

Recrutement d'un post-doctorant (Droit)

L'Université Toulouse 1 Capitole recrute un post-doctorant pour 12 mois pour contribuer et animer un programme de recherche financé sur les fonds du programme IDEX. Le candidat sera chargé de produire des travaux scientifiques, analytiques (sur certains points nécessitant un travail d'investigation) et synthétiques (mise en perspective des résultats obtenus par les chercheurs partenaires du projet). Il pourra également contribuer à l'organisation de workshops.

Le profil recherché est celui d'un(e) chercheur(se) en droit qui soit au fait de la question des ressources biologiques humaines (collections de ressources biologiques, biobanques), de leur patrimonialisation et leur valorisation. Il devra être au fait des problématiques des patrimoines publics mais aussi des questions contractuelles.

Période (12 mois entre fin 2015 et début 2017)

Rémunération (environ 1800 euros net/mois)

Projet

Acronym	TuBa (Tumor Banks)
Title	Public regulation in tumor banks
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Link with LabEx	IAST (Institute of Advanced Studies in Toulouse)

2. Summary

Do the biological resources linked to cancer (tumours, serums, cells and the personal data associated with them), used therapeutically and for applied or fundamental research, constitute a “heritage”? Are they “assets” or “goods” for the donor, for founders and administrators or managers of their conservation, for the legal entities who employ them, notably the public sector? For public authorities (key sources of funding) is this a form of “public heritage”? Should —Can— public authorities intervene in the regulation of tumour banks?

The project revolves around a **pluridisciplinary** (Law, Economics, Health) **research** programme (workshops, work packages, colloquia, reports, recommendations, publications) pertaining to **public action** in economic and social enhancement making full economic and social use of the potential of **collections of biological resources (tumours, tissues, cells) in oncology**.

The project aims to assess legal and economic uncertainties weighing on the collection, the storage, the provision and the economic development of these materials (biological samples and associated personal data). Indeed, public, para-public and private sector actors in the field of cancer care and research hold collections supported by significant public and social investments. Under certain

conditions, particularly in the perspective of networking (sometimes promoted by public authorities), these collections can also represent **major economic assets and scientific resources**. The questions and institutional constraints impacting on the enhancement of such resources are:

- **legal** : the will of the source person, extra-patrimoniality, freedom to establish collections, competence in deciding on their use, legal frameworks for their distribution, desire for return on investment for public institutions, notably in terms of industrial and intellectual property.
- **economic** : cost of establishing and running biological resource centres, destroying resources, emerging markets, profit sharing,
- **public health policy choices** : prioritization of therapeutic actions over research (fundamental or clinical trials), conservation of resources, promotion of scientific (and not commercial) value of collections. This means studying the economic efficiency of the present system, in a fragmented legal framework poorly understood on both national and international levels.

The themes of **establishment**, of **patrimonialisation**, of **development** and of **sharing** these resources thus merit our calling into question existing practices and their evolution, as well as the leverage available to public authorities (incentives, legislation, regulation) in a context where norms emerge from professional practice to become widely used in collaborative networks.

The Toulouse site offers a particularly relevant context to serve as a case study. Aside from various networks in which local collections are partners (the University hospital centre [*CHU*], the anti-cancer centre Claudius Regaud [*ICR*], the Pierre Fabre Laboratories), the Greater Southwest Canceropôle which brings together on the site of the Oncopôle the university cancer institute (*IUC*) and the biological resource centers of the *CHU* and the *ICR* offers the opportunity to reflect upon **renewed local and national public governance**.

3. Means necessary for the project implementation

The originality of the project stems from the concurrent work of two post-doctoral researchers, one in Law, the other in Economics, seeking to establish possible links between legal rules and the absence of economic development of collections of biological resources.

The legal side of the question entails reviewing the literature, researching pertinent foreign systems for comparison and preparing workshops and colloquia. The researcher will also handle preparation and follow-up of meetings, as well as reviewing or proof-reading publications. The position requires competences in both public and private law.

The economic side of the question entails compiling economic data and evaluating the management costs of the different collections, understanding and working with the economics of contracts and with economic conditions of national and international exchanges. The researcher will also handle preparation and follow-up of meetings, as well as reviewing publications.

A certain number of missions will need to be funded:

- participation in symposia.
- collection of legal and economic data.

4. Research project and project team

a. Free keywords (≤ 8)

1. Centres de ressources biologiques / Biological Ressources Centers
2. Patrimoine public / Public goods
3. Recherche contre le cancer /Cancer research
4. Eléments du corps humain / Elements of the human body
5. Economie de la santé / Public Health Economy
6. Biobanques / Biobanks
7. Droit public / Public Law
8. Politiques publiques de santé / Public Policies on Healthcare

b. Research project description, showing the ambition and stakes of the project and the strategic nature of the networking or getting together of the different research fields associated to the project.

Thus, we raise the question of “public regulation” of these collections. A first step would be the incentive to establish and structure tumour banks. This would be followed up by the unilateral disposition of publicly funded banks and could go so far as to include actual ownership by public authorities in the interest of publicly funded research or eventual sale to finance treatments for patients.

The literature in law and in economics pays little heed to these specific considerations, be they questions of governance, legal law, patrimonial law or the market for healthcare products. It is thus necessary to further explore these considerations along two axes to bring to light economic implications in both ethical choices (for example, the role of the patient as a “resource person”) and governance issues in the healthcare sector (structural organization of local, national or European actors in oncology):

Axis 1. Public action and uncertainties in **establishing** tumour banks

Axis 2. Public action and uncertainties in **patrimonialising** tumour banks