

Material transfer agreements: Potential solution to common challenges

Chapter 1.1.3 Transport of Biological materials
Appendix 1.1.3.3

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Introduction

- Transport of animal and human health biological materials  safely, efficiently and legally
- Permits and agreements required such as:
 - ❖ Access to Genetic resources
 - ❖ Fair trade and equitable sharing of benefits
 - Arising from their utilization to the Convention on Biological Diversity (CBD): Biological material containing genetic resources as defined in CBD may be subject to Access and Benefit-sharing legislation in both countries
 - ❖ CITES (convention on International Trade in Endangered species of Wild Fauna and Flora)

Regulatory requirements

- **Cartagena Protocol** and Convention on Biological Diversity (**CBD**) – GMO biosafety
- **Nagoya Protocol** – Access benefit sharing
- Convention on the International Trade in Endangered Species (**CITES**)
- Biological Weapons and Toxins Convention (**BWTC**)
- National Animal Pathogens Regulations
- National Human Pathogens regulations
- Phytosanitary regulations
- IATA and ADR – Transport of hazardous materials
- Animal By-products regulations (**ABR**)
- Regulatory requirements

International regulations

UN-SCETDG

Sub-Committee of Experts on the Transport of Dangerous Goods

Air	Sea	Road	Rail
ICAO	IMO	UNECE	OTIF
ICAO-TI	IMDG	ADR	RID



IATA
DGR



- Transportation chain involves many stakeholders with specific roles and responsibilities
- Explained in Framework of aviation security in a joint International Civil Aviation Organisation (ICAO) and World Customs Organisation (WCO)

Reasons MTA

Material Transfer Agreements

- Protect the interest of all parties involved
 - Intellectual Property
 - Potential alternative uses
 - Commercial aspects
 - Liability to 3rd party
 - Potential further transfer/uses
- Assist to avoid misunderstanding around the use of the materials
- Clarity of ownership of property

MTA covers:

- Objective and purpose
- Parties involved
- Description of material
- Progeny
- Unmodified derivatives
- Commercial purposes
- Non-profit organisations
- Confidentiality
- Jurisdiction and applicable law

MTA terms and conditions

- Ownership and contact persons
- Non-commercial use
- Distribution to 3rd parties
- Confidentiality
- Results and Publication(s)
- Material use liability and disposal/destruction
- Misuse, dual-use and biosafety
- Termination of the Agreement
- Disputes
- Modification of the Agreement and signatures
- Recipient Responsibility

Challenges

- Lengthy process
- Required detailed description and clear intent
- All parties to agree on all conditions
- When research is part of international consortium projects – each participant or PI role and use clearly described
- Individual country / organisation regulations and procedures = can be complicated
- Legal involvement
- Cost

Success stories

- Intellectual property protection
- Publication(s)
- Commercialization of agent – prevent
- Bio-risk management
- Traceability of material
- Recognition

THANK YOU

