

Standard Material Transfer Agreement (SMTA)

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ABS landschap

- Convention on Biological Diversity (CBD, 1993)



- Nagoya Protocol (2014)



- EU wetgeving (2014)



- Nationale wetgeving (2016)



Gebruikers in NL

- International Treaty on Plant Genetic Resources for Food and Agriculture ITPGRFA (2004)





- Art. 2(2):

“Deze verordening is niet van toepassing op genetische rijkdommen waarvan de toegang en verdeling van voordelen zijn geregeld in gespecialiseerde internationale instrumenten die in overeenstemming en niet in strijd zijn met de doelstellingen van het Verdrag en het Protocol van Nagoya.”

- Overweging 12:

“Het ITPGRFA vormt een gespecialiseerd internationaal instrument voor toegang en verdeling van voordelen in de zin van artikel 4, lid 4, van het Protocol van Nagoya, dat door de regels ter uitvoering van het Protocol van Nagoya onverlet moet worden gelaten.”

International Treaty on Plant Genetic Resources for Food and Agriculture

■ Belangrijke elementen

- ABS doelen te bereiken via een multilateraal systeem (MLS) van uitwisseling van genetische bronnen
- Annex 1: lijst van gewassen die binnen MLS vallen
- Genetische bronnen in MLS beschikbaar voor gebruik en behoud voor onderzoek, veredeling en scholing ten behoeve van voeding en landbouw
- Vergemakkelijkte toegang tot MLS gebaseerd op 'Standard Material Transfer Agreement' (SMTA), die voorwaarden voor leveranciers en ontvangers vastlegt

Multilateraal Systeem



- 'Common pool' van genetische bronnen
- Alleen voor gebruik voor onderzoek, veredeling en scholing voor voeding en landbouw
- Beperkte selectie van gewassen
- Huidige omvang:
 - 508.000 accessies van bij ITPGRFA aangesloten landen
 - 694.000 accessies van CGIAR centra

Treaty Annex 1

Food crops

Crop	Genus	Observations
Breadfruit	Artocarpus	Breadfruit only.
Asparagus	Asparagus	
Oat	Avena	
Beet	Beta	
Brassica complex	Brassica et al.	Genera included are: Brassica, Armoracia, Barbarea, Camelina, Crambe, Diplotaxis, Eruca, Isatis, Lepidium, Raphanobrassica, Raphanus, Rorippa, and Sinapis. This comprises oilseed and vegetable crops such as cabbage, apeseed, mustard, cress, rocket, radish, and turnip. The species Lepidium meyenii (maca) is excluded.
Pigeon Pea	Cajanus	
Chickpea	Cicer	
Citrus	Citrus	Genera Poncirus and Fortunella are included as root stock.
Coconut	Cocos	
Major aroids	Colocasia, Xanthosoma	Major aroids include taro, cocoyam, dasheen and tannia.
Carrot	Daucus	
Yams	Dioscorea	
Finger Millet	Eleusine	
Strawberry	Fragaria	
Sunflower	Helianthus	

Treaty Annex 1

Crop	Genus	Observations
Barley	Hordeum	
Sweet Potato	Ipomoea	
Grass pea	Lathyrus	
Lentil	Lens	
Apple	Malus	
Cassava	Manihot	Manihot esculenta only.
Banana / Plantain	Musa	Except Musa textilis.
Rice	Oryza	
Pearl Millet	Pennisetum	
Beans	Phaseolus	Except Phaseolus polyanthus.
Pea	Pisum	
Rye	Secale	
Potato	Solanum	Section tuberosa included, except Solanum phureja.
Eggplant	Solanum	Section melongena included.
Sorghum	Sorghum	
Triticale	Triticosecale	
Wheat	Triticum et al.	Including Agropyron, Elymus, and Secale.
Faba Bean / Vetch	Vicia	
Cowpea et al.	Vigna	
Maize	Zea	Excluding Zea perennis, Zea diploperennis, and Zea luxurians.

Treaty Annex 1

Forages

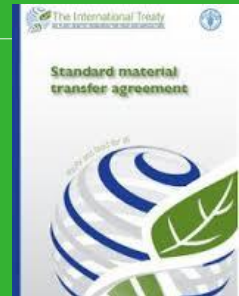
Genera	Species
<i>LEGUME FORAGES</i>	
Astragalus	chinensis, cicer, arenarius
Canavalia	ensifomis
Coronilla	varia
Hedysarum	coronarum
Lathyrus	cicera, ciliolatus, hirsutus, ochrus, odoratus, sativus
Lespedeza	cuneata, striata, stipulacea
Lotus	corniculatus, subbiflorus, uliginosus
Lupinus	albus, angustifolius, luteus
Medicago	arborea, falcata, sativa, scutellata, rigidula, truncatula
Melilotus	albus, officinalis
Onobrychis	viciifolia
Ornithopus	sativus
Prosopis	affinis, alba, chilensis, nigra, pallida
Pueraria	phaseoloides
Trifolium	alexandrinum, alpestre, ambiguum, angustifolium, arvense, agrocicerum, hybridum, incarnatum, pratense, repens, resupinatum, rueppellianum, semipilosum, subterraneum, vesiculosum

Treaty Annex 1

Genera	Species
<i>GRASS FORAGES</i>	
Andropogon	gayanus
Agropyron	cristatum, desertorum
Agrostis	stolonifera, tenuis
Alopecurus	pratensis
Arrhenatherum	elatus
Dactylis	glomerata
Festuca	arundinacea, gigantea, heterophylla, ovina, pratensis, rubra
Lolium	hybridum, multiflorum, perenne, rigidum, temulentum
Phalaris	aquatica, arundinacea
Phleum	pratense
Poa	alpina, annua, pratensis
Tripsacum	laxum
<i>OTHER FORAGES</i>	
Atriplex	halimus, nummularia
Salsola	vermiculata

Standard Material Transfer Agreement

- In gebruik sinds 2006
- Standard = alleen in ongewijzigde vorm te gebruiken
- Formuleert de rechten en verplichtingen van leveranciers en gebruikers
- Benefit-sharing verplicht als product niet zonder beperking beschikbaar is (bijv. octrooi)
- Benefit-sharing vrijwillig als product wel zonder beperking beschikbaar is (bijv. kwekersrecht)
- Geldt voor gewassen in Annex 1 voorzover in publiek domein en onder controle van de overheid
- Kan ook gebruikt worden voor niet-Annex 1 gewassen, op vrijwillige basis





■ Art. 4(4):

“Gebruikers die plantgenetische hulpbronnen voor voedsel en landbouw (... PGRFA) verwerven in een land dat partij is bij het Protocol van Nagoya dat heeft bepaald dat PGRFA die onder zijn beheer en controle vallen en tot het publiek domein behoren en niet in bijlage I bij het Internationaal Verdrag inzake plantgenetische hulpbronnen voor voedsel en landbouw (International Treaty on Plant Genetic Resources for Food and Agriculture — ITPGRFA) zijn vermeld, ook onderworpen zijn aan de voorwaarden van de standaardovereenkomst inzake overdracht van materiaal voor de toepassingen in het kader van het ITPGRFA, worden geacht de in lid 3 van dit artikel vervatte passende zorgvuldigheidsverplichtingen te hebben vervuld.”

Standard Material Transfer Agreement

■ Artikelen:

1. Parties to the agreement
 - Provider / recipient
2. Definitions
3. Subject matter of the MTA
 - Plant Genetic Resources for Food and Agriculture (PGRFA)
4. General provisions
 - Framework of the MLS of the ITPGRFA
5. Rights and obligations of the provider
 - Access expeditiously and free of charge
 - Passport data made available
 - Access consistent with property rights
 - Inform Governing Body of ITPGRFA



Standard Material Transfer Agreement

■ Artikelen:

6. Rights and obligations of the recipient

- Material only to be used for research, breeding and training for food and agriculture
- No property rights claimed on material itself
- Transfer to third party under SMTA
- If product sold that incorporates material included in the SMTA, and this product is NOT available without restriction: % of sales to be shared
- If product sold that incorporates material included in the SMTA, and this product is available without restriction: voluntary payments encouraged



Standard Material Transfer Agreement

■ Artikelen:

7. Applicable law

8. Dispute settlement

9. Additional items

- Provider makes no warranties with respect to quality, viability and purity
- Recipient responsible for complying with quarantine, biosafety regulations
- SMTA in force as long as ITPGRFA remains in force

10. Signature/acceptance

- Signature
- Acceptance by click wrap



Standard Material Transfer Agreement



■ Annexen:

1. List of materials provided
2. Rate and modalities of payment under article 6.7 of this agreement
3. Terms and conditions of the alternative payments scheme under article 6.11 of this agreement
4. Option for crop-based payments under the alternative payments scheme under article 6.11 of this agreement

Click wrap bestelsysteem CGN

The screenshot shows a web browser window displaying the CGN website. The address bar shows the URL: <http://www.wur.nl/en/Expertise-Services/Statutory-research-tasks/Centre-for-Genetic-Resources-the-Netherlands-1/Centre-for-Genetic-Resources-the-Netherlands-1/Expertise-areas/Plant-Genet>. The browser tabs include "Search and request seeds fr...", "CGN Germplasm Request servi...", "The SMTA | FAO | Food and A...", "fao.org", "CGN Germplasm Request servi...", and "CGN Germplasm Request servi...". The website header features the Wageningen University & Research logo, navigation links for "About Wageningen", "Career", "Contact", and "Login", and a language selector set to "en|English". The main navigation menu includes "Education & Programmes", "Research & Results", and "Expertise & Services". The breadcrumb trail shows: Home > Centre for Genetic Resources, the Netherlands > Plant Genetic Resources > Search and request.

Search and request seeds from CGN

In this section you can search and request seeds from the CGN crop collections.

[search and request seeds](#)

In addition to its regular gene bank collections that CGN maintains for current and future generations as part of the Multilateral System of the International Treaty, CGN also offers seed samples from [special collections](#) that have been developed for a specific purpose targeting specific user groups.

Contact
dr.ir. T.J.L (Theo) van Hintum
[Contact form](#) + Show more (1)

Download

- > Passport and phenotypic data

Read about

- > Procedures used by CGN for seed requests
- > Standard Material Transfer Agreement
- > Patents on native traits
- > Access and benefit sharing: Status of CGN collections

The taskbar at the bottom shows various application icons and the system tray with the date 1-5-2017 and time 17:28.

Click wrap bestelsysteem CGN

The screenshot shows a web browser window displaying the CGN Germplasm Request service results page. The page title is "CGN Germplasm Request service - Show results". The browser address bar shows the URL: <https://cgngenis.wur.nl/ToonResultaten.aspx?ID=2cnruvdp>. The page features a search form with a dropdown menu for "Other searchpages:" and a "Manage shopping cart" button. Below the search form, there is a text box explaining the search results and providing instructions on how to request accessions. The search criteria are listed as: Crop: potato, Genus: Solanum, Species: tuberosum, Sub-taxa: subsp. tuberosum. The results section shows "Number of results: 1 accessions". A "Request" button and a "Shopping Cart" icon are visible. Below this, a table lists the search results with columns for CGN Number, Taxonomic group, Accession name, Origin country, SMTA, and Pictures. The table contains one row for accession CGN22877, which is Solanum tuberosum subsp. tuberosum from Chile, with SMTA status "yes".

Other searchpages: Select a crop

This is the list of accessions that correspond to the query as formulated in the searchform.
The CGN number links to a page with all known data of the selected accession.
The SMTA column indicates whether SMTA (Standard Material Transfer Agreement) rules apply to the accession or not.
If the accession has pictures available a camera icon will be displayed, which links directly to the images section of the detail page of that accession.
If you want to request one or more accession(s) check the checkboxes. The accession will automatically be added to the shopping cart.
The Request button takes you directly to the shopping cart management and checkout page.

Search criteria

Crop: potato
Genus: Solanum
Species: tuberosum
Sub-taxa: subsp. tuberosum

Results

Number of results: 1 accessions

Request Shopping Cart Accessions in shoppingcart: 1

	CGN Number	Taxonomic group	Accession name	Origin country	SMTA	Pictures
<input checked="" type="checkbox"/>	CGN22877	Solanum tuberosum subsp. tuberosum		Chile	yes	

Click wrap bestelsysteem CGN

Complete this form to request the accession(s) in the shopping cart.

Please indicate how you intend to use the material (see also article 12.3 of the International Treaty on Plant Genetic Resources for Food and Agriculture):

The material will be used for the purpose of utilization and conservation for research, breeding and training for food and agriculture.

The material will be (also) used for chemical, pharmaceutical and/or other non-food/feed industrial purposes.

If you indicated that the material will be used for food and agriculture (the first option), it will be made available under the conditions provided in the standard material transfer agreement and will be subject to on-line ordering via a click-wrap procedure whereby the authorized official of you organisation will be requested to sign a SMTA. In the other case (second option) CGN will contact you on the specific access conditions for this material after receipt of your request.

Your request

The following items are in your shopping cart:

CGN Number	Scientific name	SMTA
CGN22877	Solanum tuberosum subsp. tuberosum	yes

Your information

Name:

E-mail address:

Institute / Company:

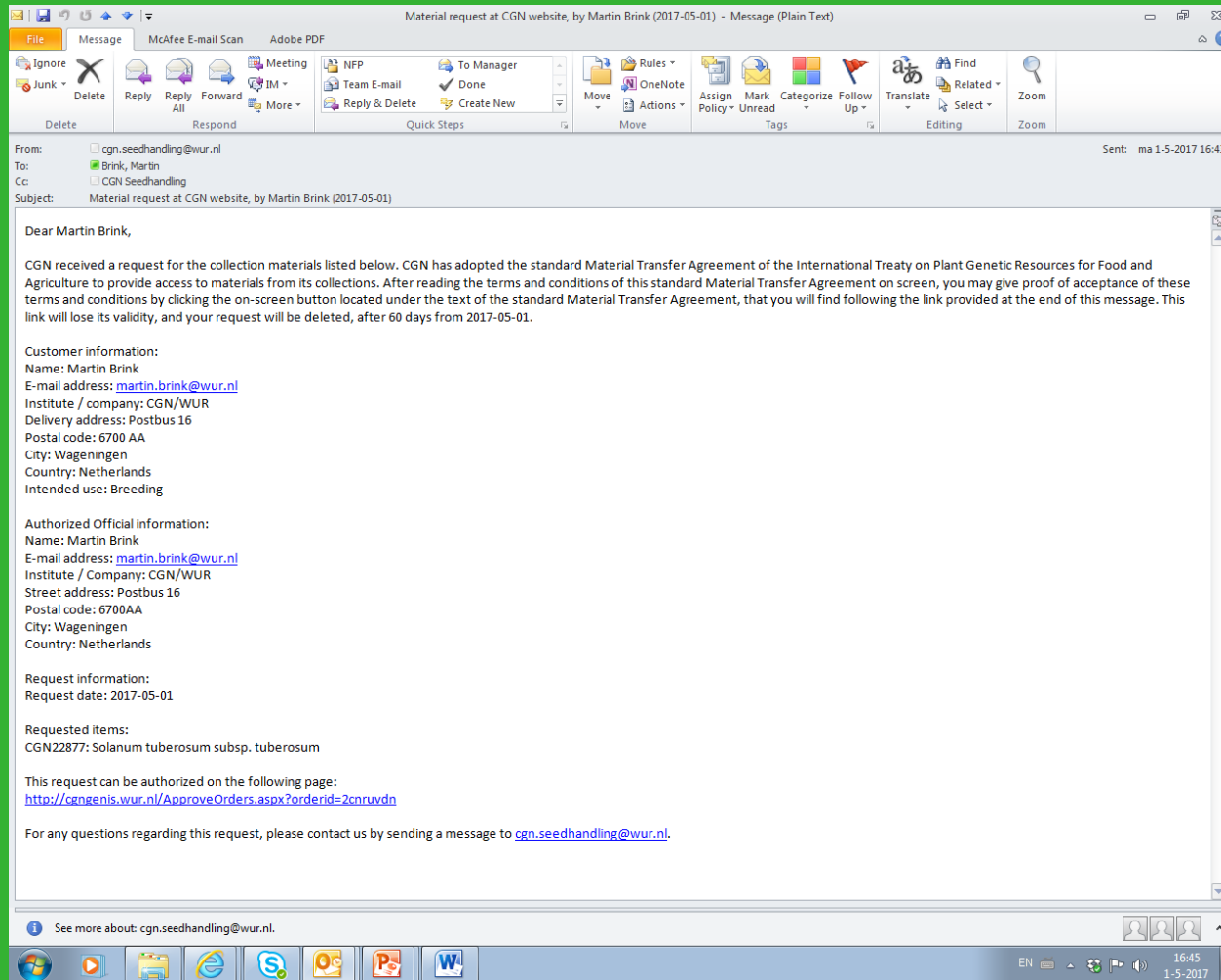
Delivery address:

Postal code:

City:

Country:

Click wrap bestelsysteem CGN



Click wrap bestelsysteem CGN

Street address: Postbus 16
Postal code: 6700AA
City: Wageningen
Country: Netherlands

Request information:
Request date: 2017-05-01 16:43:08
Requested items:
CGN22877: Solanum tuberosum subsp. tuberosum

STANDARD MATERIAL TRANSFER AGREEMENT *

PREAMBLE

WHEREAS

The International Treaty on Plant Genetic Resources for Food and Agriculture (hereinafter referred to as "the **Treaty**") was adopted by the Thirty-first session of the FAO Conference on 3 November 2001 and entered into force on 29 June 2004;

The objectives of the **Treaty** are the conservation and sustainable use of **Plant Genetic Resources for Food and Agriculture** and the fair and equitable sharing of the benefits arising out of their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security;

The Contracting Parties to the **Treaty**, in the exercise of their sovereign rights over their **Plant Genetic Resources for Food and Agriculture**, have established a **Multilateral System** both to facilitate access to **Plant Genetic Resources for Food and Agriculture** and to share, in a fair and equitable way, the benefits arising from the utilization of these resources, on a complementary and mutually reinforcing basis;

Articles 4, 11, 12.4 and 12.5 of the **Treaty** are borne in mind;

The diversity of the legal systems of the Contracting Parties with respect to their national procedural rules governing access to courts and to arbitration, and the obligations arising from international and regional conventions applicable to these procedural rules, are recognized;

Article 12.4 of the **Treaty** provides that facilitated access under the **Multilateral System** shall be provided pursuant to a Standard Material Transfer Agreement, and the **Governing Body** of the **Treaty**, in its Resolution 1/2006 of 16 June 2006, adopted the Standard Material Transfer Agreement.

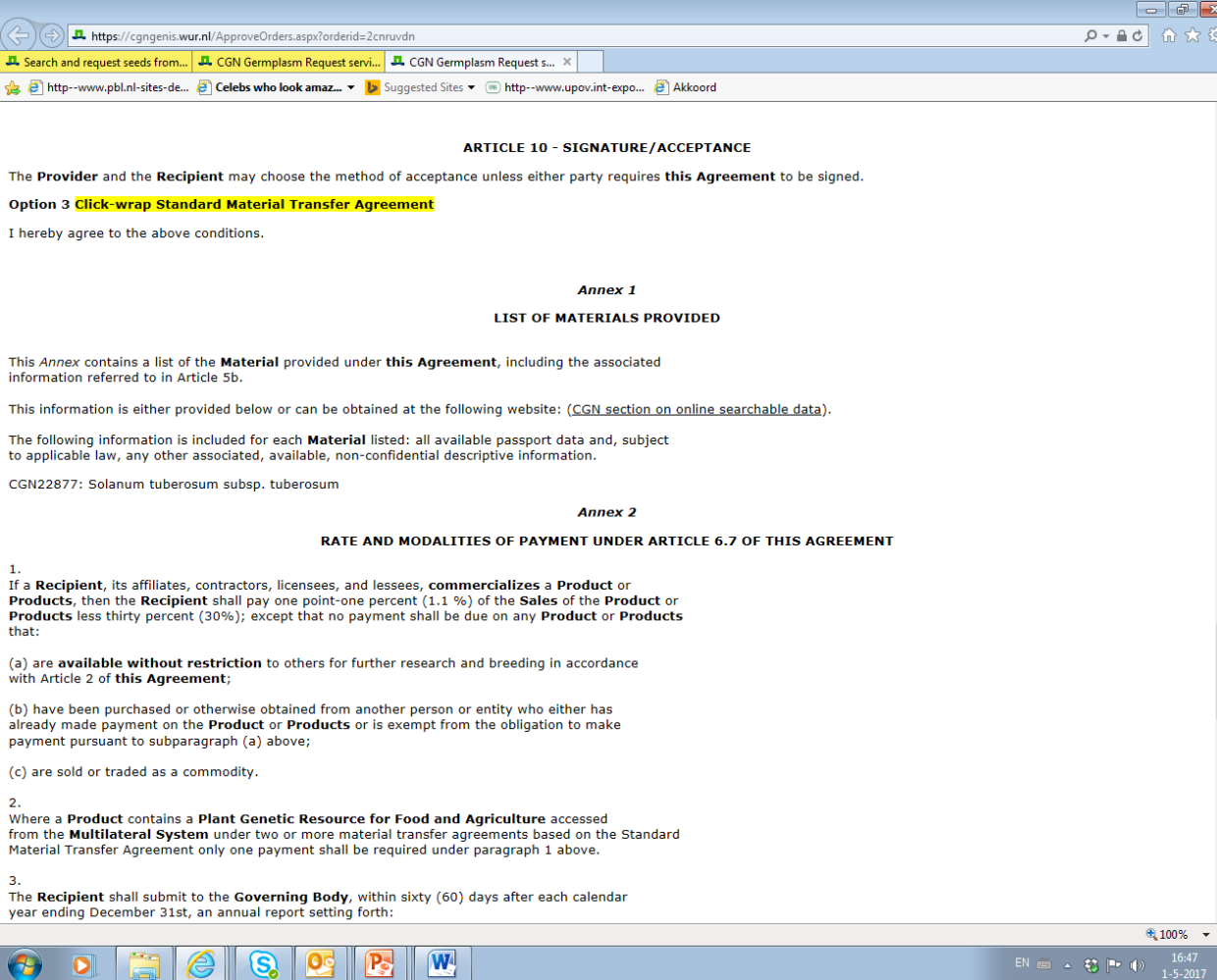
* In the event that the SMTA is used for the transfer of Plant Genetic Resources for Food and Agriculture other than those listed in Annex 1 of the Treaty. The references in the SMTA to the "Multilateral System" shall not be interpreted as limiting the application of the SMTA to Annex 1 Plant Genetic Resources for Food and Agriculture, and in the case of Article 6.2 of the SMTA shall mean "under this Agreement". The reference in Article 6.11 and Annex 3 of the SMTA to "Plant Genetic Resources for Food and Agriculture belonging to the same crop, as set out in Annex 1 to the Treaty" shall be taken to mean "Plant Genetic Resources for Food and Agriculture belonging to the same crop".

ARTICLE 1 - PARTIES TO THE AGREEMENT

1.1 The present Material Transfer Agreement (hereinafter referred to as "**this Agreement**") is the Standard Material Transfer Agreement referred to in Article 12.4 of the **Treaty**.

1.2 **This Agreement** is:
BETWEEN: (name and address of the provider or providing institution, name of Authorized Official, contact information for Authorized Official (hereinafter referred to as 'the **Provider**'),
AND: (name and address of the recipient or recipient institution, name of Authorized Official, contact information for authorized Authorized Official (hereinafter referred to as 'the **Recipient**').

Click wrap bestelsysteem CGN



ARTICLE 10 - SIGNATURE/ACCEPTANCE

The **Provider** and the **Recipient** may choose the method of acceptance unless either party requires **this Agreement** to be signed.

Option 3 Click-wrap Standard Material Transfer Agreement

I hereby agree to the above conditions.

Annex 1
LIST OF MATERIALS PROVIDED

This *Annex* contains a list of the **Material** provided under **this Agreement**, including the associated information referred to in Article 5b.

This information is either provided below or can be obtained at the following website: ([CGN section on online searchable data](#)).

The following information is included for each **Material** listed: all available passport data and, subject to applicable law, any other associated, available, non-confidential descriptive information.

CGN22877: Solanum tuberosum subsp. tuberosum

Annex 2
RATE AND MODALITIES OF PAYMENT UNDER ARTICLE 6.7 OF THIS AGREEMENT

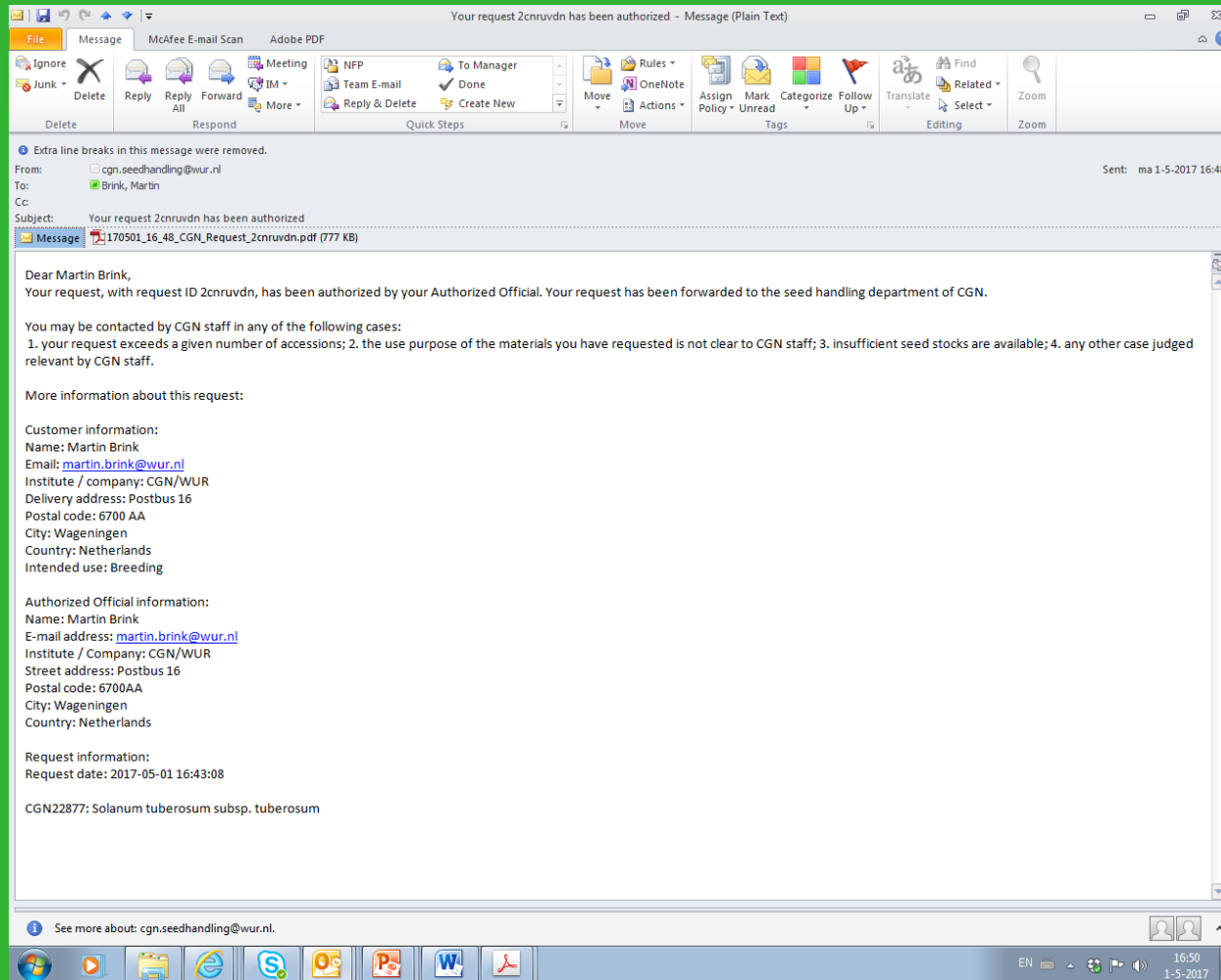
1.
If a **Recipient**, its affiliates, contractors, licensees, and lessees, **commercializes a Product** or **Products**, then the **Recipient** shall pay one point-one percent (1.1 %) of the **Sales** of the **Product** or **Products** less thirty percent (30%); except that no payment shall be due on any **Product** or **Products** that:

- (a) are **available without restriction** to others for further research and breeding in accordance with Article 2 of **this Agreement**;
- (b) have been purchased or otherwise obtained from another person or entity who either has already made payment on the **Product** or **Products** or is exempt from the obligation to make payment pursuant to subparagraph (a) above;
- (c) are sold or traded as a commodity.

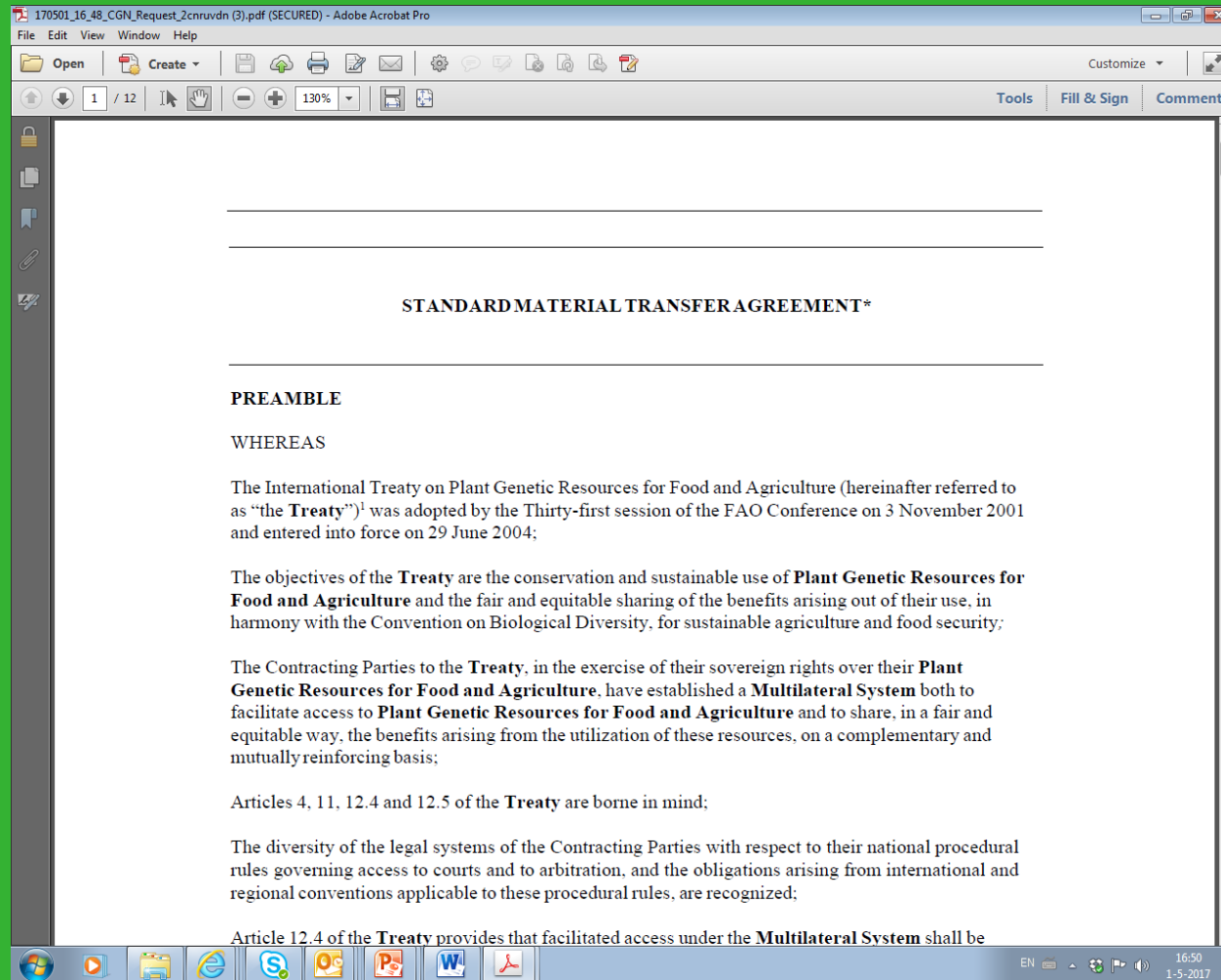
2.
Where a **Product** contains a **Plant Genetic Resource for Food and Agriculture** accessed from the **Multilateral System** under two or more material transfer agreements based on the Standard Material Transfer Agreement only one payment shall be required under paragraph 1 above.

3.
The **Recipient** shall submit to the **Governing Body**, within sixty (60) days after each calendar year ending December 31st, an annual report setting forth:

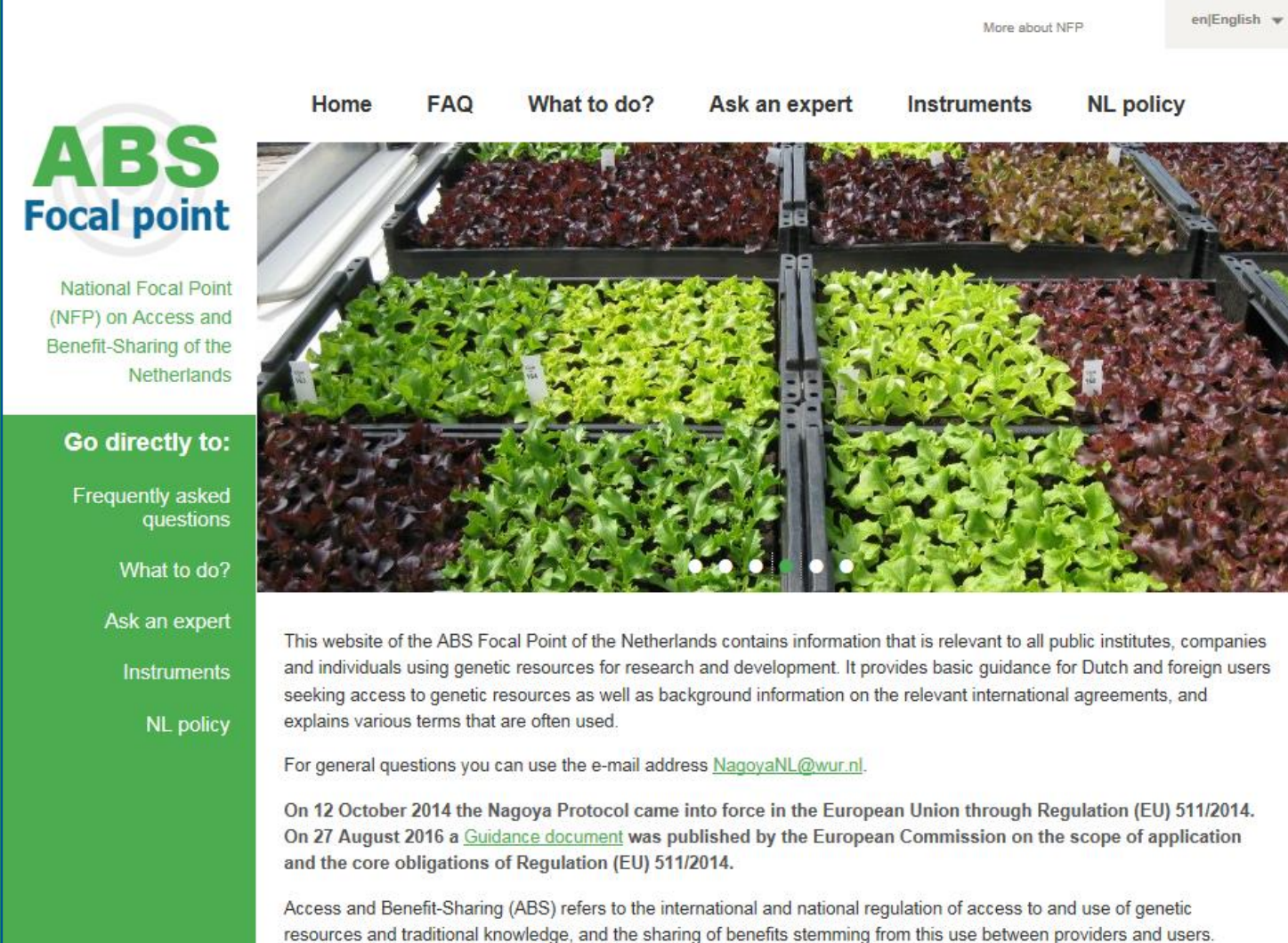
Click wrap bestelsysteem CGN



Click wrap bestelsysteem CGN



ABS National Focal Point (www.absfocalpoint.nl)



More about NFP en|English

Home FAQ What to do? Ask an expert Instruments NL policy

ABS Focal point

National Focal Point (NFP) on Access and Benefit-Sharing of the Netherlands

Go directly to:

- Frequently asked questions
- What to do?
- Ask an expert
- Instruments
- NL policy

This website of the ABS Focal Point of the Netherlands contains information that is relevant to all public institutes, companies and individuals using genetic resources for research and development. It provides basic guidance for Dutch and foreign users seeking access to genetic resources as well as background information on the relevant international agreements, and explains various terms that are often used.

For general questions you can use the e-mail address NagoyaNL@wur.nl.

On 12 October 2014 the Nagoya Protocol came into force in the European Union through Regulation (EU) 511/2014. On 27 August 2016 a [Guidance document](#) was published by the European Commission on the scope of application and the core obligations of Regulation (EU) 511/2014.

Access and Benefit-Sharing (ABS) refers to the international and national regulation of access to and use of genetic resources and traditional knowledge, and the sharing of benefits stemming from this use between providers and users.