Requesting and Receiving Bean Seed from CIAT

This short document describes the requirements that must be met to ship seed from Colombia, with special reference to shipments to the USA. These requirements are absolutely necessary to be able to comply with the legal norms of Colombia, and of the International Treaty on Plant Genetic Resources for Food and Agriculture. Several colleagues in the USA have successfully received seed under this system, so we are confident that these requirements can be met.

First, to document the movement of germplasm between countries, we must have in our files at CIAT an explicit request for such germplasm, specifying what materials with be interchanged. For this purpose there is normally a prior communication, to agree upon a specific list of materials, and then the recipient sends us this list with a request in a message that we save in our files.

Second, all seed that is shipped from Colombia must be accompanied by its respective phytosanitary certificate, extended by the quarantine officials of the Instituto Colombiano Agropecuario (ICA). Before extending the phytosanitary certificate, and to assure that the seed that leaves Colombia will be able to enter the country of destination, ICA normally demands one or the other of the following documents:

1) A copy of the import permit, duly processed by the quarantine officials of the country of destination, to be able to import the seed into the country. This permit must specify:
   a) The quantity of seed (number of materials and total weight) that can be imported into the country
   b) Any special requirements or clarifications that should appear in the phytosanitary certificate, such as a declaration that the seed is free of this or that specific pathogen(s).

2) A letter on official letterhead from the quarantine officials of that country, indicating that there are no requirements of prior permission to import seed into that country.

The situation for importing bean seed to the USA is a special case. Karen Brady, Regulatory Coordination Specialist, APHIS, says:

> "…our Agency does not require an import permit for this material. However, all plant materials must be declared, identified, and available for inspection at the U.S. port of arrival. Imported materials are released if they are found to be free from exotic pests, diseases, noxious weeds, soil, and other prohibited matter. Additionally, at the time of entry in the United States, the material must be accompanied by a phytosanitary certificate issued by the Plant Protection Service of the country of origin."

However, APHIS needs to have on record the entry of the material, and this record is created when an importer requests a permit (which in effect is granted automatically). Ms. Brady clarifies:

> "When a U.S. importer applies for a permit to import seeds that do not require a permit, a letter gets generated for their benefit when it enters into the U.S. so that the inspector will not hold their shipment due to lack of a permit."

Further information and an on-line procedure to request permits are available at http://www.aphis.usda.gov/plant_health/permits/plants_for_planting.shtml

Our Colombian ICA agent is aware of this process, and knows that the USA does not restrict entry of bean seed, and so we have not been required to give evidence that the importer has requested permission.

Although not obligatory, we also appreciate an expression of the purpose for which seed is requested, as this is useful for our own record keeping and reporting.

Finally, another document that is required by both ICA and CIAT, and by international standards, is the Standard Material Transfer Agreement (SMTA) that establishes the norms whereby the material could be commercialized at some future time. The SMTA is not a document developed by CIAT but rather is a legal document created under the International Treaty on Plant Genetic Resources for Food and Agriculture and drafted by representatives of the interested countries, including the USA. The SMTA will be sent from CIAT for the signature of a responsible person on behalf of the receiving institution. The terms of the SMTA can also be effected by simply receiving the seed without objections (without additional signatures), much as one subscribes to the terms of software regulations by opening a sealed package of computer software – if the recipient has indicated previously by email or other means that s/he is in agreement with the terms of the SMTA. Germplasm from the Gene Bank may be requested on line, and the terms of the SMTA may be accepted as part of that on-line process.

A few words clarifying the history and intention of the SMTA are warranted. MTA's are often viewed as a means to control or limit the use of germplasm, but in reality the evolution of the SMTA is quite different. Under the Convention on Biological Diversity that grew out of the Rio conference of 1992, the principle was established that germplasm was the property of sovereign states. Potentially this would severely limit the exchange of germplasm if a sovereign state chose to exercise control over who would have access to its genetic material. Fortunately this did not become a problem with beans, but the specter of germplasm wars did stimulate diplomats to create the International Treaty on Plant Genetic Resources for Food and Agriculture.

The Treaty continues to recognize the sovereignty of states over its genetic resources, but it extends that sovereignty to the right of the states to interchange their germplasm freely. In essence the Treaty creates a community of users (i.e., those states that have signed and ratified the Treaty) among whom germplasm flows freely. Under the current Treaty this applies to 65 crops that are considered key for the world's food security (*Phaseolus vulgaris, lunatus, coccineus* and *acutifolius* are considered to be a single crop). The Treaty does call for payment of royalties to the Governing Body (under FAO) at a very modest and essentially symbolic rate, and even then these are only obligatory when the user has restricted the further use of derived germplasm for deployment in other breeding programs.

The international centers of the CGIAR system have adopted the SMTA as the unique mechanism whereby germplasm is distributed. The United States has still not ratified the Treaty, but the international centers are encouraged to use the SMTA in these cases also.

If you are interested in receiving germplasm from CIAT, and you are required to have an institutional administrator sign the SMTA, then you may wish to download the SMTA and have it revised by your administrators if they are not yet familiar with it, so as to avoid future delays.