**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:**

EU and its MS

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

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.**

Click or tap here to enter text.

**Article 11 – Fair and equitable sharing of benefits at the stage of utilization of marine genetic resources of areas beyond national jurisdiction**

**Option I**

1. The benefits arising from the utilisation of marine genetic resources of areas beyond national jurisdiction shall be shared in a fair and equitable manner.

2. Benefits shall include various types of contributions to support the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

3. benefits that shall be shared according to article 10 and 11 relate to: ~~along the research chain from collection to utilisation in the form of:~~

(a) Access to samples and sample collections;

(b) Pre-collection and post-collection information contained in the notifications provided in accordance with articles 10 (5) and 10(6) ;

(c) Transfer of technology under mutually agreed terms;

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

(e) open and FAIR (Findable, accessible, interoperable and reusable) access to scientific data, [including genetic sequence data] in accordance with international practice in these fields;

**From option II**

. Where marine genetic resources of areas beyond national jurisdiction are subject to utilization by natural or juridical persons under the jurisdiction of a Party, that Party shall take legislative, administrative measures, as appropriate, to ensure that:

(a) The following information is provided to the clearing-house mechanism, as a notification of utilisation:

(i) An indication of where the results of the utilization can be found, including any genetic sequence data;

(ii) Where available, details of the post-collection notification to the clearing-house mechanism related to the marine genetic resources that were the subject of utilization;

(iii) An indication of where the original sample that was the subject of utilization, if available, is held;

(iv) An indication of the modalities foreseen for accessing the samples or results of the utilization referred to in subparagraphs (i) and (iii).

(b) original samples of the marine genetic resources subject to the utilization within their jurisdiction, where available, are deposited in publicly accessible biorepositories, gene banks or other collections, taking into account current international practice in these fields; and

(c) The results of the utilization undertaken, including environmental meta-data, taxonomic information and any genetic sequence data, are deposited in a publicly accessible repository or database, taking into account current international practice in these fields.

5. The information described in paragraph (4)(a) shall be transmitted to the clearing-house mechanism and the samples and results described in paragraph (4)(b) and (c) shall be deposited as soon as they become available and:

(a) No later than three years from the start of the relevant utilization;

(b) On the subsequent placing on the market of any product developed by the utilization of a marine genetic resource of areas beyond national jurisdiction or on the subsequent generation of further results of utilization.

6. The obligations in paragraph (5) are without prejudice to the protection of intellectual property rights and confidential information.

7. 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.

**From option I:**

8. Parties shall take the necessary legislative, administrative or policy measures, as appropriate, with the aim of ensuring that benefits arising from marine genetic resources of areas beyond national jurisdiction are shared in accordance with this Agreement.

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

Click or tap here to enter text.