Collecting Crop Wild Relatives, legal aspects

Navigating EU and International legal frameworks for CWRs collection and exchange

Introduction

As concerns about genetic erosion have grown, conserving Crop Wild Relatives (CWRs) have emerged as an essential activity for sustainable agriculture and climate resilience. At the same time, regulatory frameworks governing plant genetic resources have become more complex, often overlapping across international, national, and local levels.

Objectives

This practice abstract provides an overview of legal aspects of CWRs access and collection, as there is no dedicated EU-wide legal framework for collecting Crop Wild Relatives.

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Results

The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA, 2001) facilitates access to listed crops and related wild taxa through its Multilateral System and the Standard Material Transfer Agreement (SMTA), but many CWRs remain outside its scope. For these, the Nagoya Protocol on Access and Benefit-Sharing (2010; in force since 2014) applies in ratifying countries. At EU level, Regulation (EU) No. 511/2014 and Implementing Regulation (EU) 2015/1866 implement compliance obligations, requiring users to exercise due diligence regarding legal access and benefit-sharing. In addition, collecting CWRs in protected areas, including Natura 2000 sites, often requires specific permits under the Habitats Directive (92/43/EEC).

Recommendations

If a CWR falls under the ITPGRFA, access is governed through a Standard Material Transfer Agreement (SMTA). For taxa outside the Treaty, in countries that have ratified the Nagoya Protocol, they must obtain Prior Informed Consent (PIC) and establish Mutually Agreed Terms (MAT), usually formalized through a Material Transfer Agreement (MTA). When collecting *in situ*, they must also verify whether the site is protected. Species listed in Annex IV of the EU Habitats Directive require specific authorization, independently of ABS requirements. Collectors should also document accessions using descriptors which ensure traceability, interoperability, and future use in research and breeding (see COUSIN Practice Abstract 18).

Further reading

- Plant Genetic Resources and Traditional Knowledge for Food Security. Frison, E., López Noriega, I., & Halewood, M. (Eds.). 2011. Plant Genetic Resources and Traditional Knowledge for Food Security: Sustaining Agricultural Ecosystems and Farm Livelihoods. Earthscan/Routledge.
- Explanatory Guide to the International Treaty on Plant Genetic Resources for Food and Agriculture. Moore, G., & Tymowski, W. 2005. Explanatory Guide to the International Treaty on Plant Genetic Resources for Food and Agriculture. IUCN Environmental Policy and Law Paper No. 57.
- Secretariat of the Convention on Biological Diversity. 2011. Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization: Text and Annex. Montreal: CBD Secretariat.

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