**Submission of proposals related to the Further revised draft text of an agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction**

**Template**

*Please fill out one form for each article which your delegation(s) or group(s) wish(es) to propose, amend or delete.*

1. **Name(s) of Delegation(s) and/or Group(s) making the proposal in the order that they should be listed in any conference room papers or other documents:**

Viet Nam

1. **Please indicate the relevant part of the Further revised draft text (as reflected in A/CONF.232/2022/5) that this proposal relates to, using the drop-down menu below.**

PART II MARINE GENETIC RESOURCES, INCLUDING QUESTIONS ON THE SHARING OF BENEFITS

1. **Please indicate the relevant article of the Further revised draft text (as reflected in A/CONF.232/2022/5) that this proposal relates to (if applicable) or indicate if this is a proposal for an additional article**

Article 11, Option 2 of the Further revised text

Article 11 of the Refreshed text

1. **Kindly provide the amendments to the article that are being proposed in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the article that are being amended or deleted - examples are attached for reference.**
	1. **Article 11, Option II, paragraph 3 of the Further revised text**

**(Article 11, paragraph 2 of the Refreshed text)**

Non-monetary benefits shall be shared and may be in the form of:

 (a) Access *ex situ* and access to associated data and information;

 (b) Information contained in the notifications provided in accordance with article 10, paragraphs 3, 4, 4bis and 4ter;

 (c) Transfer of technology under mutually agreed terms;

 (d) Capacity-building, including by financing research programmes, and partnership opportunities for scientists and researchers in research projects, and dedicated initiatives, particularly for developing States;

 (e) Open and FAIR (Findable, accessible, interoperable and reusable) access to scientific data in accordance with international practice in those fields;

 (e) bis *The sharing of prevention and treatment methods and materials arising out of the utilization of MGR, in cases of present or imminent emergencies that threaten or damage human, aninal or plant health, as determined nationally or internationally;*

 (f)…

* 1. **Article 11, Option II, paragraph 6 of the Further revised draft text**

**(Article 11, paragraph 4 of the Refreshed text)**

~~Access to the original samples, data and information in the databases, biorepositories, gene banks or other collections described in paragraph 4 may be subject to reasonable conditions, including but not limited to those related to:
(a) The need to preserve the physical integrity of original samples;

(b) The reasonable costs associated with maintaining the relevant database, biorepository or gene bank in which the sample, data or information is held;

(c) The reasonable costs associated with providing access to the sample, data or information.~~

6. (a) Access to the original samples may be subject to the need to preserve the physical integrity of original samples;

(b) Access to original samples, data and information in the databases, biorepositories, gene banks or other collections described in paragraph 4 may be subject to a fee that is based on the reasonable costs associated with providing access and/or maintaining the relevant database, biorepository or gene bank in which the sample, data or information is held; which will be funded by the special funds upon request by a developing State Party who expressed their wish for such fee to be covered by the funds;

* 1. **Article 11, Option II, paragraph 10. bis. of the Further revised text**

**(Article 11, paragraph 8. Bis of the Refreshed text)**

10. bis. With respect to the access ex situ, including as DSI, of MGR and their derivatives, States Parties shall:
- Provide for legal certainty, clarity and transparency of their domestic legislation or regulatory requirements;

- Provide for clear, non-arbitrary rules and procedures on accessing MGR (and their derivatives).

1. **Rationale for the proposal, if any.**

Click or tap here to enter text.