MEMORANDUM OF UNDERSTANDING

BETWEEN

THE
DIRECTORATE GENERAL OF
HEALTH SERVICES, MINISTRY
OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF THE REPUBLIC OF INDIA

AND

THE
NATIONAL TRANSPLANT ORGANISATION, MINISTRY OF HEALTH,
SOCIAL SERVICES AND EQUALITY OF THE KINGDOM OF SPAIN

ON COOPERATION IN THE FIELD OF
TRANSPLANT SERVICES

The Director of the National Transplant Organization on behalf of the Ministry of Health, Social Services and Equality of the Kingdom of Spain and the Director General of Health Services on behalf of the Ministry of Health and Family Welfare of the Republic of India, hereinafter referred to as the 'Signatories'.

Recognizing the necessity of developing the organ transplant services, including increasing availability of organs to the people of the two countries through joint efforts and the importance of health in the context of bilateral relations, especially cooperation for the development of relations between the two institutions, the National Transplant Organization of the Kingdom of Spain, namely Organización Nacional de Trasplantes (hereinafter referred to as ONT) and the "Directorate General of Health Services of the Republic of India" (hereinafter referred to as Dte.GHS),

Recognizing the key role of the ONT in the development of a successful model to improve the donation of human organs and tissues for transplantation, based on the principles of equity, justice and respect for human dignity, as well as the exchange of information, experience and education with other countries, which seek to improve their efforts in organ donation, in close collaboration with the World Health Organization, the European Union institutions and other national and international actors in the field of "organ donation and transplantation":-

The Signatories wish to cooperate in the field of organ and tissue retrieval/procurement and transplantation.

HAVE REACHED the following understanding:

Article I

The objective of this Memorandum of Understanding is to promote bilateral cooperation between the Signatories in the field of organ and tissue procurement and transplantation, on the basis of equality, reciprocity and mutual benefit, taking into account the applicable laws and legal provisions in each country, particularly:

1.1 Identifying and establishing the roles and responsibilities of the partner institutions, as well as delivery of services.

1.2 Providing support in the formulation of strategies, developing networks for organ and tissue availability, transportation and transplantation, bio surveillance, quality assurance for organs, etc.

1.3 Undertaking capacity building training programmes for experts including doctors, coordinators and other health personnel in the National Organ Transplant Programme and National Organ and Tissue Transplant Organization encompassing National Human Organs and

Tissues Removal and Storage Network and National Biomaterial Centre (Tissue Bank).

1.4 Establishing the National Organ and Tissue Transplant Registry as per the standards of the Global Observatory on Donation and Transplantation at ONT, Spain in collaboration with WHO HQ, Geneva.

1.5 Cooperating on other issues related to technological advancement and capacity building.

1.6 The cooperation under this Memorandum of Understanding will be in continuum of the ongoing cooperation between the two countries and respective institutions.

Article II

The Signatories shall develop and strengthen cooperation in the following priority areas:

2.1 Public Health Policy regarding organ and tissue availability and transplantation of solid organs and tissues.

2.2 Health Resource Development, especially strengthening the skills in organ and tissue retrieval, organ and tissue transplantation and developing networks to increase organ and tissue availability.

2.3 Strengthening the Health system, including e-Health and governance in the context of organ and tissue transplantation.

2.4 Health and Medical Services in the field of organ and tissue transplantation and organ and tissue availability.

Article III

The Cooperation between the Signatories may be carried out in the following form:

3.1 Collaboration between the Directorate General of Health Services, Government of the Republic of India and the National Transplant Organization, Government of Spain, to develop networking among various stakeholders for organ and tissue availability and organ and tissue transplantation;

3.2 All information and documents to be exchanged pursuant to this Memorandum of Understanding will be kept confidential by the Signatories and will be used subject to such terms as each party may specify in writing. The Signatories will not use the information for purposes other than the specified without the prior written consent of the other party.

3.3 Arrangement of bilateral meetings, symposia and other consultations; participation of experts, advisors and other concerned partners from the Signatories in such meetings;

3.4 Coordination and consultation, as required, on global issues related to organ and tissue transplantation of common interest;

3.5 Provision of capacity building training programmes; and

3.6 Any other form of cooperation as mutually decided upon.

Article IV

4.1 The expenditure concerning any item of this Memorandum of Understanding shall be borne by the respective Signatories and each party shall observe the law in force in each country.

4.2 Administration and internal control regarding programmes, projects and other activities, as well as obligation in respect of experts participating in programmes, projects and other activities shall be undertaken in accordance with Article III of this Memorandum of Understanding.

4.3 Each Party shall bear its own costs in accordance with the above, and as agreed at the Monitoring Committee.

Article V

5.1 The designated authorities responsible for the implementation of this Memorandum of Understanding shall be as under:

a. The Director of the National Transplant Organization of the Kingdom of Spain

b. The Director General of Health Services in the Ministry of Health and Family Welfare of the Government of the Republic of India.

5.2 For coordination of all activities under this Memorandum of Understanding, an Indo-Spanish Monitoring Committee on Cooperation in the field of Organ Transplantation shall be set up (hereinafter referred to as the "Monitoring Committee"), which shall consist of :

a. Nodal officer (focal point) responsible for organ transplantation in India from Dte. GHS

b. Director, National Organ and Tissue Transplant Organization (NOTTO), Dte.GHS

and

c. Nominated persons from Spain (to be designated by the ONT).

5.3. The Monitoring Committee shall meet on a regular basis, as agreed upon by the Signatories or at least once a year, alternately in Spain and India, and shall examine concrete activities and programmes of cooperation; coordinate with the participating organizations responsible for implementation of these programmes under this Memorandum of Understanding; and make recommendations to the Signatories, through an accepted procedure. The composition, place of the meetings and procedure to be followed in the Monitoring Committee shall be determined by mutual consent of the Signatories.

Article VI

The present Memorandum of Understanding shall not affect or create rights or obligations under international or domestic laws.

Article VII

The present Memorandum of Understanding may be amended with the mutual consent of the Signatories, in writing.

Article VIII

Any dispute arising out of the interpretation, and implementation or application of this Memorandum of Understanding shall be settled by negotiations and mutual consultations.

Article IX

The present Memorandum of Understanding shall come into effect from the date of its signature and shall remain in effect for a period of five years.

Thereafter, it will be renewable by the mutual written agreement of the Signatories, unless either Party may terminate it by means of a written notice to the other Party. It may be amended by mutual written consent of the Signatories through exchange of notes by diplomatic/official channels.

The termination of this Memorandum of Understanding shall not affect the completion of activities under the agreements already concluded or activities undertaken on the basis of this Memorandum of Understanding before the date of its termination. The termination shall come into effect six months after the notification date.

IN WITNESS WHEREOF, the undersigned being duly authorized by their respective Governments have signed this Memorandum of Understanding at the place and on the date indicated below, in two originals, each in Hindi, English and Spanish Languages; all the texts being equally authentic. In case of divergence in interpretation, the English text shall prevail.

Done In Madrid (Spain) on May 29 2017

On behalf of National Transplant Organization, Ministry of Health, Social Services and Equality, Kingdom of Spain

Beatriz Domínguez-Gil González
Director of the National Transplant Organization

On behalf of director General of Health Services of the Ministry of Health and Family Welfare, Government of India

Shri D.B. Venkatesh Varma
Ambassador of India to Spain