

## **SAFETY DEPOSIT AGREEMENT**

### **Users' Guide**

The attached model Safety Deposit Agreement is for use by Centres when contemplating safety deposits with other Centres or with institutions outside the CG system.

The Agreement will need to be completed by filling in the names and addresses of the Parties to the Agreement and the list of materials to be deposited in Annex A.

In addition, there are a number of alternative wording presented in brackets in various parts of the model text. These have been highlighted in the attached model for ease of reference. Centres will need to decide which alternative is more suited to their particular situation and delete the other text. In this connection, the following other clarifications may be useful:

In Article 4 paragraph 5, you may not need this provision if the institution with which you are depositing materials does not have multiple facilities in different locations where materials will be deposited. Please note that paragraph 6 of Article 4 already requires the Depository to notify the Depositor of any event that may affect the integrity of the safety deposit, including any projected change in location of the deposit.

Article 5 need only be used when vegetatively-propagated materials or field genebanks are involved. In such cases, you will need to agree in writing on any special services to be applicable.

In Article 6 paragraph 2, the choice between the alternative will depend on the particular type of deposit facilities. In the case of Svalbard, for example, where there is no constant custodial presence, it would be impracticable for Nordgen, who manages the facilities, to open up boxes to return individual samples. In other situations, this may well be a practical solution.

In Article 12 paragraph 2, the alternative wording identified by an asterisk has been provided for use with US institutions or other institutions that do not normally accept binding arbitration.

Please note that this is a model agreement only, and that the wording of the provision may need to be verified to suit particular situations. Please let us know if there are such particular situations so that we may take them into account in further revisions of the model safety deposit agreement as appropriate.