Exercise 5. Guidelines for Filling out the SMTA

The terms and provisions of the SMTA must not be changed. But the SMTA also contains elements that must be tailored to suit the individual shipment. One of these elements, the form of acceptance, has already been covered above. This section describes the other individualized elements.

1. Name and address of the provider and recipient (Article 1.2, page 1)

No explanations are required. The names and addresses requested are those of the provider or providing institution, and of the recipient or recipient institution. For material being sent out by a CG centre, the provider should be listed as the centre and not the individual officer concerned. Similarly, where material is being sent to a research institute, the recipient should normally be the research institute itself and not a particular individual. The footnote to Article 1.2 indicates that it is not necessary to include the names and addresses of the provider and recipient where the ‘shrink-wrap’ or ‘click-wrap’ form of agreement are to be used. Despite this, it is suggested that where an SMTA is generated on the internet, a copy of the final SMTA including the names and addresses of the provider and recipient should be included with the samples on delivery.

2. Acceptance clause

Note that only the clause representing the mode of acceptance chosen by the parties to the SMTA should appear in the final SMTA. The other clauses should be deleted in accordance with the instructions set out in the footnote to Article 10 of the SMTA.

Where the SMTA is to be signed by both parties, then one copy of the SMTA signed by the recipient should be returned to the provider, and the recipient should be instructed accordingly. No copy should be sent to the governing body. The only time the recipient is required to communicate with the governing body as recipient is if it decides to opt for the alternative payment scheme in Article 6.11 of the SMTA.

3. Annex 1

Annex 1 must specify the material included in the shipment. The precise format of Annex 1 is not defined, but the following criteria must be met:

a. Annex 1 must include a list of the material in the shipment. Each sample should be identified by a unique identifier that distinguishes that particular sample from all other such samples—typically an accession ID for genebank accessions (‘accession number’ in the multi-crop passport descriptors) or other appropriate unique ID for breeding lines. A variety name would not be adequate. Most users also expect to see a variety name or other descriptive designation (‘accession name’ in the multi-crop passport descriptors)

b. Under Article 5a of the SMTA, it is also necessary to provide ‘all available passport data and, subject to applicable law, any other associated, available, non-confidential descriptive information’ for each packet of seed in the shipment. You have two options for providing this information: (1) include it in Annex 1 or (2) publish it online in a web page and, in Annex 1, type the URL of the web page.
Since the quantity of data is likely to be large, the second option will usually be preferable. In either case,

i. passport data should follow international standards set out in the FAO-IPGRI multi-crop passport descriptors, and

ii. in providing descriptive information, you might wish to take into account the standards set out in the relevant ‘descriptors’ for the crop concerned, although these should not be viewed as prescriptive. In general, the requirement is for ‘all available data’ to be provided.

c. For transfers of PGRFA under development, Article 6.5(b) of the SMTA specifies that you must identify, in Annex 1 the material received from the multilateral system, as well as that the PGRFA under development being transferred are derived from that material. That is, you must

i. list PGRFA under development separately from other PGRFA

ii. list all known ancestors of the PGRFA under development that are in the multilateral system and which not PGRFA under development

iii. specify that the PGRFA under development are derived from PGRFA listed in the list of ancestors

On the following page is a suggested layout for Annex 1, illustrated using an example of an actual entry prepared by IRRI in the format currently used by IRRI. In this example, only skeletal information is given in Annex 1, itself; the recipient is referred to the IRRI website for more detailed information. IRRI has found this format to be the most acceptable to both IRRI as a provider as well as to recipients. Otherwise, Annex 1 tends to get too long.
Annex I

LIST OF MATERIALS PROVIDED

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

This information is either provided below or can be obtained at the following website:

www.iris.iris.org/smta/listEntriesData.do?studyId=-320&method=listEntriesData&smtaId=SMTA0306

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.

Each Material listed in this annex is identified by an ID that uniquely identifies the sample, followed in parentheses by a variety name or other designation associated with the Material.

The Materials listed below are PGRFA other than PGRFA under Development.

IRGC 6303 (ASD7)                         IRGC 12507 (ARC 10550)
IRGC 6663 (MUDGO)                        IRGC 15609 (RATHU HEENATI)
IRGC 8978 (BABAWEE)                      IRGC 16130 (BASMATI)
IRGC 11730 (RATHU HEENATI)

The Materials listed below are PGRFA under Development, provided at the discretion of the developer in accordance with Article 5(c). Each is derived from one or more of the ‘Ancestral MLS germplasm’ listed underneath.

IRIS 71-1234440 (IR 79913-B-115-B)        IRIS 71-1234471 (IR 79913-B-143-B)
IRIS 71-116195 (IR 79913-B-11-B)          IRIS 71-116077 (IR 79913-B-154-B)
IRIS 71-117605 (IR 79913-B-124-B)         IRIS 71-1234486 (IR 79913-B-156-B)
IRIS 71-1234459 (IR 79913-B-133-B)        IRIS 71-1234488 (IR 79913-B-158-B)
IRIS 71-117649 (IR 79913-B-139-B)         IRIS 71-1234493 (IR 79913-B-161-B)

The ‘Ancestral (Original) MLS germplasm’ listed below comprise germplasm accessed from the Multilateral System by means of an SMTA, or germplasm from former ‘in trust’ collections, or other germplasm now treated as subject to the Multilateral System; each is an ancestor of one or more of the PGRFA under Development listed above.

IRTP 18210 (IR 55419-04)                  IRTP 5551 (SIGADIS)
IRTP 23013 (WAY RAREM)                    IRTP 1050 (C 4-63)
IRTP 12936 (IR 12979-24-1 (BROWN))       IRTP 837 (IR 879-314-2)
IRTP 7034 (UPL RI 5)                      IRTP 13053 (BPI 76)
IRTP 10584 (IR 12979-24-1)                IRTP 387 (CARREON)
IRTP 195 (IR 8)                            IRTP 199 (IR 26)
IRTP 15161 (ARIAS)                        IRGC 35 (PETA)
IRGC 123 (DEE-GEO-WOO-GEN)