take the form of associations, networks, foundations or cooperatives. It should be mentioned that the CSBs can be commercial entities as well and that there are such examples in Europe.

In associations, next to the staff, authorized to perform governance, there would be a board and a general assembly that take decisions. It is similarly done in foundations. The management staff is having a certain decision taking responsibility as well.

C. Community trust funds

When starting a CSC or a CSB it would be appropriate to consider the possibility of creating a Community trust fund. It is intended to engage and motivate community members to take an active part in the governance and sustainability of the CSBs.

The fund will be, theoretically, connected to the specific needs of the CSB. Its role may also be to provide funds to the community from the funds generated from the use of genetic resources through access and benefit-sharing mechanisms.

A good example is the Italian seed network and CSB Rete Semi Rurali (RSR), which working to achieve:

1) Increasing members' commitment to the network's economic sustainability;

2) Enlarging the base of individual supporters, by improving the network's outreach and communication activities, as well as enhancing the offer of seed of varieties and populations from the CSB;

3) Establishing a sustainability fund whose functioning is agreed among members and overseen by the board, to gather contributions from members and supporters, and re-invest in RSR's activities and services.

How can a CSB regulate access and benefit-sharing on the seed it distributes?

The International Treaty for Plant Genetic Resources for Food and Agriculture (ITPGRFA) and Nagoya Protocol are regulating the access and benefit sharing of seeds' distribution. Often, the seeds are coming to a CSC or a CSB without formal agreement, but the CSB may still choose to operate within the ITPGRFA framework and thus use the Standard Material Transfer Agreement (SMTA) (please, consult with FAO on the matter, https://openknowledge.fao.org/server/api/core/bitstreams/e0521161-1b06-4107-8f0f-70b838da908a/content).

"It is s a standard contract that sets out the terms and conditions ensuring that the relevant provisions of the International Treaty are followed when transferring plant genetic material that is included in the Multilateral System. It is the result of lengthy negotiation. The SMTA regulates exchanges of plant genetic material, prevents their misuse, and ensures that any commercial benefits that arise are fairly and equitably shared.

The terms and conditions of the SMTA may not be varied in any way, but it contains some paragraphs and sections that need to be completed for each use. The SMTA can be compiled online in six languages and, if users wish, can also be concluded online through

the Easy-SMTA application. More than 84 000 SMTAs were used to transfer plant material for research, training and plant breeding from 2007 until mid-2021.

SMTA for transfers with research/breeding purposes; if the material is requested for non-food/non-agriculture purposes or does not fall within the scope of the ITPGRFA (for instance a non-Annex 1 species or any species requested for the development of a commercial cosmetic product), the CSB could choose to apply the CBD/Nagoya framework (if its country has ratified it and implemented its provisions) or develop its own private agreements/contracts for these cases. “

Why use the SMTA?

An SMTA offers important benefits to the provider and recipient. It can: give them control over the distribution and use of the material; help them gain access to the results of the research, both for information purposes and for commercial exploitation.

An example of the Swiss ProSpecieRara (Switzerland) in access and benefit sharing:

The organization’s purpose was to make the access of seeds from its collection easy and cheap. Exchanges between the members of the ProSpecieRara network are done without a formal ABS agreement. However, external users and companies who wish to use the varieties conserved by PSR for breeding or research and development are required to sign a contract. For crop breeders, this contract is the Standard Material Transfer Agreement (sMTA) of the International Treaty on PGRFA. For breeders of ornamentals and for purposes which are not related to research in the food and agriculture sectors (e.g. for cosmetics, drugs or flavouring), a different contract is used, to be developed jointly with the user on a case-by-case basis.

The above process is practically implemented as follows:

When a user orders seed or planting material from PSR’s website (using the Variety Finder functionality), she/he can choose among two options. The user will choose the first one if she/he does NOT intend using the variety for commercial, breeding and research purposes and will not pass it on to third parties for these purposes, which will lead to the release of material with no formal contract (as direct use).

She/he will click on the second option in case the variety is intended for research or breeding, in which case she/he will be redirected to another page for signing an SMTA. If the purpose is research and commercial development in other non-food/non-agriculture sectors, the user will be redirected to an explanatory page describing how an ad-hoc access and use contract will be developed.

Easy SMTA

Within the framework of the ITPGRFA, an Information Technology Tool is available under the name of Easy- SMTA, to assist users with compiling and generating SMTAs in the six official languages of the International Treaty, as well as with reporting on SMTAs concluded in accordance with the instructions made by the Governing Body of the International Treaty. Such a tool can be embedded within any organisation's germplasm database, so to automatize the generation and reporting of transfers occurring under an SMTA even further, and transmitting them automatically to the Treaty Secretariat. Italian seed network RSR is working on such an integration in their own database**.**

Another relevant distinction concerns the type of materials. What about varieties or populations that farmers or farmer associations develop through selection and breeding?

Farmers (or CSB on their behalf) can set conditions on the use of the PGR. In the case that farmers or CSBs do not apply for patents or plant breeders' rights over the materials they have developed, these materials will be in the public domain from an IP point of view. This lack of publicly sanctioned IPRs means that public administrations will not recognize nor protect the farmers' monopoly over their varieties, but farmers can still protect their rights by controlling/limiting the sharing of their varieties. For the self-created materials, farmers are free to decide whether they share the material using the Standard Material Transfer Agreement (SMTA) of the ITPGRFA, add additional conditions to that agreement, or use a different contract altogether.

Many European CSBs have established some degree of rules around access and benefit sharing for the distribution and exchange of germplasm among members and external users. A study conducted among European CSBs by the DIVERSIFOOD project reported that around half of the initiatives have reserved certain rights or services for members or participants that are actively engaged in the CSB. Access to seeds or propagating material,

as well as to associated data, is granted only or with priority to those special groups, which usually consist of farmers and hobby gardeners and appear as “direct users”, not engaged in formal experimentation, training or research, nor in any commercial development based on the obtained seeds.

This preferential treatment is often intended as a means to obtain some economic support through membership or affiliation. In other words, it is not determined by an attempt to “privatise” the resources held, particularly those which are clearly in the public domain as landraces and old varieties. In practice, the CSB keeps a record of the recipient, the date of the transaction and the resources (type and quantity) involved; the only commitment requested to users is to return part of the seed received at harvest time, to re-fuel the CSB’s stocks. This is usually a non-binding clause, which applies only when the user’s harvest is sufficient to return the seeds. Some CSBs may ask for the recipient to pay for the shipment of the seed or/and to give back information on its performance in the local context in which it is grown.

Some bigger CSBs align their policies to the national or international frameworks. This decision is made when the CSB collaborates with many and different users, which include farmers and gardeners as well as formal organisations engaged in some level of research, training, and development around PGRFA (e.g. national gene banks). It allows for bigger legal certainty and legitimacy to CSBs’ seed distribution activities, also in case when an inappropriate use is made of a resource originally transferred from a CSB and a dispute needs to be resolved.

How can a farmer or a CSB access PGR from the formal (institutional) ex situ collections?

The formal genebanks (national and international) may assist the reintroduction of seeds under request directly to farmers or their collective settings with very small quantities and

under strict selection of users. They rather provide samples to breeders and researchers. Nevertheless, reintroductions of seeds for on-farm use was started by the genebanks in the early 1990s. Currently, the genebanks register an increase of requests from farmers, or seed savers, or CSB networks, which appear as direct users, for reintroduction of varieties in cultivation or for participatory on-farm research and experimentation.

Genebanks' approaches for seeds provision to direct users

A European genebanks' survey showed that most of them do not have a specific policy for dealing with direct users' requests (70%). They often use the SMTA in a simplified form. Around 22% of them do not use a transfer agreement.

Regarding collaborations with on-farm/ direct users, genebanks usually provide minimal quantities of seed to users, knowing that they are not enough for collective cultivation and direct uses by the on-farm communities.

Some of the genebanks are interested to become part of projects, initiated by on-farm networks and communities for multiplication of seeds and receiving reasonable quantities for distribution and immediate use.

Some genebanks, as the Nordic Genetic Resource Center (NordGen) is receiving a growing number of requests from farmers and gardeners in the recent decade. The response was to start working more intensively with the national seed saver networks and community seed banks. A format for participatory plant conservation and breeding, in the form of a "user genebank" taking on the tasks of seed multiplication and distribution as well as gathering data on seed performance and characteristics was developed.

Participatory plant breeding (PPB) is done in farmers' field and selection and evaluation of varieties are conducted jointly by plant breeders and farmers. Means, when such varieties are registered by the national system, the ownership also goes to the farmers and their institution involved in the process. Please, consult the https://openknowledge.fao.org/server/api/core/bitstreams/40f3b212-8e08-410e-9dae-c92816f68729/content on the matter.

The German national genebank (IPK) considers direct use to not be a priority in its mandate. However, it strives to make germplasm available to interested farmers and gardeners, while asking for a fixed fee to cover handling and shipment costs.

The Dutch CGN evaluates each request for direct use and if they deem it possible for the user to access the same or similar material from a more informal source (a seed network or CSB that they know of) they may decline the request and refer the user to the alternative sources.

In a summary, the seed networks or CSBs can support gardeners and farmers in receiving seeds from the genebanks by establishing working relations with them.

Requests to the genebanks in a framework of a more formalised way (through CSBs or seed networks) for on farm reintroduction, reproduction, experimentation, multiplication and testing makes it easier for the genebanks to deliver PGR material. The collaboration of the seed networks or CSBs with the genebanks also results in a more effective access to seeds and avoiding difficulties and the need to have a legal agreement of an individual user, as the request is dealt collectively rather than falling on a single farmer or gardener.

How can farmers decide about giving access to PGR growing in situ in their property to third parties?

Collecting seeds, plants, or plant parts (germplasm) to use in crop breeding, research, and conservation, from the wild and farmers' fields is considered an essential task for acquisition of genetic resources for conservation and use.

Many of the major crops are represented in their genetic diversity in the ex situ collections of the genebanks, while minor crops and their wild relatives are underestimated.

Consultation with some genebanks shows, that their collection is not having a systematic and regulated format. In Europe, requests for permission to collect in European countries may involve authorities (national, regional, local). Moreover, the collectors have to receive a permission from the owner of the land where the plant samples are found.

The ITPGRFA regulation applied to PGR collection in Annex 1 for crops growing in situ (including wild plants, as well as traditional crop varieties obtained from farmers or markets) need interpretation, as they are not enough clear.

At the same time, the system of facilitated access is designed to apply to resources under the management and control of national governments, and in the public domain, regardless of where they are found (ex situ or in situ/on farm), the Treaty also states that access to in situ/on farm PGRFA should be provided according to national legislation or in accordance with the standards set out by the Governing Body.

As known, the European ABS Regulation also states that until the ITPGRFA has agreed an access policy for genetic resources belonging to crops listed in Annex 1 and found in in situ conditions, these need to be accessed and utilised according to national legislation of the provider country, and will fall within the scope of the EU ABS Regulation (if accessed from a country that is a Party to the Nagoya Protocol and with access legislation applicable to such genetic resources in place).

Collection of a germplasm from a private land is not clarified and is unregulated. But, when a farmer is part of a collective organisation or a CSB, he would be able to receive a legal support and assistance when a genebank or other formal institution wants to collect germplasm in his field.

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