**Submission example**

1. **Name(s) of Delegation(s) and/or Group(s) making the proposal:**

**on behalf of Australia, Canada, European Union and its Member States, Iceland, Japan, Korea, New Zealand, Norway, Switzerland, United Kingdom, United States**

1. **Please indicate the relevant part of the Further revised draft text (as reflected in A/CONF.232/2022/5****[[1]](#footnote-1)) that this proposal relates to.**

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.232/2022/51) that this proposal relates to (if applicable) or indicate if this is a proposal for an additional article**

Article 11 and 11bis

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.**

11.5. Monetary benefits shall be shared through the special fund established under Article 52(4)(b) and shall be distributed to Parties to this Agreement for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction on the basis of equitable sharing criteria, taking into account the needs of developing States Parties:

(a) In the period between the decision of the Conference of Parties on the rate of contributions and the decision of the Conference of the Parties on alternative modalities, States Parties shall make annual contributions to the special fund. The Conference of the Parties shall determine, at its first meeting, the rate of such contributions by Parties to the special fund. A Party’s rate of contribution shall not exceed [x%] of that Party’s assessed contribution to the budget adopted by the Conference of the Parties under Article 48(5)(e). This provision does not apply to developing States Parties without activities in relation to MGR of ABNJ.

(b) The Conference of the Parties, taking into account recommendations from the Access and benefit-sharing Committee established under Article 11bis, shall review and assess, at regular intervals, the extent of commercialization of products from the utilization of including monetary benefits arising therefrom. The first review shall take place no later than 5 years after the entry into force of this Agreement.

(c) If substantial monetary benefits arise from such commercialization, the Conference of the Parties shall by consensus decide on alternative modalities for the payments to the special fund which upon taking effect shall replace the process for payments set out in subparagraph 5 (a).

**11bis.5** The access and benefit-sharing Committee shall review and assess, at regular intervals, the issue of benefit sharing from the use of digital sequence information of marine genetic resources of areas beyond national jurisdiction, taking into consideration benefit-sharing mechanism developed under other relevant bodies. If a suitable mechanism for such benefit sharing is identified, the access and benefit-sharing Committee shall make a recommendation to the Conference of Parties for its use in the context of the Agreement, as appropriate. The Conference of Parties may, by consensus, decide to adopt any such recommendation of the access and benefit-sharing Committee.

1. **Rationale for the proposal, if any. [150 word limit]**

Art. 11.5 proposal is referred to in the negotiations as the “material MGRs enabling clause” whereby Art. 11bis. 5 proposal is referred as “DSI enabling clause”.

1. Currently available as an advance, unedited, version on the website of the IGC: [Fifth substantive session (un.org)](https://www.un.org/bbnj/fifth_substantive_session) [↑](#footnote-ref-1)