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Opportunities for supporting ethical, legal and societal issues in the PGR community

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Opening

- We are attempting to move from fragmented national genebanks towards a European Research Infrastructure designed to integrate conservation, access and use of Plant Genetic Resources.
- This transition is complex: not only technical and financial, but also ethical, legal and social.
- Addressing ESR dimensions is essential to:
 - Guarantee trust and legal certainty among stakeholders
 - Facilitate participation of diverse actors
 - Unlock the full potential of PGR for food security and climate resilience

Why ethical, legal and social (ESR) aspects matter

Plant Genetic Resources are more than seeds: they embody cultural heritage, local knowledge and the future of food security.

- Their access, ownership and use raise fundamental questions of justice, sovereignty and innovation.
- Without clear ethical, legal and social frameworks:
 - Fragmentation and uncertainty discourage research and breeding
 - Small actors, especially farmers, are left behind
 - Opportunities for collaboration and fair benefit-sharing are lost

Challenges for an European and PanEuropean infrastructure

The current regulatory landscape for Plant Genetic Resources is highly fragmented, creating barriers instead of opportunities.

Key challenges today include:

- Fragmented international regimes (CBD, Nagoya, ITPGRFA, TRIPS) with little coherence
- Different national practices → legal uncertainty for researchers, breeders and farmers
- Lack of a common EU governance space for PGR
- Difficulty to align Europe's position in global fora and to act collectively

Stakeholders' perceptions (Deliverable 5.6)

Through in-depth interviews and documentary analysis (Deliverable 5.6), we explored how key actors experience the current system.

Findings show:

- Access to new material is perceived as the main bottleneck
- Regulatory complexity discourages innovation and leads to “wait and see” strategies
- Farmers and small breeders are disproportionately affected by legal uncertainty
- Some genebanks have developed good practices (standard MTAs, transparency), but these are not widespread
- A European infrastructure could provide mediation, guidance and capacity-building

Lessons from BBMRI-ERIC

The experience of the European biobank infrastructure (BBMRI-ERIC) offers valuable guidance for building a PGR infrastructure. **Key lessons include:**

- Many collections pre-existed and had diverse rules → harmonisation was essential
- Common standards and quality frameworks built trust across borders
- Dedicated ELSI services (ethics, law, society) supported compliance and user confidence
- Coordinated governance strengthened cooperation and capacity to face cross-border challenges

Opportunities ahead

A pan-European Research Infrastructure on Plant Genetic Resources **could unlock multiple opportunities to overcome current barriers.**

Main areas for action:

- 1) Legal certainty through an **ERIC** status
- 2) Flexible innovation via **regulatory sandboxes**
- 3) Dedicated **ethical, legal and social services**
- 4) Stronger **compliance and trust mechanisms**
- 5) Acting as a **bridge with third countries and global fora**
- 6) Supporting **EU governance and policy coherence**

Opportunity 1: ERIC status

An ERIC provides international legal personality under EU law – a unique advantage for PGR.

It would allow:

- Hosting **shared collections across EU countries** under a stable legal framework
- **Facilitating agreements with third countries** beyond national limitations
- **Reducing bureaucracy** for cross-border activities and creating a common legal basis
- Giving Europe a stronger and more visible role in global PGR governance

Opportunity 2: Regulatory sandboxes

Sandboxes are controlled spaces to test new approaches under adapted rules.

They could:

- Enable rapid collective responses to climatic or phytosanitary emergencies
- Allow experimentation with participatory plant breeding within the EU
- Reduce regulatory risks for innovation while ensuring oversight
- Provide evidence to inform future EU legislation and policy

Opportunity 3: Ethical, legal and social services

A European PGR infrastructure could deliver dedicated services to support compliance and trust.

These services may include:

- A permanent legal helpdesk on ABS and access issues
- Training programmes, codes of conduct and best practices
- Mediation between genebanks, researchers, farmers and breeders
- Building a culture of responsibility and transparency across stakeholders

Opportunity 4: Compliance & trust

Compliance mechanisms are central to creating legal certainty and user confidence.

The infrastructure could:

- Provide EU-level certification of compliance with ABS and traceability rules
- Monitor use of PGR to ensure respect for national and international commitments
- Increase transparency in transactions and benefit-sharing
- Uphold EU principles of good administration and the rule of law

Opportunity 5: Building bridges beyond the EU

The infrastructure could act as Europe's interface with global PGR governance.

It would:

- Support permits and negotiations with third countries
- Connect EU stakeholders to FAO, CGIAR, CBD and other fora
- Facilitate collaboration with international partners on access and benefit-sharing
- Strengthen Europe's credibility and influence worldwide

Opportunity 6: Governance support within the EU

The infrastructure can help Member States and the EU move towards a more coherent governance framework.

It could:

- Map and monitor national laws, regulatory trends and gaps
- Identify shared interests and promote common EU positions
- Provide advice to policymakers and legislators on PGR governance
- Create synergies and long-term strategies for conservation and sustainable use

Main insights

From a pan-European ERIC infrastructure we can contribute to a better management of ethical, legal and social aspects in PGR:

- Providing legal certainty and international recognition
- Creating trust through compliance and transparency
- Offering services and mediation for diverse stakeholders
- Enabling innovation through sandboxes and participatory approaches
- Strengthening Europe's role globally while supporting internal coherence

Report on MLS for Plant Treaty Governing Body

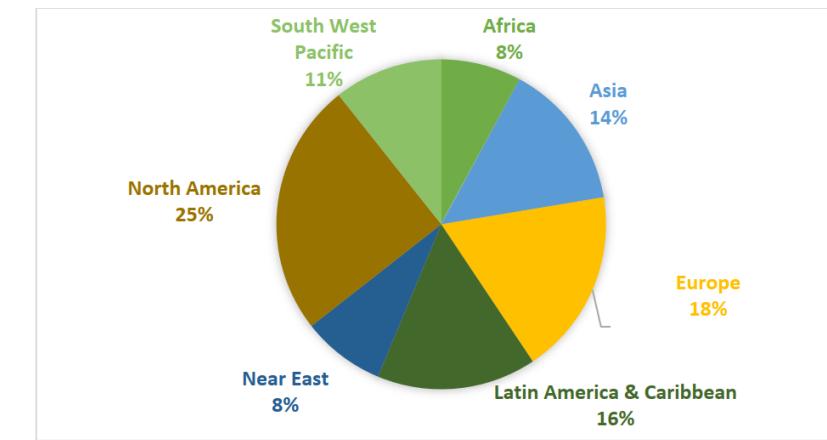
Report on MLS for Plant Treaty Governing Body

- MLS accessions grow steadily, 2.6 M in 2025, showing its importance for research, crop adaptation and development

Data for EUROPE

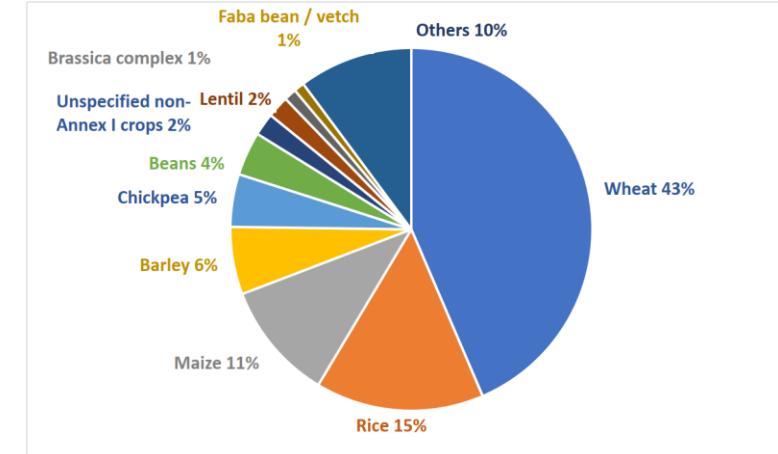
- PGRFA in medium/long term storage: 2,179,074
- PGRFA notified as part of MLS: 483,086 (21.6 %)
- Since 2008, European CPs have provided 765,887 PGRFA with 46,920 SMTA and received 1,381,120 through SMTA (TUR, DEU most)

Figure 2. Global percentage share of accessions notified as available in the Multilateral System



Source: ITPGRFA Secretariat, as of 1 January 2025. Rome, FAO.

Figure 9. Percentage of transferred materials by crop



Source: ITPGRFA Secretariat, as of 1 August 2025. Rome, FAO.

<https://www.fao.org/3/ns530en/ns530en.pdf>

Need to enhance the MLS

Issues:

- Many countries don't report accessions in MLS
- Many countries don't provide accessions via SMTA
- Use-based payments into the Treaty's Benefit-sharing Fund were not flowing for a long time (main trigger for enhancement process)

- In 2013 establishment of an Ad Hoc Open-ended working group on the Enhancement of the Functioning of the MLS (EFMLS-WG)
- In 2019 Process was suspended
- In 2022 EFMLS-WG re-established and negotiations restarted

Latest developments in discussions on MLS

Four meetings of the EFMLS-WG since GB-10 in November 2023

- Discussions centred on hotspots
 - Expansion of Annex 1
 - Access options and payment rates
 - Digital sequence information (GSD/DSI)
- Advancements on important technical aspects, however no final agreements
- Draft proposal: Revised SMTA, resolution, Amendment of Annex I



14th and last meeting of EFMLS-WG, Lima, July 2025

The draft proposal for an enhanced MLS will be negotiated at the 11th Governing Body in November 2025

Next steps

<https://www.fao.org/plant-treaty/eleventh-governing-body/en>



Eleventh Session of the Governing Body, Lima, Peru, 24–29 November 2025

- Discussion of proposal at GB-11 in November 2025

Nothing is agreed until everything is agreed!

- If agreed, new SMTA should be used from 1 July 2026
- Likely establishment of **Ad hoc Technical Advisory Committee on the MLS and the SMTA** to provide advice on implementation of the enhanced MLS

ELSI support for genebanks and policymakers

ELSI Helpdesk/portal

- Documentation and guidelines on ABS issues for researchers
- List of national experts and focal points for Plant Treaty and CBD

Capacity building workshops on enhanced MLS (in collaboration with Plant Treaty)

- For policymakers: ratification of amended Annex I
- For providers/users at technical level:
 - use of the revised SMTA;
 - identification and notification of accessions to the MLS



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THANK YOU

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