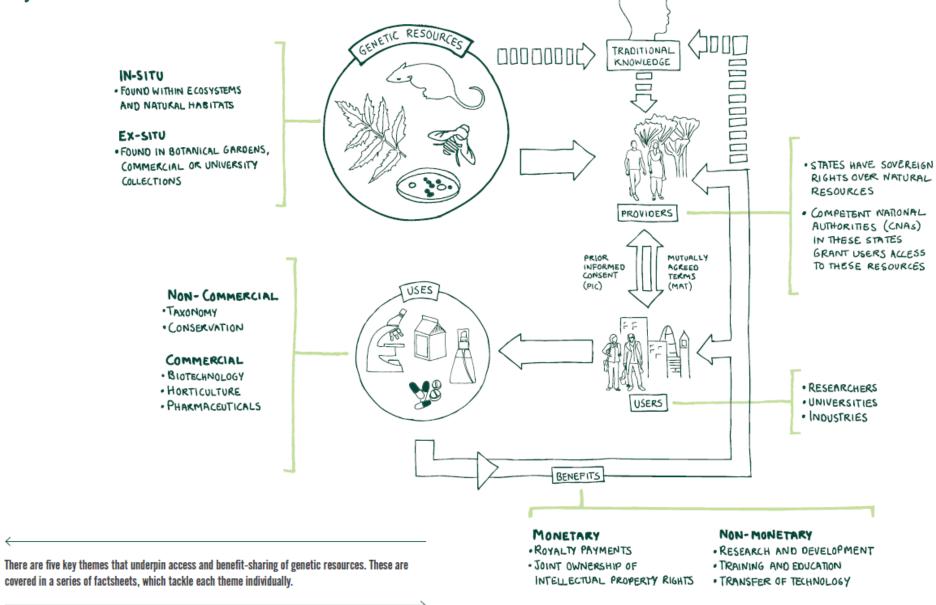


#### **Key themes**



# **Agenda**

09:30-10.30

Welcome

SLUs Implementation so far, Sebastian Bromander

10:30 - 10:40 Break

10:40 - 11:30

Naturvårdsverket, guidance & supervision, Inkeri Ahonen & Yvonne Lundell The LifePlan project, Tomas Roslin

11:30 – 13:00 Lunch

13:00 - 14:00

Contacts with provider countries, Aysegül Sirakaya Drafting ABS contracts, Sebastian Bromander

14:00 – 14:10 Break

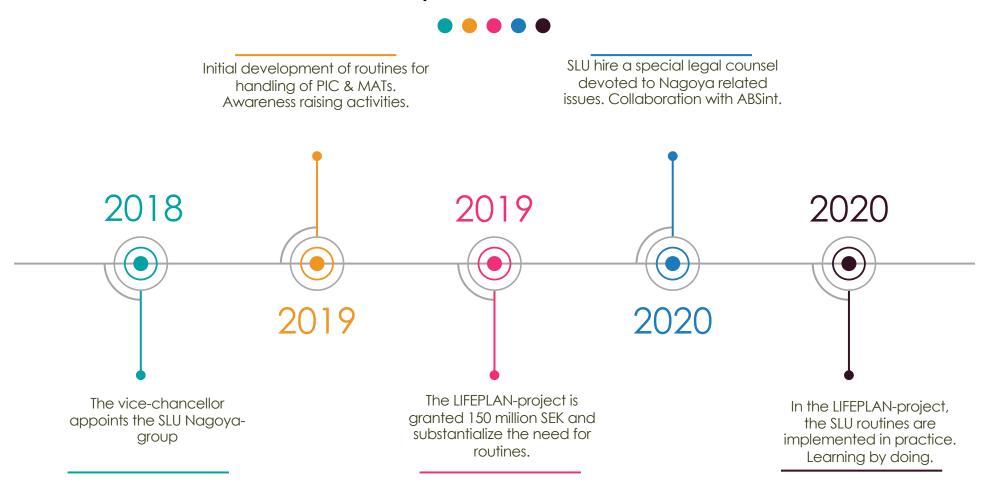
14:10 -15:00

Fostering compliance with the Nagoya Protocol, Scarlett Sett Expert reaction & closing remark, Johan Dixeius, Jens Sundström





#### SLU:s implementation so far





#### The SLU Nagoya group

 $\bullet$ 

- Support function for SLU scientists
- Inform and raise awareness among scientists
- Collaborate with other universities and governmental agencies
- People

– Govenor: Jens Sundström

Faculty representatives: Ingvar Sundh & Håkan Tunón (NJ), Dennis Eriksson &

Kristina Karlsson Green (LTV), Bengt Guss & Sara

Frost (VH), Rosario Garcia Gil och Göran Spong (S)

Legal counsel:Sebastian Bromander

Administrative support: Fredrika von Sydow, Renata Arovelius, Lars Erik

Lindell

nagoya@slu.se



#### **CURRENT ROUTINE AT SLU**



THE RESEARCHER PLANS HIS OR HER STUDY AND MAKES A FIRST OWN ASSESSMENT IF THE **RULES PURSUANT TO THE** NAGOYA PROTOCOL ARE APPLICABLE

# **OF ORIGIN**

**CONTACT IS ESTABLISHED WITH THE** COMPETENT AUTHORITY OR ORGANIZATION IN THE COUNTRY WHERE THE GENETIC RESOURCE TO BE USED IS

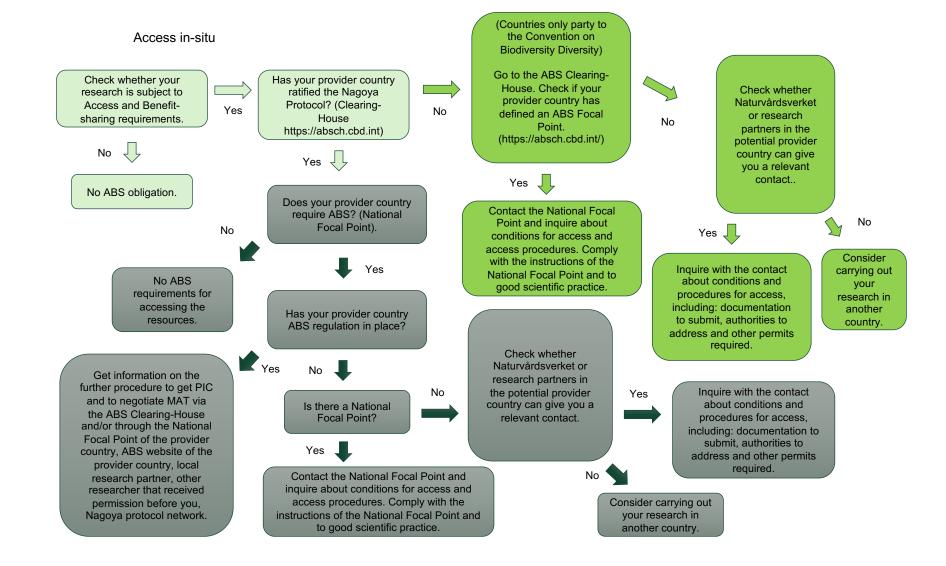
## CONTRACTS

THE RESEARCHER TOGETHER WITH SLU LEGAL DRAFT THE **NECESSARY DOCUMENTS** AND AGREEMENTS ACCORDING TO THE PROVIDING COUNTRY. HEAD OF DEPARTMENT (PREFEKT) SIGNS AGREEMENTS ON BEHALF OF SLU.

REGISTRAR AT SLU DOES THE REGISTRATION OF ALL THE DOCUMENTS IN PUBLIC 360

THE REGISTRAR HELPS THE RESEARCHER TO DECLARATE DUE DILIGENCE (TILLBÖRLIG AKTSAMHET) IN THE DIGITAL TOOL "DECLARE"









#### **ABS CONTRACTS**

- PIC (Prior Informed Consent)
- MAT (Mutual Agreed Terms)
- MTA (Material Transfer Agreement)
- OTHERS? (Momerandum of Understanding, Letter of Intent, Collaboration Agreement...)



#### **ABS CONTRACTS**

Not so different from other contracts. Should still answer typical contract questions like:

- What the project aims at
- What each party should do and when to do it
- Managing risks
- Handling questions like patent, copyrights, confidentiality
- How eventual disputes should be solved



# **MUTUAL AGREED TERMS (MAT)**

MAT is not necessarily a specific document. It is likely to be incorporated in another contract, e.g. in a Material Transfer Agreement (MTA)

Some provider countries have their standard forms and MAT that has to be used.

#### Typical for MAT is:

- Which genetic resource to access
- What research is allowed on the specific resource
- Terms on benefit-sharing
- Terms on third-party use
- Terms on changes of intent

"Benefit-sharing under the Protocol is based on mutually agreed terms (MAT), which are contractual agreements concluded between a provider of genetic resources [...] and a natural or legal person accessing the genetic resource"

"It is possible that PIC and MAT may be issued jointly or in one document"

European commission guidance document on No 511/2014



### **TEMPLATES AND MODEL CONTRACTS**

- There is no one-size-fits-all ABS contract. Each contract must at least to some extent be modified and adjusted to the specific project.
- However, using templates and model clauses can make contract drafting easier, faster and more efficient
- The templates and model clauses can be adjusted to fit e.g. academic research or museums and botanic gardens.
  Some examples:
  - Toolbox for drafting MAT, <a href="https://biodiversitaet.scnat.ch/abs/toolbox">https://biodiversitaet.scnat.ch/abs/toolbox</a>
  - CETAF:s templates for different material transfer agreements, <a href="https://cetaf.org/services/natural-science-collections-and-access-and-benefit-sharing">https://cetaf.org/services/natural-science-collections-and-access-and-benefit-sharing</a>



# **Contract drafts for LIFEPLAN**





Lifeplan MTA draft.pdf

Lifeplan Collaboration Agreement draft.pdf

