

Terms of Reference for the Expert Group on the Terms of the Standard Material Transfer Agreement

1. The Expert Group shall develop and propose recommendations, which may be considered by the Interim Committee for the Treaty, on the terms of the standard Material Transfer Agreement (MTA), in accordance with Article 12.4 of the International Treaty.
2. The Expert Group is also asked to provide advice, and, where appropriate, to propose options and/or elements for inclusion in the standard MTA on, inter alia:
 - What should be the level, form and manner of payments in line with commercial practice?
 - Whether different levels of payment should be established for various categories of recipients who commercialise such products or for different sectors and, if so, what those levels, various categories of recipients and sectors should be?
 - Whether to exempt small farmers in developing countries and in countries with economies in transition from the payments, and if so, who qualifies as such as a small farmer?
 - What constitutes commercialisation in terms of Article 13.2d (ii) of the Treaty?
 - What constitutes incorporation of material accessed from the Multilateral System?
 - When would a product be considered to be available without restriction to others for further research and breeding?
 - How will monetary and other benefits be defined, for the purposes of the standard MTA?
 - By what means will the MTA ensure the application of Article 12.3?
 - What terms should be included in the MTA, so that recipients are bound by it on acceptance of the material from the MLS?
3. The Expert Group examine and report on all options identified, reflecting all views, with the associated implications.
4. The Expert Group shall be composed of experts nominated by Governments, with technical or legal expertise with respect to the exchange of plant genetic resources for food and agriculture and relevant commercial practice.
5. The group shall reflect an appropriate balance between developed and developing countries, with each FAO region being represented.