

Preparatory Commission for the Entry into Force of the 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 and the Convening of the First Meeting of the Conference of the Parties to the Agreement

Second session

New York, 18–29 August 2025

Reporting requirements pursuant to the 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

Note by the Secretariat

I. Introduction

1. The 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 (“the Agreement”) contains several requirements for Parties to report periodically to institutional arrangements under the Agreement, including the Conference of the Parties,¹ the Access and Benefit-Sharing Committee² and the Capacity-Building and Transfer of Marine Technology Committee.³ It also requires institutional arrangements under the Agreement,⁴ including subsidiary bodies and the secretariat,⁵ to report to the Conference of the Parties.

2. The Preparatory Commission established by General Assembly resolution 78/272 to prepare for the entry into force of the Agreement and the convening of the first meeting of the Conference of the Parties to the Agreement (“Preparatory Commission”), at its first session, held from 14 to 25 April 2025, adopted the programme of work of the Commission.¹ The latter was prepared by the Co-Chairs, in consultation with the Bureau, on the basis of the three clusters of issues discussed by the Commission during its organizational meeting, in June 2024. Cluster I, entitled “Governance issues”, included the item “reporting requirements”.

3. In accordance with its programme of work, the Preparatory Commission, at its first session, held a preliminary exchange of views on issues for consideration at its second session, including reporting requirements.

4. The purpose of the present note is to assist the Preparatory Commission in its consideration of reporting requirements under the Agreement at its second session which is being convened from 18 to 29 August 2025. The note provides an overview of general considerations related to reporting requirements, including the practice under various multilateral instruments.⁶ The note first considers requirements for

¹ Art. 54 and art. 26 (1).

² Art. 16 (2).

³ Art. 45(3).

⁴ Art. 16 (3), art. 46 (3), art. 49 (4), art. 52 (14) and art. 55 (3).

⁵ Art. 50 (4).

⁶ Reporting requirements under the following instruments and bodies were reviewed: the Basel

Parties to report periodically, including an overview of practice under other instruments and such requirements under the Agreement (section II). The note then addresses reporting requirements for institutional arrangements under the Agreement (section III) and it concludes with a set of possible actions that the Commission could take with a view to assisting the Conference of the Parties in considering and making decisions on these matters (section IV).

5. Regarding the reporting requirements for Parties, the note focuses on provisions that require all Parties to submit reports periodically. It does not address notifications that individual Parties may be required to make with regard to specific activities or events. Similarly, section III on reporting requirements for institutional arrangements addresses reports that institutional arrangements are required to make periodically to the Conference of the Parties, rather than reports or recommendations that such arrangements may make with respect to specific developments, activities or events.

II. Reporting requirements for Parties

6. This section provides an overview of practice under other multilateral instruments concerning reporting by Parties, and reviews requirements for reporting by Parties under the Agreement.

A. Overview of practice under other instruments

7. Requirements for Parties to report periodically are common across the instruments reviewed for this note, although modalities differ. Reporting requirements are often set out in the text of the relevant instrument. In some cases, reporting requirements have been established by governing bodies.⁷

8. Reporting requirements generally relate to information on the measures that a Party has taken to implement the relevant instrument,⁸ sometimes alongside information on their effectiveness in meeting the objectives of the relevant instrument.⁹ Parties may also be required to provide statistical data, for example on the production, imports and exports of relevant controlled substances,¹⁰ emissions of

Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; the Cartagena Protocol on Biosafety to the Convention on Biological Diversity; the Convention on Biological Diversity; the Convention on International Trade in Endangered Species of Wild Fauna and Flora; the Convention on the Conservation of Migratory Species of Wild Animals; the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention); the Convention on Long-range Transboundary Air Pollution; the Convention on the Protection and Use of Transboundary Watercourses and International Lakes; the International Seabed Authority; the International Treaty on Plant Genetic Resources for Food and Agriculture; the Kyoto Protocol to the United Nations Framework Convention on Climate Change; the Minamata Convention on Mercury; the Montreal Protocol on Substances that Deplete the Ozone Layer; the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity; the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972 (London Protocol); the Paris Agreement under the United Nations Framework Convention on Climate Change; the Convention on Wetlands of International Importance especially as Waterfowl Habitat ("Ramsar Convention"); the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; the Stockholm Convention on Persistent Organic Pollutants; and the United Nations Framework Convention on Climate Change.

⁷ See, for example, CITES Conf. 11.17 (Rev. CoP19), para. 3; ITPGRFA resolution 2/2011, Annex, sec. V.1; Espoo Convention, Decision III/7 and art. 14bis of the amended Espoo Convention; Water Convention, Decision VII/2, UN Doc ECE/MP.WAT/49/Add.2; RAMSAR Recommendation 2.1 (1984).

⁸ UNFCCC, art. 12, paragraph 1(b); CBD-CP art. 33; CBD-NP art. 29; CITES art. VIII (7)(b); CMS art. VI (3); ITPGRFA resolution 9/2013.

⁹ CBD art. 26.

¹⁰ Montreal Protocol, art.7.

greenhouse gases and other substances,¹¹ records of trade in relevant species,¹² the generation, import, export and disposal of wastes,¹³ the production, import and export of relevant chemicals,¹⁴ or information regarding dumping permits.¹⁵ Under some instruments, Parties are also required to report on support provided to other States, such as capacity-building, financial resources and technology transfer.¹⁶

9. Reporting requirements are often included as part of provisions on the monitoring and review of implementation of the relevant instrument. In some cases, reporting requirements have been included as part of the compliance procedures¹⁷ or form part of transparency measures.¹⁸

Interval

10. The interval for reporting by Parties under the instruments reviewed for the present note varies. In some cases, the interval for reporting is set out in the text of the instrument itself.¹⁹ Other instruments indicate that the interval for reporting is to be determined by the relevant governing body.²⁰ Information on implementation is generally requested biannually,²¹ triennially,²² every four years²³ or every five years.²⁴ Statistical data is often to be reported more frequently, for example annually²⁵ or biannually,²⁶ by a certain recurring date.²⁷ Under some instruments, Parties are to submit abridged reports halfway through the full reporting cycle.²⁸ In some cases, no specific interval is set but reports are due ahead of the regular meeting of the relevant governing body.²⁹

11. Where multiple reports are required under a particular instrument or a set of related instruments, reporting cycles may be synchronized. For example, all reports to the Convention on International Trade in Endangered Species of Wild Fauna and Flora are required by 31 October of the year in which they are due.³⁰ As of 2023, the reporting cycles under the Convention on Biological Diversity and its Protocols have

¹¹ UNFCCC art. 12, paragraph 1(a); Kyoto Protocol, art. 7(1); Paris Agreement, art. 13; Montreal Protocol, art. 7 (3ter); Air Convention, art. 8(a).

¹² CITES, art. VIII(7)(a).

¹³ Basel Convention, art. 13(3).

¹⁴ Stockholm Convention, art. 15(2)(i).

¹⁵ London Protocol, art. 9, paragraph 4.

¹⁶ UNFCCC art. 12 (3); Paris Agreement, art. 13(9); Montreal Protocol, art. 9(3).

¹⁷ ITPGRFA, resolution 9/2013, section V.1; Espoo Convention, art. 14bis.

¹⁸ Paris Agreement, art. 13.

¹⁹ See, for example, Montreal Protocol, art. 7; CITES art. 8(7); CMS art. 6(3); Basel Convention, art. 13(3); Kyoto Protocol, art. 7.

²⁰ See, for example, UNFCCC, art.12 (5); CBD art.26; Stockholm, art.15, paragraph 3; Minamata Convention, art. 21, paragraph 3.

²¹ See, for example, Montreal Protocol art. 9, paragraph 3; CITES art. 8, paragraph 7 (b) and Resolution Conf. 11.17 (Rev. CoP19), para. 2; Decision MC-1/8.

²² See footnote 30.

²³ CBD CP art.33 and BSI-9; SC-1/22; Decision MC-1/8 (full reports).

²⁴ ITPGRFA, resolution 9/2013, section V.1.

²⁵ Montreal art. 7; CITES art. VIII, paragraph 7 (a) and Resolution Conf. 11.17 (Rev. CoP19), paras. 1 and 3; London Protocol, art. 9, paragraph 4.

²⁶ Paris Agreement, art. 13 (4). As per decision SC-1/22, under the Stockholm Convention statistical data to be submitted every four years.

²⁷ For example, reports under the Montreal Protocol are due by 30 September of each year (Handbook on Data Reporting under the Montreal Protocol, p. 9); Parties to CITES are to submit their annual report and annual illegal trade report by 31 October following the year for which the reports are due (Conf.11.17 (Rev. CoP19), paragraph 1 and 3); and reports under the Basel Convention are due before the end of the next calendar year (Basel Convention art. 13, para.3).

²⁸ For example, Parties to the Minamata Convention are to submit a short report every two years and a full report every four years (UNEP/MC/COP.1/Dec.8).

²⁹ Ramsar, recommendation 2.1; CMS art. VI (3); Aarhus Convention, art.10 (2) and decision I/8, paragraph 2. These bodies meet every three years.

³⁰ Resolution Conf. 11.17 (Rev. CoP19), para. 1-3.

been synchronized, providing for common reporting timelines across the instruments.³¹

12. The timeframe for the submission of the first report sometimes differs from the submission interval for subsequent reports. For example, Parties to the Cartagena Protocol were requested to submit an interim report two years after the Protocol entered into force, with subsequent reports to be submitted every four years.³² Contracting Parties to the International Treaty on Plant Genetic Resources for Food and Agriculture were to submit a first report three years after the approval by the Governing Body of a standard reporting format, with subsequent reports being due every five years.³³

13. The United Nations Framework Convention on Climate Change differentiates certain reporting intervals based on the status of the Party, requiring so-called Annex I Parties to submit their first communication within six months of entry into force of the Convention for that Party, while other Parties are given three years from entry into force for the relevant Party, and least developed countries can make their initial communication at their discretion.³⁴ Under the Kyoto Protocol, only Annex I Parties are to provide annual inventories.³⁵

Format and content

14. Under most instruments reviewed, the relevant governing body determines the format for reporting by Parties, based on a template prepared by the respective secretariat and/or relevant subsidiary body.³⁶ The reporting formats under the Ramsar Convention, the Convention on the Conservation of Migratory Species of Wild Animals and the Convention on International Trade in Endangered Species of Wild Fauna and Flora are developed by their respective secretariats and approved by the relevant standing committee.³⁷ Standard reporting formats are often used across cycles, with occasional revisions or adjustments made ahead of reporting cycles.³⁸ Alongside the reporting formats, governing bodies generally adopt guidance documents that provide further details on the reporting procedures and the information requested.³⁹

15. Governing bodies may request subsidiary bodies to provide input on reporting formats and guidance, both in developing standard reporting formats and by reviewing reporting practice, with an eye to suggesting revisions or amendments to reporting formats. For example, the Conference of the Parties to the United Nations Framework Convention on Climate Change serving as the meeting of the Parties to the Paris Agreement requested the Subsidiary Body for Scientific and Technological Advice to develop, inter alia, common reporting tables, common tabular formats and

³¹ See CBD/COP/DEC/14/27, CBD/COP/DEC/15/6, CBD/CP/MOP/DEC/9/5, CBD/NP/MOP/DEC/3/4 and CBD/NP/MOP/DEC/4/3.

³² CBD-CP BS-I/9, para. 5 (i).

³³ ITPGRFA resolution 2/2011, section V.1.

³⁴ UNFCCC, art. 12, paragraph 5.

³⁵ Kyoto Protocol, art.7(3). By UNFCCC Decision 1/CP.24, para. 41-42, Parties agreed that for Parties to the Paris Agreement, the modalities, procedures and guidelines for the enhanced transparency framework under the Paris Agreement would supersede the requirements of the monitoring, review and verification system under the Kyoto Protocol, including with regard to reporting requirements.

³⁶ See, for example, UNEP/CBD/NP/COP-MOP/DEC/1/3; UNEP/CHW.2/30, Annex, Decision II/17; SC-1/22; Decisions 18/CMA.1 and 5/CMA.3.

³⁷ See Ramsar Convention SC62 Doc.21; CITES Conf.11.17 (Rev. CoP19); UNEP/CMS/StC52/Outcome 1.

³⁸ See, for example, COP decision 16/32, annex I; BC-14/10; SC-6/21; UNEP/MC/COP.5/Dec.13, annex 1.

³⁹ See, for example, CITES SC78 Doc. 32.2; CBD COP decision 15/6, annex II; UNEP/POPS/COP.9/INF/29; UNEP/MC/COP.5/Dec.13, annex 2.

outlines for other reporting documents,⁴⁰ which were subsequently adopted.⁴¹ The Conference of the Parties to the Convention on Biological Diversity also adopted a reporting format following recommendations by its Subsidiary Body for Scientific, Technical and Technological Advice on guidelines for national reports.⁴² Implementation and/or compliance committees under instruments reviewed often also regularly review reporting practice to identify challenges for Parties and make recommendations to the relevant governing bodies on possible amendments to the reporting format.⁴³

16. Reporting formats often take the shape of questionnaires featuring a combination of multiple-choice check boxes and open text fields, sometimes with a possibility to provide additional information by attaching further documentation to the questionnaire.⁴⁴ For reports relating to the provision of statistical data, standard reporting tables are generally provided. For example, the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement has adopted common reporting tables and common tabular formats, as well as outlines for different documents to facilitate reporting under article 13 of the Agreement.⁴⁵ Under the Minamata Convention, the short reports due every two years consist of four questions while the full reports, due every four years, contain 43 questions by article, in addition to general information.⁴⁶

17. With regard to material scope, reporting formats generally cover mandatory information, as required by the provisions of the relevant instrument, as well as contextual information that may be submitted on a voluntary basis.⁴⁷ Reporting formats are often structured by article⁴⁸ or by theme.⁴⁹ In some cases, governing bodies request Parties to submit other information as well.⁵⁰ Where goals or targets have been adopted under an instrument, Parties can be requested to report against these. For example, the template for the seventh and eighth reports by the Parties to the Convention on Biological Diversity contains sections relating to the national biodiversity strategy and action plan, assessment of progress towards national targets and progress towards goals and targets of the Kunming-Montreal Global Biodiversity Framework, conclusions on the implementation of the Convention and the Kunming-Montreal Global Biodiversity Framework, as well as information as requested in related decisions adopted by the Conference of the Parties to the Convention on Biological Diversity.⁵¹

18. With regard to temporal scope, reports are generally meant to cover the period since the submission of the previous report. Reports submitted in a first reporting cycle are sometimes considered as baseline studies.⁵²

⁴⁰ Decision 18/CMA.1, para. 12.

⁴¹ Decision 5/CMA.3, para. 1.

⁴² See CBD SBSTTA recommendation V/13 and CBD COP Decision V/19.

⁴³ See, for example, CBD/NP/MOP/3/2, para. 24; UNEP/MC/COP.5/14 and UNEP/MC/COP.5/Dec.13; ITPGRFA Resolution 9/2013, section V.1.

⁴⁴ See, for example, CBD-CP BS-I/9; CBD/NP/MOP/DEC/4/3, annex; UNEP/CMS/StC52/Outcome 1; ITPGRFA Resolution 9/2013 Rev.1, Annex 2; SC-1/22, Annex; UNEP/MC/COP.1/Dec.8, as amended by UNEP/MC/COP.5/Dec.13.

⁴⁵ See Decision 5/CMA.3.

⁴⁶ UNEP/MC/COP.1/Dec.8, as amended by UNEP/MC/COP.5/Dec.13.

⁴⁷ See, for example, CBD/NP/MOP/DEC/4/3, annex.

⁴⁸ See, for example, CBD-CP BS-I/9; ITPGRFA Resolution 9/2013 Rev.1, Annex 2; SC-1/22, Annex; UNEP/MC/COP.1/Dec.8, as amended by UNEP/MC/COP.5/Dec.13.

⁴⁹ See, for example, UNEP/CMS/StC52/Outcome 1; CBD/NP/MOP/DEC/4/3, annex, para. 8.

⁵⁰ See, for example, CBD COP decision 15/6.

⁵¹ See CBD/COP/DEC/15, Annex II.

⁵² See, for example, Handbook on Date Reporting under the Montreal Protocol, p. 14; UNEP/CMS/StC52/Outcome 1.

Submission

19. Reports are generally to be submitted to the relevant governing body,⁵³ often through the secretariat.⁵⁴ The Montreal Protocol and the Convention on International Trade in Endangered Species of Wild Fauna and Flora provide that reports shall be provided to the respective secretariat.⁵⁵ Reports under the International Treaty on Plant Genetic Resources for Food and Agriculture must be submitted to the Compliance Committee, through the Secretary.⁵⁶ Reports under the London Protocol must be submitted, directly or through a secretariat established under a regional agreement, to the International Maritime Organization, and where appropriate to other Contracting Parties.⁵⁷

20. Many instruments facilitate the online submission of reports, often via a dedicated platform, such as a clearing-house⁵⁸ or another online reporting tool.⁵⁹ A standardized Online Reporting System, initially developed for use under the Convention on the Conservation of Migratory Species of Wild Animals and the Agreement on the Conservation of African-Eurasian Migratory Waterbirds Parties, is currently being used to facilitate reporting under multiple multilateral environmental agreements.⁶⁰ Reports under the Convention on International Trade in Endangered Species of Wild Fauna and Flora are currently sent by email while work on an online submission process is ongoing.⁶¹

21. In cases where Parties are to submit their report online, an offline version of the report is generally made available to assist Parties in the gathering of information.⁶² While online submission is generally encouraged, it is sometimes possible to submit an offline version of the report.⁶³ For example, offline copies of reports under the Convention on Biological Diversity and its Protocols may be emailed to the Secretariat. Such copies must be accompanied by appropriate certification from a relevant national authority.⁶⁴

⁵³ See, for example, CBD art.26, CBD-CP art.33, CBD-NP art.29.

⁵⁴ See, for example, UNFCCC art. 12; CMS art. 6(3); Basel Convention art. 13(3); Stockholm Convention art. 15; Minamata Convention art. 21. The Montreal Protocol and the Paris Agreement do not specify submission procedures.

⁵⁵ Montreal Protocol, art. 7; CITES, art.8(7).

⁵⁶ ITPGRFA Resolution 9/2013, section V.1.

⁵⁷ London Protocol, art. 9(4).

⁵⁸ For example, see the Online Reporting Tool of the CBD Clearing-House Mechanism, at <https://ort.cbd.int>; CBD Biosafety Clearing-House, at <https://bch.cbd.int/en>; and CBD ABS Clearing-House, at <https://absch.cbd.int>.

⁵⁹ For example, see the Ozone Secretariat Online Reporting System Decision, at <https://ors.ozone.unep.org>; 18/CMA.1, annex, paragraph 15; Electronic Reporting System of the Basel Convention, at <https://www.basel.int/Countries/NationalReporting/ElectronicReportingSystem/tabid/3356/Default.aspx>; Electronic Reporting System of the Stockholm Convention, at <https://www.pops.int/Countries/Reporting/ElectronicReportingSystem/tabid/3669/Default.aspx>; Minamata Convention Online Reporting Tool, at <https://minamataconvention.org/en/parties/reporting/online-reporting-tool>.

⁶⁰ Ramsar Convention, ITPGRFA, Agreement on the Conservation of Populations of European Bats; the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention); and the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas. For more information, see <https://ors.ngo>.

⁶¹ See https://cites.org/eng/imp/reporting_requirements/annual_report.

⁶² For example, see <https://www.ramsar.org/document/national-report-form-cop14-offline-version>; <https://www.cbd.int/abs/key-monitoring.shtml>; https://minamataconvention.org/sites/default/files/documents/other/Reporting_Offline_Paper_Version_20250303.pdf.

⁶³ See UNEP/MC/COP.5/Dec.13, Annex II.

⁶⁴ See CBD/COP/DEC/15/6, annex II, paragraph 10; CBD/CP/MOP/10/5; CBD/NP/MOP/DEC/4/3, annex, paragraph 12.

22. Reports are generally to be submitted by the national focal point or equivalent contact point for the relevant instrument. Input from a wide range of stakeholders, both governmental and non-governmental, is sometimes invited.⁶⁵ Under some instruments, Parties may submit reports jointly or collectively, including through regional economic integration organizations if the Parties fulfil their obligations under the relevant instrument through such an organization.⁶⁶ At least one governing body has, alongside requests to Parties to submit a national report, invited the submission of relevant information by non-Parties.⁶⁷

23. Reports are generally required to be submitted in an official language of the United Nations.⁶⁸

24. National reports or the information contained therein are generally made publicly available, for example through the instrument's website or online reporting tool.⁶⁹

25. In some cases, information provided in a national report may be kept confidential. For example, Parties to the Paris Agreement may designate information provided to the technical expert review team as confidential.⁷⁰ Information submitted in annual reports under the Convention on International Trade in Endangered Species of Wild Fauna and Flora is to be made available to the public where this is not inconsistent with the law of the Party concerned,⁷¹ while access to the Convention's Illegal Trade Database, which contains information from annual illegal trade reports, is restricted.⁷²

Follow-up

26. National reports serve to assist governing bodies in the execution of their mandate, for example to keep under review the implementation of the respective instruments. Implementation bodies or compliance mechanisms may also consider national reports and inform the respective governing bodies on their findings.⁷³ National reports can further be used to inform other processes under relevant instruments. For example, national reports submitted under the Convention on Biological Diversity are to inform a global review of collective progress in the implementation of the Kunming-Montreal Global Biodiversity Framework.⁷⁴

27. The relevant secretariat may be required to report on the information from periodic reports by Parties.⁷⁵ Secretariats may facilitate an analysis of the information from national reports⁷⁶ or use such information in the preparation of documents, to aid the governing body in its review of implementation of the relevant instrument.⁷⁷

⁶⁵ See, for example, CBD/COP/DEC/15/6, annex II, paragraph 3-4; CBD/CP/MOP/DEC/10/9, paragraph 11.

⁶⁶ See, for example, UNFCCC art. 12 (8); Montreal Protocol, art. 7 (4).

⁶⁷ See UNEP/CBD/NP/COP-MOP/DEC/1/3, paragraph 4; and CBD/NP/MOP/DEC/4/3, paragraph 5.

⁶⁸ See, for example, Decision 18/CMA.1, annex, paragraph 16; CBD-CP BS-I/9; ITPGRFA Resolution 9/2013, section V.1.

⁶⁹ See, for example, <https://unfccc.int/first-biennial-transparency-reports>; <https://chm.cbd.int>; <https://www.basel.int/Countries/NationalReporting/NationalReports/BC2023Reports/tabid/10106/Default.aspx>; <https://minamataconvention.org/en/parties/reporting/2021>.

⁷⁰ Decision 18/CMA.1, annex, paragraph 164.

⁷¹ CITES, art. 8(8).

⁷² See https://cites.org/eng/resources/reports/Annual_Illegal_trade_report and <https://citesdata.un.org>.

⁷³ See, for example, UNFCCC, art. 10(2); UNEP/MC/COP.5/Dec.13, Annex II.

⁷⁴ CBD/COP/DEC/15/6, para. 1(d) and CBD/COP/DEC/16/32, para. 11(a) and 18(a).

⁷⁵ See, for example, Montreal Protocol art.12(c); Basel Convention art.16(1)(b); Stockholm Convention art. 20(2)(d); Minamata Convention art. 24(2)(e).

⁷⁶ See, for example, UNEP/CMS/COP14/Doc.23 and UNEP-WCMC, 2023. Analysis of CMS National Reports to COP14, at https://www.cms.int/sites/default/files/document/cms_cop14_doc.23_annex_e.pdf; ITPGRFA, IT/GB-10/23/14, Appendix 2; Aarhus Convention, IT/GB-10/23/14.

⁷⁷ See, for example, <https://www.basel.int/Procedures/NationalReporting/tabid/1332/Default.aspx>.

Some instruments provide dashboards or other online analytical tools to make the information in national reports more easily accessible, for example by synthesizing responses by question.⁷⁸

28. Under some instruments, the relevant secretariats will review submissions for completeness and may request clarifications or additional information as necessary.⁷⁹ Under the Paris Agreement, such review is conducted through technical review teams.⁸⁰

29. The information submitted through national reports may be assessed against the Party's obligations. For example, the Ozone Secretariat will use the data received under article 7 of the Montreal Protocol to assess compliance with national phase-out schedules.⁸¹ National reports by Annex I Parties under the Kyoto Protocol are subject to third-party review by expert review teams, which assess the implementation of the commitments of the Party and identify any potential problems in, and factors influencing, the fulfilment of commitments.⁸² National reports with emission data submitted under the Convention on Long-range Transboundary Air Pollution are assessed by a scientific centre through a programme established under the Convention.⁸³

30. Some instruments publish statistical information on the compliance by Parties with their reporting requirements, such as the rates of submission of national reports, on their websites.⁸⁴

31. Many instruments have established procedures for follow-up in case a Party does not comply with a reporting obligation, often through an implementation and/or compliance mechanism under the relevant instrument.⁸⁵ Parties that consistently fail to submit a report may, inter alia, be offered assistance with reporting, be requested to develop a compliance action plan or be issued a written caution.⁸⁶ Under the Convention on International Trade in Endangered Species of Wild Fauna and Flora, if a Party has failed, for three consecutive years and without having provided adequate justification, to provide the required annual reports, the Standing Committee may recommend other Parties not to authorize trade in specimens species listed under the Convention with that Party.⁸⁷

Support

32. Governing bodies may take various measures to facilitate compliance by Parties with reporting requirements. General measures to facilitate reporting for all Parties include the adoption of standard reporting formats, the release of updated reporting

⁷⁸ See, for example, the CBD's Online Reporting Tool dashboard, at <https://ort.cbd.int/dashboard>; the CBD Cartagena Protocol National Report Analyzer, at <https://bch.cbd.int/en/reports>; the Basel Convention Reports Dashboard, at https://ers.basel.int/eRSodataReports2/ReportBC_DashBoard.html; the Stockholm Convention Reports Dashboard, at https://ers.pops.int/eRSodataReports2/ReportSC_DashBoard.html; and the Minamata Convention National Report Dashboard, at <https://minamataconvention.org/en/parties/reporting/dashboard>.

⁷⁹ See, for example, CITES art. 12(2)(d); <https://www.basel.int/Procedures/NationalReporting/tabid/1332/Default.aspx>; Stockholm Convention Decision SC-12/19, para. 8(a); UNEP/MC/COP.5/Dec.13, Annex II.

⁸⁰ See Paris Agreement, art.13 (11-12) and Decision 18/CMA.1, annex.

⁸¹ See, for example, UNEP, Handbook on Data Reporting under the Montreal Protocol, p. 2-3 at <https://ozone.unep.org/sites/default/files/data-reporting-tools/data-reporting-handbook.e.pdf>.

⁸² Kyoto Protocol, art. 8 (3).

⁸³ See <https://www.emep.int>.

⁸⁴ See, for example, <https://minamataconvention.org/en/parties/reporting/first-full-national-reports>.

⁸⁵ See, for example, UNEP, Handbook on Data Reporting under the Montreal Protocol, p. 2-3 at <https://ozone.unep.org/sites/default/files/data-reporting-tools/data-reporting-handbook.e.pdf>; CBD/NP/MOP/DEC/4/3, Annex, para. 2.

⁸⁶ See, for example, CBD/CP/MOP/DEC/11/1, Section B; BC-17/14, para. 5.

⁸⁷ CITES Resolution Conf.11/17 (Rev. CoP19), paragraph 14-15.

formats well in advance of reporting deadlines,⁸⁸ and the use of multiple-choice questionnaires. Moreover, some online reporting tools prefill draft national reports with information from the previous reporting cycle, requiring only updates to data that has changed.⁸⁹ Some online tools also allow Parties to accept and verify data from other data sets.⁹⁰

33. Technical assistance is generally provided in the form of guidance documents, manuals, handbooks, toolkits, sample reports and similar instruments, to provide guidance to Parties on the substance and procedures of reporting.⁹¹ To facilitate submissions, user guides for online reporting tools have also been developed under different instruments.⁹² Tools have also been made available to assist Parties in collecting and managing national data,⁹³ including tools to effectively use synergies in the field of knowledge and information management for national reporting to biodiversity-related conventions.⁹⁴

34. Institutional arrangements under relevant instruments may also provide support to Parties with regard to reporting. As noted above, implementation and/or compliance mechanisms may provide support at a systemic level, for example by reviewing reporting formats, identifying challenges common to Parties and making recommendations to the relevant governing bodies accordingly.⁹⁵ At the individual level, such mechanisms may provide support to Parties upon their request.⁹⁶ Under some instruments, dedicated arrangements have been established to facilitate reporting. For example, the Consultative Group of Experts under the United Nations Framework Convention on Climate Change provides technical assistance and support to developing country Parties in fulfilling their reporting requirements under article 13 of the Paris Agreement, including in the form of workshops, webinars and online training tools.⁹⁷ Under the Stockholm Convention, a reporting manual was developed by a Small intersessional working group on the Stockholm Convention reporting.⁹⁸

35. In some cases, governing bodies have requested the Global Environment Facility to support developing countries in the preparation of national reports.⁹⁹ Capacity-building support related to reporting may also be available through programmes related to specific instruments, such as the Special Programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management, established by the United Nations

⁸⁸ See, for example, UNEP/CMS/Resolution 12.5 (Rev.COP14), para. 1.

⁸⁹ See, for example, <https://www.basel.int/Procedures/NationalReporting/tabid/1332/Default.aspx>; UNEP/POPS/COP.9/INF/29, p. 4; MC-1/8, para. 6.

⁹⁰ See, for example, CBD/COP/DEC/15/6, annex II, paragraph 10.

⁹¹ See, for example, https://unfccc.int/sites/default/files/resource/ETF%20Handbook-Edt2_EN.pdf; <https://www.basel.int/Countries/NationalReporting/Formatandmanualsfornationalreporting/tabid/8754/Default.aspx>; <https://chm.pops.int/Countries/Reporting/Guidance/tabid/3670/Default.aspx>. <https://minamataconvention.org/en/documents/guidance-completing-national-reporting-format-minamata-convention-mercury>.

⁹² See, for example, <https://www.basel.int/Countries/NationalReporting/Formatandmanualsfornationalreporting/tabid/8754/Default.aspx>; <https://www.cms.int/en/publication/user-guide-online-reporting-system>; <https://minamataconvention.org/en/documents/online-reporting-tool-user-guide>.

⁹³ See, for example, the Bioland Tool, <https://www.chm-cbd.net/bioland-tool>.

⁹⁴ See, for example, the Data Reporting Tool for MEAs (DaRT), <https://dart.informea.org/about>.

⁹⁵ See, for example, CBD/NP/MOP/3/2, para. 24; UNEP/MC/COP.5/14 and UNEP/MC/COP.5/Dec.13; ITPGRFA Resolution 9/2013, section V.1.

⁹⁶ See, for example, CBD/CP/MOP/DEC/11/1, para. 6.

⁹⁷ See <https://unfccc.int/CGE>.

⁹⁸ See Decision SC-8/17 and document UNEP/POPS/COP.9/INF/29.

⁹⁹ See, for example, Paris Agreement, art.13 (14-15) and Decision 18/CMA.1, annex, para. 8-11; CBD/COP/DEC/16/33, para. 11; UNEP/MC/COP.1/Dec.5, para. 9.

Environment Assembly,¹⁰⁰ and the Specific International Programme to support Capacity-Building and Technical Assistance under the Minamata Convention.¹⁰¹

36. Governing bodies may also invite other bodies to provide support to Parties to facilitate their compliance with reporting requirements. For example, the Conference of the Parties to the Convention on Biological Diversity invites international, regional, subregional or national organizations to support Parties in the preparation of national reports, including through the provision of relevant data, support for implementation of the monitoring framework and information and capacity-development activities.¹⁰²

B. Reporting requirements for Parties under the Agreement

37. The Agreement contains several reporting requirements for Parties. Each Party shall submit reports to the Conference on the Parties on measures that it has taken to implement the Agreement.¹⁰³ Parties are also to submit reports to the Access and Benefit-Sharing Committee, and to the Capacity-Building and Transfer of Marine Technology Committee.¹⁰⁴ Moreover, upon the establishment of area-based management tools, including marine protected areas, under Part III of the Agreement, Parties shall, individually or collectively, report to the Conference of the Parties on their implementation thereof.¹⁰⁵

Interval, format and content

38. The Agreement provides that reports under article 54 are to be submitted in a format and at intervals to be determined by the Conference of the Parties. With regard to the material scope of the reports, each Party shall monitor the implementation of its obligations under the Agreement and shall report to the Conference on measures that it has taken to implement the Agreement. A general obligation on Parties to take the necessary legislative, administrative or policy measures, as appropriate, to ensure the implementation of the Agreement, is contained in article 53.

39. The Agreement specifies that reports by Parties to the Access and Benefit-Sharing Committee are to be submitted periodically.¹⁰⁶ It further provides that monitoring and transparency of activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction shall be achieved, inter alia, through procedures adopted by the Conference of the Parties as recommended by the Access and Benefit-Sharing Committee.¹⁰⁷ Reports submitted by Parties to the Access and Benefit-Sharing Committee are to address the implementation by Parties of the provisions in Part II on activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction and the sharing of benefits therefrom, in accordance with that Part. The Conference of the Parties could consider the need to clarify the relationship between the information to be submitted by Parties under article 15, paragraph 4, and reports by Parties.

40. The Agreement does not provide guidance on the format or interval of reports to be submitted by Parties, individually or collectively, on the implementation of area-based management tools, including marine protected areas, established under Part III

¹⁰⁰ United Nations Environment Assembly resolution 1/5.

¹⁰¹ See Minamata Convention, art. 13, and Decision MC-1/6.

¹⁰² CBD/COP/DEC/15/6, para. 28.

¹⁰³ Art. 54.

¹⁰⁴ Arts 16(2) and 45(3).

¹⁰⁵ Art. 26(1).

¹⁰⁶ Art. 16(2).

¹⁰⁷ Art. 16(1).

and related measures.¹⁰⁸ The Agreement provides that the reports are to be taken into account by the Scientific and Technical Body as it periodically reviews such area-based management tools, including marine protected areas.¹⁰⁹ The Agreement provides that the monitoring and review by the Scientific and Technical Body shall assess the effectiveness of area-based management tools, including marine protected areas, established under that Part, including related measures and the progress made in achieving their objectives.¹¹⁰

41. Reports submitted by Parties to the Capacity-Building and Transfer of Marine Technology Committee should be in a format and at intervals to be determined by the Conference of the Parties, taking into account the recommendations of the Committee.¹¹¹ The Agreement also provides that such reports are in support of monitoring and review of capacity-building and the transfer of marine technology, which shall be undertaken periodically.¹¹² In submitting their reports, Parties are to take into account, where applicable, input from regional and subregional bodies on capacity-building and the transfer of marine technology.

42. The Conference of the Parties could consider to what extent reporting intervals may be aligned with the frequency of meetings of the Conference of the Parties as set out in the rules of procedure of the Conference. The Conference of the Parties could also consider the role that subsidiary bodies may play in the determination of reporting intervals and formats, when considering terms of reference and/or modalities of, or the rules of procedure for, the relevant subsidiary bodies, if any.

43. Article 45, paragraph 3, provides that the Conference of the Parties shall ensure that reporting requirements should be streamlined and not onerous, in particular for developing States Parties, including in terms of costs and time requirements.¹¹³ The Conference of the Parties could consider how to streamline the interval and formats of reports to be submitted under that article, as well as those of reports to be submitted under other articles of the Agreement.

Submission

44. The Agreement provides that reports on measures that a Party has taken to implement the Agreement and on the implementation of area-based management tools, including marine protected areas, are to be submitted to the Conference of the Parties.¹¹⁴ Reports under article 16, paragraph 2, are to be submitted to the Access and Benefit-Sharing Committee; and reports under article 45, paragraph 3, are to be submitted to the Capacity-Building and Transfer of Marine Technology Committee.

45. The Conference of the Parties could consider whether the Clearing-House Mechanism may play a role in the report submission process, given its mandate to serve as a centralized platform to enable Parties to access, provide and disseminate information with respect to activities taking place pursuant to the provisions of the Agreement.¹¹⁵ In that regard, consideration could also be given to the requirement that, in the management of the Clearing-House Mechanism, full recognition shall be given to the special requirements of developing States Parties, as well as the special circumstances of small island developing States Parties, and that their access to the

¹⁰⁸ Art. 26(1).

¹⁰⁹ Art. 26(3).

¹¹⁰ Art. 26(4).

¹¹¹ Art. 45(3).

¹¹² Art. 45(1).

¹¹³ Art. 45(3). A similar provision is included in art. 41(3), although this relates to the provision of capacity-building and the transfer of marine technology by Parties.

¹¹⁴ Arts. 54 and 26(1).

¹¹⁵ Art. 51(3)(a).

mechanism shall be facilitated to enable those States to utilize it without undue obstacles or administrative burdens.¹¹⁶

46. The role of the secretariat in the submission process of reports by Parties could also be considered, given its mandate to circulate information relating to the implementation of the Agreement and to provide assistance in the implementation of the Agreement.¹¹⁷

47. The Conference of the Parties could consider providing guidance on who is to submit reports under the various articles of the Agreement, for example whether there would be a role for the national focal point referred to in article 15, paragraph 4 (b). The Conference of the Parties could also consider whether there is a need to clarify whether reports are to be submitted by Parties individually or whether such reports could also be submitted jointly by Parties in certain circumstances, noting that this possibility is provided, for example, in article 26, paragraph 1, whereas article 54 states that “[e]ach Party” shall report.

48. With regard to public availability of reports submitted by Parties, the Agreement provides that the Conference of the Parties shall promote transparency in the implementation of the Agreement, including through the public dissemination of information.¹¹⁸ The Agreement also provides that the confidentiality of information provided under the Agreement and rights thereto shall be respected, and that nothing under the Agreement shall be interpreted as requiring the sharing of information that is protected from disclosure under the domestic law of a Party or other applicable law.¹¹⁹ The Agreement further specifies that reports on the implementation of area-based management tools, including marine protected areas, and reports submitted to the Capacity-Building and Transfer of Marine Technology Committee should be made publicly available.¹²⁰ In the case of the former, this should be done by the secretariat. The provisions regarding reports on measures that a Party has taken to implement the Agreement and reports submitted to the Access and Benefit-Sharing Committee do not contain such language.¹²¹ With regard to the latter, consideration could be given to whether there may be a role in the reporting process for the Access and Benefit-Sharing Committee in its serving as a means for providing transparency as set out in the Agreement.¹²²

49. In light of the requirement, outlined above, that reporting requirements should be streamlined and not onerous, the Conference of the Parties could consider how to streamline the submission process of reports under that article, as well as that of reports to be submitted under other articles discussed in this section.

Follow-up

50. In general, the Conference of the Parties is to keep under review and evaluation the implementation of the Agreement, including by reviewing and facilitating the exchange of information among Parties relevant to the implementation of the Agreement.¹²³ Reports submitted to the Conference of the Parties on measures that a Party has taken to implement the Agreement may assist the Conference of the Parties in doing so. The Conference of the Parties could consider what role those reports may also play in the facilitation and consideration of implementation of and the promotion of compliance with the provisions of the Agreement by the Implementation and

¹¹⁶ Art. 51(5).

¹¹⁷ Art. 50(4)(c) and (f).

¹¹⁸ Art. 48(3).

¹¹⁹ Art. 51(6).

¹²⁰ Arts. 26(1) and 45(3).

¹²¹ Arts. 54 and 16(2).

¹²² Art. 15(1).

¹²³ Arts. 47(6) and 47(6)(b).

Compliance Committee, and to what extent they may inform the reports and recommendation that the Committee is to make to the Conference of the Parties on issues of implementation and compliance at the individual and systemic levels.¹²⁴

51. Reports to be submitted to the Access and Benefit-Sharing Committee could assist that Committee in its role to provide transparency and ensuring a fair and equitable sharing of both monetary and non-monetary benefits.¹²⁵ The Conference of the Parties could consider the extent to which these reports may assist the Committee in making recommendations to the Conference of the Parties on matters relating to Part II of the Agreement¹²⁶, and to the monitoring and transparency of activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction.¹²⁷ The Conference of the Parties could also consider the need to clarify whether these reports may play a role in the preparation of the report by the Access and Benefit-Sharing Committee based on the information received through the Clearing-House Mechanism.¹²⁸

52. Reports on the implementation of area-based management tools, including marine protected areas are to be taken into account by the Scientific and Technical body when monitoring and periodically reviewing area-based management tools, including marine protected areas, established under Part III of the Agreement, including related measures.¹²⁹ That review feeds into the advice and recommendations to be provided by the Scientific and Technical Body to the Conference of the Parties, following which the Conference of the Parties shall, as necessary, take decisions or recommendations.¹³⁰

53. Reports submitted to the Capacity-Building and Transfer of Marine Technology Committee are to support the monitoring and review of capacity-building and the transfer of marine technology.¹³¹ The aims of that monitoring and review, which are to be carried out by the Capacity-Building and Transfer of Marine Technology Committee under the authority of the Conference of the Parties, are set out in article 45, paragraph 2. The Agreement further provides that the Committee shall submit reports and recommendations that the Conference of the Parties shall consider and take action on as appropriate.¹³²

54. The Agreement does not provide for procedures in the case where Parties do not fulfil their reporting obligations under the Agreement. In light of the practice under other instruments, the Conference of the Parties could consider whether there is a need for such procedures, including the role that the Implementation and Compliance Committee may play in that regard, taking into account that the Committee shall be facilitative in nature and function in a matter that is transparent, non-adversarial and non-punitive.¹³³

Support

55. The Conference of the Parties could consider whether, and if so, to what extent, support could be provided to Parties in fulfilling their reporting obligations under the Agreement, including the extent to which the secretariat could support Parties¹³⁴ and

¹²⁴ Arts. 55(1) and (3).

¹²⁵ Art. 15(1).

¹²⁶ Art. 15(3).

¹²⁷ Art. 16(1).

¹²⁸ Art. 16(3).

¹²⁹ Art. 26(3).

¹³⁰ Arts. 26(4) and (5).

¹³¹ Art. 45(3).

¹³² Art. 46(3).

¹³³ Art. 55(1).

¹³⁴ See art. 50(1) and (4)(f).

whether there may be a role for the Implementation and Compliance Committee in this regard.¹³⁵

56. The Agreement specifies that the financial mechanism established by article 52, paragraph 3, shall include, inter alia, a special fund and the Global Environment Facility trust fund. The Conference of the Parties could consider to what extent the financial mechanism could support Parties in fulfilling their reporting obligations under the Agreement as part of the utilization of the mechanism to assist developing States Parties in implementing the Agreement.¹³⁶

57. The Conference of the Parties may wish to clarify the extent to which supporting Parties in fulfilling their reporting obligations could be considered a type of capacity-building under article 44 and annex II of the Agreement.

58. The Agreement designates as one of the functions of the Conference of the Parties the promotion, including by establishing appropriate processes, of cooperation and coordination with and among relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, with a view to promoting coherence among efforts towards the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, pursuant to article 48, paragraph 6 (c), of the Agreement. The Conference of the Parties could consider to what extent this role could enable it to explore synergies with reporting procedures for Parties under other instruments.

III. Reporting requirements for institutional arrangements under the Agreement

59. The Agreement also includes reporting requirements for the various institutional arrangements established thereunder. Reporting requirements by subsidiary bodies and the secretariat are addressed in subsections A and B below respectively.

60. Taking into account that the terms of reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies established under the Agreement, and the arrangements for the functioning of the secretariat, are still under discussion by the Preparatory Commission, as well as the wide variation in reporting practice for the institutional arrangements under other instruments, the present section provides only a preliminary overview of the requirements under the Agreement and relevant practice under other instruments. Further consideration may be given to those matters when the Preparatory Commission addresses arrangements for the subsidiary bodies and the secretariat.

A. Reporting requirements for subsidiary bodies

61. The Agreement contains reporting requirements for the Access and Benefit-Sharing Committee,¹³⁷ the Capacity-Building and Transfer of Marine Technology Committee,¹³⁸ the Scientific and Technical Body,¹³⁹ the Finance Committee on financial resources¹⁴⁰ and the Implementation and Compliance Committee.¹⁴¹

Interval

¹³⁵ Art. 55(1).

¹³⁶ See art. 52 (4)(b)-(c) and (6)(b) and (e).

¹³⁷ Art. 16 (3).

¹³⁸ Art. 46(3).

¹³⁹ Art. 49(4).

¹⁴⁰ Art. 52(14).

¹⁴¹ Art. 55(3).

62. Under the instruments reviewed, subsidiary bodies are generally required to submit a report on their activities, including those held intersessionally, ahead of each regular meeting of the relevant governing body¹⁴² or other body to which the subsidiary body reports.¹⁴³ Subsidiary bodies may also produce a report following a meeting of the relevant subsidiary body, which is then included in the documents for the next regular meeting of the relevant governing body.¹⁴⁴ In some cases, the report is required to be transmitted within a defined period ahead of the meeting of the relevant governing body. For example, the Implementation and Compliance Committee under the Minamata Convention is required to submit its report to the Secretariat no later than twelve weeks before the opening of the Conference of the Parties at which it is to be considered.¹⁴⁵

63. The provisions in the Agreement relating to the Implementation and Compliance Committee and those relating to the Finance Committee on financial resources provide that reports by those bodies are to be submitted periodically, without further defining the interval.¹⁴⁶ Provisions relating to reporting requirements of other subsidiary bodies under the Agreement do not contain details on periodicity. The Conference of the Parties could consider the interval for reporting by subsidiary bodies, including, as appropriate, when considering the terms of reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies.

Format and content

64. Under the instruments reviewed, reports by subsidiary bodies often contain a procedural account of the activities of the body and summaries of the consideration of substantive items. They may also contain decisions that the subsidiary body has taken within its mandate, draft decisions for the consideration of the relevant governing body, recommendations to Parties under the relevant instrument, requests to the relevant secretariat, and recommendations for further work by the subsidiary body.¹⁴⁷ Such recommendations may be included in the report itself or appended in an annex or addendum.¹⁴⁸

65. The Agreement provides limited guidance regarding the formats of reports by subsidiary bodies. Where such guidance is provided, it mainly relates to the possible content of the reports. In that regard, the Agreement provides, with regard to reports to be prepared by the Access and Benefit-Sharing Committee, that such reports shall be based on the information received through the Clearing-House Mechanism. Information received through the Clearing-House Mechanism includes notifications and information regarding the use of “BBNJ” standardized batch identifiers in accordance with Part II, the further details of which are further specified in articles 12 and 14. Moreover, article 15, paragraph 4, sets out certain information that Parties are to make available through the Clearing-House Mechanism. The Conference of the Parties could consider whether the Access and Benefit-Sharing Committee should

¹⁴² See, for example, CITES Conf. 18.2, Annex 1, para. 2(i) (Standing Committee) and Annex 2, para. 2(i) (Animals and Plants Committees); Stockholm Convention Decision VI/36, para. 8(d); Basel Convention, VI/12, appendix, para. 23; ITPGRFA, resolution 2/2011, annex, IV, para.

1(g); FCCC/KP/CMP/2005/8/Add.3, decision 27/CMP.1, annex, III, para. 2(a); LC 29/17, annex 7, para. 6.6; UNEP/MC/COP.3/Dec.9, MC-3/9, annex I, para. 19.

¹⁴³ See footnote 162.

¹⁴⁴ See, for example, FCCC/SBI/2024/25, CBD/SBSTTA/26/9, ISBA/30/C/4.

¹⁴⁵ UNEP/MC/COP.3/Dec.9, MC-3/9, annex I, para. 19.

¹⁴⁶ See, respectively, art. 52(14) and art. 55(3). In art. 52(14), the term “periodically” is only mentioned in relation to reports on the identification and mobilization of funds under the mechanism.

¹⁴⁷ See, for example, , FCCC/SBI/2024/25; FCCC/SBI/2024/25/Add.1; FCCC/SBSTA/2024/10; CBD/SBI/5/4; CBD/SBSTTA/26/9; Annex I; SC78 Doc. 6; UNEP/CMS/ScC-SC7/Report; UNEP/CHW/CC.16/11; UNEP/POPS/POPRC.20/10; UNEP/MC/ICC.7/7.

¹⁴⁸ See, for example, FCCC/SBSTA/2024/7/Add.1; UNEP/CHW/CC.16/11, Annex.

also consider reports submitted by Parties under article 16, paragraph 2, when preparing its report.

66. With regard to the format of reports that the Capacity-Building and Transfer of Marine Technology Committee is to submit, some guidance as to the material scope of those reports may be derived from the aims of the monitoring and review that the Committee is to carry out under the authority of the Conference of the Parties, which include, *inter alia*, assessing and reviewing the needs and priorities of developing States Parties in terms of capacity-building and the transfer of marine technology; reviewing the support required, provided and mobilized, as well as gaps in meeting the assessed needs of developing States Parties in relation to the Agreement; identifying and mobilizing funds under the financial mechanism established under article 52; measuring performance on the basis of agreed indicators; and making recommendations for follow-up activities.¹⁴⁹

67. The Scientific and Technical Body is to provide reports to the Conference of the Parties on its work. According to the Agreement, the work of the Scientific and Technical Body includes providing scientific and technical advice to the Conference of the Parties, performing the functions assigned to it under the Agreement and such other functions as may be determined by the Conference of the Parties.¹⁵⁰

68. The Agreement specifies that the Finance Committee on financial resources is to report periodically and make recommendations on the identification and mobilization of funds under the mechanism. It shall also collect information and report on funding under other mechanisms and instruments contributing directly or indirectly to the achievement of the objectives of the Agreement. The Agreement specifies that the Committee shall consider, *inter alia*: the assessment of the needs of the Parties, in particular developing States Parties; the availability and timely disbursement of funds; the transparency of decision-making and management processes concerning fundraising and allocations; and the accountability of the recipient developing States Parties with respect to the agreed use of funds.¹⁵¹ The Conference of the Parties could consider to what extent those elements are to be reflected in the report of the Committee.

69. The Implementation and Compliance Committee is to report periodically and make recommendations, as appropriate while cognizant of respective national circumstances, to the Conference of the Parties.¹⁵² In the course of its work, the Implementation and Compliance Committee may draw on appropriate information from bodies established under the Agreement, as well as relevant instruments, frameworks and bodies, as may be required.

70. The Conference of the Parties could consider providing guidance on the format and content of reports by subsidiary bodies, including, as appropriate, when considering the terms of reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies.

Submission

71. Under the instruments reviewed, subsidiary bodies generally submit reports directly to the relevant governing body, or to another designated subsidiary body.¹⁵³ In some cases, reports may be submitted through the relevant secretariat, which

¹⁴⁹ Art. 45(2).

¹⁵⁰ Art. 49(1).

¹⁵¹ Art. 52(14).

¹⁵² Art. 55(3).

¹⁵³ For example, the CITES Animals and Plants Committees submit reports to the Conference of the Parties and, if so requested, to the Standing Committee; Resolution Conf. 18.2, Annex 2, para. 2(i).

transmits the information to the relevant governing body by annexing the report to a note by the secretariat.¹⁵⁴

72. Reports of subsidiary bodies are generally made available as meeting documents of the relevant governing bodies in all United Nations languages. In some cases, advance and unedited versions of reports are made available in English, before the document is formally issued in all languages.¹⁵⁵

73. With regard to reports by the Access and Benefit-Sharing Committee under the Agreement, the Agreement provides that the Committee shall, prior to submitting them to the Conference of the Parties, make them available to Parties, which may submit comments. The Committee shall then submit the report, including comments received, for the consideration of the Conference of the Parties.¹⁵⁶ Other provisions reviewed in this section are silent on aspects relating to the submission of reports by the subsidiary bodies established under the Agreement.

74. The Conference of the Parties could consider providing guidance on the submission of reports by subsidiary bodies, including, as appropriate, when considering the terms of reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies.

Follow-up

75. Under the instruments reviewed, upon submission of a report by a subsidiary body, the relevant governing body may, *inter alia*, review and consider the reports by subsidiary bodies and take note of the content, request additional work on particular issues, consider and adopt decisions recommended by the subsidiary body, make other recommendations to Parties based on the report of the subsidiary bodies, provide further guidance to the subsidiary body, request the relevant secretariat to support or continue to support activities by the subsidiary body, or request the subsidiary body to engage with relevant stakeholders to enhance cooperation and coordination for the implementation of the relevant instrument.¹⁵⁷

76. The Agreement provides, with regard to the reports submitted by the Access and Benefit-Sharing Committee, that the Conference of the Parties, taking into account the recommendation of that Committee, may determine appropriate guidelines for the implementation of article 16 of the Agreement, which shall take into account the national capabilities and circumstances of Parties.¹⁵⁸ The Agreement also provides that the Conference of the Parties shall consider reports and recommendations submitted by the Capacity-Building and Transfer of Marine Technology Committee and take action on them as appropriate.¹⁵⁹ With regard to the Finance Committee on financial resources, the Agreement provides that the Conference of the Parties shall consider its reports and recommendations and take appropriate action.¹⁶⁰ While the Agreement does not explicitly provide for follow-up on reporting by other subsidiary bodies established under the Agreement, the Conference of the Parties could consider whether such reporting may assist it in keeping under review and evaluation the implementation of the Agreement.¹⁶¹

¹⁵⁴ See, for example, UNEP/CHW.17/12/Rev.1; UNEP/MC/COP.5/14.

¹⁵⁵ See, for example, FCCC/SBI/2024/25; FCCC/SBI/2024/25/Add.1; FCCC/SBSTA/2024/10 (as of 4 June 2025).

¹⁵⁶ Art. 16(3).

¹⁵⁷ See, for example, CBD/NP/MOP/DEC/5/1; BC-17/14; SC-12/8; ITPGRFA resolution 8/2023; UNEP/MC/COP.5/Dec.13;

¹⁵⁸ Art. 16(3).

¹⁵⁹ Art. 46(3).

¹⁶⁰ Art. 52(15).

¹⁶¹ Art. 48(6).

B. Reporting requirements for the Secretariat

77. The Agreement provides that the secretariat shall prepare reports on the execution of its functions under the Agreement and submit them to the Conference of the Parties.¹⁶²

78. The secretariats under the instruments reviewed generally submit reports relating to their functioning to each meeting of the body they are to report to. The Executive Secretary of the Convention on Biological Diversity used to submit quarterly reports on the administration of the Convention,¹⁶³ but following the adoption of an integrated programme of work and budget for the Convention on Biological Diversity and its Protocols, such reports are submitted biennially to the meetings of the relevant governing bodies.¹⁶⁴

79. Under some instruments, the secretariats produce general reports on their activities, addressing issues including delivery of the secretariat work programme, financial performance, relevant trust funds and secretariat staff.¹⁶⁵ Such reports usually cover a designated budgetary or financial period,¹⁶⁶ or another designated time period.¹⁶⁷

80. In addition, secretariats often submit further reports with detailed information on administrative and financial matters,¹⁶⁸ including on the status of contributions¹⁶⁹ and financial reports and audited financial statements.¹⁷⁰ Some secretariats publish additional administrative and financial information on the website of the relevant instrument. For example, the secretariat of the Convention on Biological Diversity publishes additional financial and staffing information on its website.¹⁷¹ The website of the Basel, Rotterdam and Stockholm conventions contains a section on management reports, featuring, inter alia, secretariat work plans and audit reports.¹⁷²

81. Secretariats often submit reports on their functioning directly to the relevant governing body. In some cases, such reports are submitted to a subsidiary body mandated to deal with implementation of the relevant instrument.¹⁷³

82. In addition to reports that are issued as official documents, some secretariats prepare illustrated or graphical reports, generally covering the previous calendar year, that provide an overview of broader developments in relation to the relevant instrument.¹⁷⁴ Such reports generally feature enhanced graphic design features,

¹⁶² Art. 50(4)(e).

¹⁶³ CBD Decision III/24, para. 10.

¹⁶⁴ CBD/COP/DEC/14/37, para. 50.

¹⁶⁵ FCCC/SBI/2025/3; CBD/COP/16/3-CBD/CP/MOP/11/4-CBD/NP/MOP/5/4.

¹⁶⁶ See, for example, CBD/COP/16/3-CBD/CP/MOP/11/4-CBD/NP/MOP/5/4, which covers the 2023-2024 biennium until 31 July 2024; FCCC/SBI/2025/3, which covers the 2024 financial year.

¹⁶⁷ For example, reports of the Secretary-General of the International Seabed Authority under art. 166, paragraph 4, of UNCLOS generally cover the period from July to April of the next year; see ISBA/29/A/2.

¹⁶⁸ See, for example, UNEP/CHW.17/INF/71; UNEP/FAO/RC/COP.12/INF/41; UNEP/POPS/COP.12/INF/60.

¹⁶⁹ See, for example, FCCC/SBI/2024/INF.11.

¹⁷⁰ See, for example, FCCC/SBI/2024/INF.7/Add.1 and FCCC/SBI/2024/INF.7/Add.1.

¹⁷¹ <https://www.cbd.int/information/adm-fin>.

¹⁷²

<https://www.brsmeas.org/Secretariat/ManagementReports/Workplansandreports/2023/tabid/9739/language/en-US/Default.aspx>.

¹⁷³ For example, the UNFCCC secretariat submits administrative and financial reports relating to the UNFCCC, the Kyoto Protocol and the Paris Agreement to the Subsidiary Body for Implementation under the UNFCCC. The secretariat to CITES and CMS submit reports on administrative and financial matters to the respective Standing Committees under those instruments.

¹⁷⁴ See, for example, annual reports of the International Seabed Authority (<https://www.isa.org.jm/secretary-general-annual-report-2024>); the UNFCCC (<https://unfccc.int/about->

including images and illustrations, focussing on achievements under the relevant instrument during the reporting period.

83. Reports by secretariats on their functioning are generally considered by the relevant governing bodies, or by subsidiary bodies tasked with administrative and budgetary oversight.¹⁷⁵

84. The Agreement does not provide details on the interval, format, submission of, or follow-up to reports to be submitted by the Secretariat. The Conference of the Parties could consider these aspects further and provide guidance, as appropriate.

IV. Possible action by the Preparatory Commission

85. In the light of the above, with the support of the Secretary-General, the Preparatory Commission could consider taking the following actions to facilitate the decisions of the Conference of the Parties concerning reporting requirements by Parties, subsidiary bodies and the Secretariat under the Agreement:

(a) Consider what may be the appropriate intervals and formats as well as submission processes of reports to be submitted by Parties to the Agreement, the subsidiary bodies and the secretariat, including, as appropriate, when considering the terms of reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies established under the Agreement, and the arrangements for the functioning of the secretariat;

(b) Consider how to streamline the interval and formats, as well as submission processes, of reports to be submitted by Parties, in order to ensure organizational efficiencies and that reporting requirements are not onerous, in particular for developing States Parties, including in terms of costs and time requirements;

(c) Consider possible synergies between reporting requirements for Parties under the Agreement and reporting requirements for Parties under other instruments;

(d) Consider possible support that could be provided to Parties in fulfilling the reporting requirements under the Agreement.

[us/2023-highlights](https://minamataconvention.org/sites/default/files/documents/2025-03/MinamataConvention_ProgressReport-2024.pdf)); and Minamata Convention Progress Reports (https://minamataconvention.org/sites/default/files/documents/2025-03/MinamataConvention_ProgressReport-2024.pdf).

¹⁷⁵ See, for example, CITES SC78 Doc. 9.1