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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

Terms of reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies established under 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, including the selection process for their members

Matrix on the terms of reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies established under the Agreement

Note by the Co-Chairs

I. Introduction

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”) provides for the establishment of subsidiary bodies, including the Access and Benefit-Sharing Committee, the Capacity-Building and Transfer of Marine Technology Committee, the Scientific and Technical Body, the Finance Committee on financial resources, and the Implementation and Compliance Committee. The Agreement further requires the Conference of the Parties to determine the “terms of reference and modalities for the operation” of these bodies ([A/AC.296/2025/4](#)). As requested by the Commission at its first session, held from 14 to 25 April 2025, the matrix included in the present document has been prepared to provide an overview of inputs from the discussions in relation to some key elements

related to terms of reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies established under the Agreement. The matrix is also intended to assist delegations in their consideration of whether some of the elements are to be included in the rules of procedure of the Conference of the Parties, the terms of reference and modalities of the respective body to be adopted at the first meeting of the Conference of the Parties, or to be considered as possible future rules of procedure for the respective body. A separate table has been prepared to assist delegations in their consideration of the functions of each body.

II. Matrix of potential and non-exhaustive options, reflecting inputs from the discussions, concerning elements to be included in the terms of reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies established under the Agreement¹

RoP/ToR/modalities elements	Access and Benefit-Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
Eligibility criteria [Not currently in COP ROP]	<p><u>Agreement art. 15(2):</u> “possessing appropriate qualifications in related fields” “taking into account gender balance and equitable geographical distribution and providing for representation on the committee from developing States, including from least developed countries, from small island developing States and from landlocked developing countries”</p> <p><u>A/AC.296/2025/4:</u> May include legal, policy, scientific or technical expertise and/or professional experience in relation to marine genetic resources and digital sequence</p>	<p><u>Agreement, art. 46(2):</u> “possessing appropriate qualifications and expertise” “taking into account gender balance and providing for representation on the committee from the least developed countries, from the small island developing States and from the landlocked developing countries”</p> <p><u>A/AC.296/2025/4:</u> May include legal, policy, scientific or technical expertise and/or professional experience concerning capacity-building and the development and</p>	<p><u>Agreement, art. 52(14):</u> “possessing appropriate qualifications and expertise, taking into account gender balance, equitable geographical distribution”</p> <p><u>A/AC.296/2025/4:</u> May include legal, policy, financial, scientific or technical expertise and/or professional experience in relation to the identification and mobilization of funds</p>	<p><u>Agreement, art. 55(2):</u> “possessing appropriate qualifications and experience” “with due consideration given to gender balance and equitable geographical representation”</p> <p><u>A/AC.296/2025/4:</u> May include legal, policy, scientific or technical expertise and/or professional experience in relation to the consideration of issues of implementation and</p>	<p><u>Agreement, art. 49(2):</u> “with suitable qualifications, taking into account the need for multidisciplinary expertise, including relevant scientific and technical expertise and expertise in relevant traditional knowledge of Indigenous Peoples and local communities, gender balance and equitable geographical representation”</p> <p><u>A/AC.296/2025/4:</u> May include scientific and technical expertise and/or professional experience in the fields of marine biology, oceanography, environmental science,</p>

¹ Inputs from the discussions which appear across all subsidiary bodies are italicized for ease of reference.

RoP/ToR/moda lities elements	Access and Benefit- Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
	information on marine genetic resources, such as utilization, including commercialization; best practices; tools and methodologies; data governance; traditional knowledge of Indigenous Peoples and local communities; and multilateral benefit-sharing, including the sharing of both monetary and non-monetary benefits	transfer of marine technology in relation to the specific areas covered by the Agreement, namely marine genetic resources, including the fair and equitable sharing of benefits, measures such as area-based management tools, including marine protected areas, and environmental impact assessments	under multilateral instruments, as well as expertise and/or professional experience relevant for 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 accountability	compliance under multilateral instruments at the individual and systemic levels, in the areas covered by the Agreement, namely marine genetic resources, including the fair and equitable sharing of benefits, measures such as area-based management tools, including marine protected areas, environmental impact assessments, and capacity-building and the transfer of marine technology	relevant traditional knowledge of Indigenous Peoples and local communities and other relevant fields, as well as scientific and technical expertise and/or professional experience in relation to measures such as area-based management tools, including marine protected areas, including expertise in the criteria listed in Annex I to the Agreement, and in relation to environmental impact assessments, including screening thresholds, cumulative impacts and strategic environmental assessments
	<u>Inputs from the discussions</u> Expertise in managing databases and repositories and commercial aspects of blue biotechnology Expertise in the natural and social sciences, law, data science, biotechnology and	<u>Inputs from the discussions</u> No further elaboration on qualifications and expertise; leave it to the Parties to nominate members that possess appropriate qualifications	<u>Inputs from the discussions</u> Expertise in public finance, international financial, institution financial management, project financing, and financial accountability	<u>Inputs from the discussions</u> Flexibility to draw on the expertise of other experts as needed Legal, policy, scientific, and/or technical expertise in areas covered by the Agreement, including MGRs and fair benefit-	<u>Inputs from the discussions</u> Avoid elaborating qualifications and expertise for the Scientific and Technical Body members, as it may delay agreement and result in only an indicative, open, and non-exhaustive list

RoP/ToR/moda lities elements	Access and Benefit- Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
	<p>related fields of expertise, namely academic or professional experience</p> <p>Expertise in marine genetic science, bioprospecting, data, policy, and law</p>	<p>Include anthropological expert</p> <p>Relevant legal, policy, scientific or technical expertise with SIDS familiarity</p> <p>Multidisciplinary expertise and expertise in relevant traditional knowledge of IPLCs</p>	<p>Experience with treaty implementation and compliance</p> <p>Familiarity with UN processes and intergovernmental negotiations</p> <p>Legal, policy, financial, scientific or technical expertise</p> <p>Experience mobilising funds under multilateral instruments, addressing needs of Parties and SIDS</p> <p>Experience with transparency processes or accountability mechanisms</p>	<p>sharing, ABMTs, including MPAs, EIAs, CBTMT, and implementation and compliance considerations at individual and systemic levels</p> <p>A mix of expertise both in monitoring and evaluation and technical matters</p> <p>Experience in multilateral processes</p>	<p>Expertise and/or professional experience would include, in particular, the implementation of Part III and IV of the Agreement, and policy, legal and financial expertise</p> <p>Appropriate qualifications with academic and practical experience in relevant fields such as environmental policy, law, natural science and social science. Include relevant traditional knowledge holders and/or experts</p> <p>Qualifications to include traditional and local knowledge, interdisciplinary expertise, oceanography, marine ecology, data science, and socio-economic dimensions of biodiversity</p>
Selection process	<u>Agreement, art. 15(2):</u> “nominated by Parties and elected by the Conference of the Parties”	<u>Agreement, art. 46(2):</u> “nominated by Parties and elected by the Conference of the Parties”	-	<u>Agreement, art. 55(2):</u> “nominated by Parties and elected by the Conference of the Parties”	<u>Agreement, art. 49(2):</u> “nominated by Parties and elected by the Conference of the Parties”

RoP/ToR/moda lities elements	Access and Benefit- Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
[Not currently in COP ROP]	<p><u>Inputs from the discussions</u> <i>Nomination through the UN regional groups</i></p> <p><i>Consider gender balance at election stage</i></p> <p><i>Dedicated seats for developing States, including LDCs, SIDS, and LLDCs</i></p> <p><i>Specific representation from archipelagic States</i></p> <p><i>Representation from Early Career Ocean Professionals</i></p> <p>At least one dedicated seat for SIDS</p>	<p><u>Inputs from the discussions</u> <i>Nomination through the UN regional groups</i></p> <p><i>Consider gender balance at election stage</i></p> <p><i>Dedicated seats for developing States, including LDCs, SIDS, and LLDCs</i></p> <p><i>Specific representation from archipelagic States</i></p> <p><i>Representation from Early Career Ocean Professionals</i></p> <p>Appoint a gender focal point to provide and assistance to the Capacity-Building and Transfer of Marine Technology Committee on gender-related issues</p> <p>Have a minimum of one woman from each seat category</p> <p>At least one dedicated seat for SIDS</p>	<p><u>Inputs from the discussions</u> <i>Nomination through the UN regional groups</i></p> <p><i>Consider gender balance at election stage</i></p> <p><i>Dedicated seats for developing States, including LDCs, SIDS, and LLDCs</i></p> <p><i>Specific representation from archipelagic States</i></p> <p><i>Representation from Early Career Ocean Professionals</i></p> <p>Nominated by Parties and elected by the COP</p> <p>Specific representation of SIDS and LDCs</p> <p>5 or other defined number of seats for top contributors</p>	<p><u>Inputs from the discussions</u> <i>Nomination through the UN regional groups</i></p> <p><i>Consider gender balance at election stage</i></p> <p><i>Dedicated seats for developing States, including LDCs, SIDS, and LLDCs</i></p> <p><i>Specific representation from archipelagic States</i></p> <p><i>Representation from Early Career Ocean Professionals</i></p> <p>Experts from SIDS must have guaranteed representation/a dedicated seat</p> <p>Appropriate participation by IPLCs</p>	<p><u>Inputs from the discussions</u> <i>Nomination through the UN regional groups</i></p> <p><i>Consider gender balance at election stage</i></p> <p><i>Dedicated seats for developing States, including LDCs, SIDS, and LLDCs</i></p> <p><i>Specific representation from archipelagic States</i></p> <p><i>Representation from Early Career Ocean Professionals</i></p> <p>Appoint a gender focal point to provide and assistance to the regional groups when making nominations</p> <p>Set number of candidates from each regional group must be female</p> <p>Dedicated seats for SIDS</p>

RoP/ToR/moda lities elements	Access and Benefit- Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
		Representation of African States			Representation of traditional knowledge holders Standardised merit- based nomination process and consensus election, taking into account technical merit and equitable representation
Number of members [Not currently in COP ROP]	<u>Agreement, art. 15(2):</u> “shall be composed of 15 members” <u>Inputs from the discussions</u> Equitable geographical representation of UN regional groups Composition may change over time	- <u>Inputs from the discussions</u> <i>Limited</i> <i>Not unduly limited</i> <i>Composition may change over time</i> 10 to 20 18, with 3 from each UN regional group, 1 SIDS, 1 LDC, 1 LLDC At least 20 21, with 3 members from each UN Regional Groups; 2 LDCs; 2 SIDS; LLDCs 22	- <u>Inputs from the discussions</u> <i>Limited</i> <i>Not unduly limited</i> <i>Composition may change over time</i> 13, with 2 from each UN regional group, 1 each from SIDS, LDCs, and LLDCs	- <u>Inputs from the discussions</u> <i>Limited</i> <i>Not unduly limited</i> <i>Composition may change over time</i> Limited, with equitable representation from UN regional groups 13, with 2 from each UN regional groups; 1 each from SIDS, LDCs, and LLDCs 15, with equitable representation from UN regional groups 20 to 24	- <u>Inputs from the discussions</u> <i>Limited</i> <i>Not unduly limited</i> <i>Composition may change over time</i> Universal membership (open to all States Parties), with possible division into subcommittees or working groups Limited, with additional roster of experts At least 20 15 to 30 27 initially with 5 seats for each UN regional

RoP/ToR/moda lities elements	Access and Benefit- Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
					<p>group, 1 for expertise in traditional knowledge of IPLCs, 1 for SIDS</p> <p>Up to 30, including 2 LDCs; 2 SIDS; 2 LLDCs</p> <p>36</p> <p>Each UN Member State has right to appoint an expert</p>
<p>Capacity of members</p> <p>[Not currently in COP ROP]</p>	<p>-</p> <p><u>Inputs from the discussions</u></p> <p><i>Members serving in their individual/personal expert capacity</i></p> <p><i>Members serving in the best interest of the Agreement</i></p> <p>Include provisions on incompatible activities, conflicts of interest, and confidentiality</p>	<p><u>Agreement, art. 46(2):</u> “serve objectively in the best interest of the Agreement”</p> <p><u>Inputs from the discussions</u></p> <p><i>Members serving in their individual/personal expert capacity</i></p> <p>Include provisions on conflicts of interest and confidentiality</p>	<p>-</p> <p><u>Inputs from the discussions</u></p> <p><i>Members serving in their individual/personal expert capacity</i></p> <p><i>Members serving in the best interest of the Agreement</i></p> <p>Include provisions on conflicts of interest, and confidentiality</p>	<p>-</p> <p><u>Inputs from the discussions</u></p> <p><i>Members serving in their individual/personal expert capacity</i></p> <p><i>Members serving in the best interest of the Agreement</i></p> <p>Include provisions on conflicts of interest, and confidentiality</p>	<p><u>Agreement, art. 49(2):</u> “serving in their expert capacity and in best interest of the Agreement”</p> <p><u>Inputs from the discussions</u></p> <p><i>Members serving in their individual/personal expert capacity</i></p> <p>Include provisions on conflicts of interest, and confidentiality</p>

RoP/ToR/moda lities elements	Access and Benefit- Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
Term of office [Not currently in COP ROP]	- <u>Inputs from the discussions</u> <i>To be linked with the frequency of COP meetings</i> 2 years 4 years 2 – 4 years 4 – 6 years	- <u>Inputs from the discussions</u> <i>To be linked with the frequency of COP meetings</i> 2 years 4 years 4 – 6 years	- <u>Inputs from the discussions</u> <i>To be linked with the frequency of COP meetings</i> 2 years 4 years	- <u>Inputs from the discussions</u> <i>To be linked with the frequency of COP meetings</i> 2 years 4 years	- <u>Inputs from the discussions</u> <i>To be linked with the frequency of COP meetings</i> 2 years 4 years 5 years
Renewal [Not currently in COP ROP]	- <u>Inputs from the discussions</u> <i>Limited to one re- election</i> <i>Maximum of two terms (consecutive or re- election)</i> One additional term Possibility of renewal for 2 years	- <u>Inputs from the discussions</u> <i>Limited to one re- election</i> <i>Maximum of two terms (consecutive or re- election)</i> One additional term No more than two consecutive terms	- <u>Inputs from the discussions</u> <i>Limited to one re- election</i> <i>Maximum of two terms (consecutive or re- election)</i> One additional term	- <u>Inputs from the discussions</u> <i>Limited to one re- election</i> <i>Maximum of two terms (consecutive or re- election)</i> No more than two terms	- <u>Inputs from the discussions</u> <i>Limited to one re- election</i> <i>Maximum of two terms (consecutive or re- election)</i> One additional term At least two intersessional periods Stand-down period for re-election
Staggered term [Not currently in COP ROP]	- <u>Inputs from the discussions</u> <i>Provide for staggered terms and elections</i> <i>Need for procedure in event of death or resignation of a member</i>				

RoP/ToR/moda lities elements	Access and Benefit- Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
Reporting requirements [Not currently in COP RoP]	<p><u>Agreement, art. 16(3):</u> “shall prepare a report based on the information received from the Clearing-House Mechanism and make it available to Parties”; “shall submit the report, including comments received, for the consideration of the Conference of the Parties”</p> <p><u>Inputs from the discussions</u> <i>SIDS-specific section</i></p> <p><i>To include timelines for receiving submissions/reports in advance of meetings of the COP</i></p> <p><i>To include procedure for submission to COP</i></p> <p><i>Joint reporting where necessary (joint meetings of committees)</i></p> <p>Develop modalities for consultations with Parties and for the compilation, submission and publication of reports</p>	<p><u>Agreement, art. 46(3):</u> “shall submit reports and recommendations that the Conference of the Parties shall consider and take action on as appropriate”</p> <p><u>Inputs from the discussions</u> <i>SIDS-specific section</i></p> <p><i>To include timelines for receiving submissions/reports in advance of meetings of the COP</i></p> <p><i>To include procedure for submission to COP</i></p> <p><i>Joint reporting where necessary (joint meetings of committees)</i></p>	<p><u>Agreement, art. 52(14):</u> “shall periodically report and make recommendations on the identification and mobilization of funds under the mechanism”</p> <p><u>Inputs from the discussions</u> <i>SIDS-specific section</i></p> <p><i>To include timelines for receiving submissions/reports in advance of meetings of the COP</i></p> <p><i>To include procedure for submission to COP</i></p> <p><i>Joint reporting where necessary (joint meetings of committees)</i></p>	<p><u>Agreement, art. 55(3):</u> “report periodically and make recommendations, as appropriate while cognizant of respective national circumstances, to the Conference of the Parties”</p> <p><u>Inputs from the discussions</u> <i>SIDS-specific section</i></p> <p><i>To include timelines for receiving submissions/reports in advance of meetings of the COP</i></p> <p><i>To include procedure for submission to COP</i></p> <p><i>Joint reporting where necessary (joint meetings of committees)</i></p> <p>Report to each ordinary meeting of the COP</p> <p>Annual reports on implementation</p>	<p><u>Agreement, art. 49(4):</u> “shall provide reports to the Conference of the Parties on its work”</p> <p><u>Inputs from the discussions</u> <i>SIDS-specific section</i></p> <p><i>To include timelines for receiving submissions/reports in advance of meetings of the COP</i></p> <p><i>To include procedure for submission to COP</i></p> <p><i>Joint reporting where necessary (joint meetings of committees)</i></p>

RoP/ToR/moda lities elements	Access and Benefit- Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
				Practical arrangements to include details on the process and requirements for Parties to submit reports	
Decision- making [COP ROP]	- <u>Inputs from the discussions</u> <i>Exclusively consensus</i> <i>Provide mechanisms where consensus cannot be reached, such as facilitating recommendations as well as reports and output to be forwarded to the COP</i> <i>Provide adequate opportunity for SIDS to present concerns and alternatives before finalizing recommendations to the COP</i> <i>Quorum to open meetings and to take action on agenda item</i> <i>If consensus cannot be achieved, all views should be captured and forwarded to the COP</i> <i>Consideration of minority views where</i>	- <u>Inputs from the discussions</u> <i>Exclusively consensus</i> <i>Provide mechanisms where consensus cannot be reached, such as facilitating recommendations as well as reports and output to be forwarded to the COP</i> <i>Provide adequate opportunity for SIDS to present concerns and alternatives before finalizing recommendations to the COP</i> <i>Quorum to open meetings and to take action on agenda item</i>	- <u>Inputs from the discussions</u> <i>Exclusively consensus</i> <i>Provide mechanisms where consensus cannot be reached, such as facilitating recommendations as well as reports and output to be forwarded to the COP</i> <i>Provide adequate opportunity for SIDS to present concerns and alternatives before finalizing recommendations to the COP</i> <i>Quorum to open meetings and to take action on agenda item</i> <i>If the committee cannot agree to a recommendation, all views shall be forwarded to the COP</i>	- <u>Inputs from the discussions</u> <i>Exclusively consensus</i> <i>Provide mechanisms where consensus cannot be reached, such as facilitating recommendations as well as reports and output to be forwarded to the COP</i> <i>Provide adequate opportunity for SIDS to present concerns and alternatives before finalizing recommendations to the COP</i> <i>Quorum to open meetings and to take action on agenda item</i> <i>If the committee cannot agree to a recommendation, all views shall be forwarded to the COP</i>	- <u>Inputs from the discussions</u> <i>Exclusively consensus</i> <i>Provide mechanisms where consensus cannot be reached, such as facilitating recommendations as well as reports and output to be forwarded to the COP</i> <i>Provide adequate opportunity for SIDS to present concerns and alternatives before finalizing recommendations to the COP</i> <i>Quorum to open meetings and to take action on agenda item</i> <i>Need for expeditious decisions, such as on emergency measures</i> <i>Majority voting for procedural issues</i>

RoP/ToR/moda lities elements	Access and Benefit- Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
	consensus is not possible				
Recommendati on/Advice [Not currently in COP RoP]	<p><u>Agreement, art. 15(3) and (6):</u> “may make recommendations to the Conference of the Parties”</p> <p><u>Inputs from the discussions</u></p> <p><i>If the committee cannot agree on a recommendation, all views shall be forwarded to the COP</i></p>	<p><u>Agreement, art. 46(3):</u> “shall submit reports and recommendations that the Conference of the Parties shall consider and take action on as appropriate”</p> <p><u>Inputs from the discussions</u></p> <p><i>If the committee cannot agree on a recommendation, all views shall be forwarded to the COP</i></p>	<p><u>Agreement, art. 52(14):</u> “shall periodically report and make recommendations on the identification and mobilization of funds under the mechanism”</p> <p><u>Inputs from the discussions</u></p> <p><i>If the committee cannot agree on a recommendation, all views shall be forwarded to the COP</i></p>	<p><u>Agreement, art. 55(3):</u> “report periodically and make recommendations, as appropriate while cognizant of respective national circumstances, to the Conference of the Parties”</p> <p><u>Inputs from the discussions</u></p> <p><i>If the committee cannot agree on a recommendation, all views shall be forwarded to the COP</i></p> <p>Recommendations to COP and to individual Parties</p>	<p><u>Agreement, art. 49(4):</u> “shall provide scientific and technical advice to the Conference of the Parties”</p> <p><u>Inputs from the discussions</u></p> <p><i>If the Body cannot agree on a recommendation, all views shall be forwarded to the COP</i></p> <p>Provide mechanism for majority/minority opinions</p>
Chair/Vice- Chair [COP RoP]	<p>-</p> <p><u>Inputs from the discussions</u></p> <p><i>Possible equitable rotation among regional groups</i></p> <p>Autonomy in electing the Chair/Co-Chairs</p>	<p>-</p> <p><u>Inputs from the discussions</u></p> <p><i>Possible equitable rotation among regional groups</i></p>	<p>-</p> <p><u>Inputs from the discussions</u></p> <p><i>Possible equitable rotation among regional groups</i></p>	<p>-</p> <p><u>Inputs from the discussions</u></p> <p><i>Possible equitable rotation among regional groups</i></p>	<p>-</p> <p><u>Inputs from the discussions</u></p> <p><i>Possible equitable rotation among regional groups</i></p> <p>Autonomy in electing the Chair</p>

RoP/ToR/moda lities elements	Access and Benefit- Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
Observer participation [COP ROP]	<p style="text-align: center;">-</p> <p style="text-align: center;"><u>Inputs from the discussions</u></p> <p style="text-align: center;"><i>Meetings shall be open to observers, with certain conditions</i></p> <p style="text-align: center;"><i>Every UN member State to have access to meetings, and ability to submit written or oral comments at the COP</i></p> <p style="text-align: center;"><i>Need rules for observer participation</i></p> <p style="text-align: center;"><i>Observer participation should not be unduly restrictive</i></p> <p style="text-align: center;"><i>Open to observers as the standard practice, with committees determining exceptions when necessary</i></p>				
Coordination and cooperation [partially addressed in COP ROP]	<p><u>Agreement, art. 15(5):</u> “may consult and facilitate the exchange of information with relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies on activities under its mandate”</p> <p><u>Inputs from the discussions</u></p> <p><i>Interaction/collaboration/cooperation among and between the subsidiary bodies, the secretariat, the Clearing-House Mechanism, and with other relevant IFBs</i></p>	-	<p><u>Agreement, art. 52(14):</u> “shall also collect information and report on funding under other mechanisms and instruments contributing directly or indirectly to the achievement of the objectives of this Agreement”</p> <p><u>Inputs from the discussions</u></p> <p><i>Interaction/collaboration/cooperation among and between the subsidiary bodies, the secretariat, the Clearing-House Mechanism and with other relevant IFBs</i></p>	<p><u>Agreement, art. 55(4):</u> “may draw on appropriate information from bodies established under this Agreement, as well as relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, as may be required”</p> <p><u>Inputs from the discussions</u></p> <p><i>Interaction/collaboration/cooperation among and between the subsidiary bodies, the secretariat, the Clearing-House Mechanism and with other relevant IFBs</i></p>	<p><u>Agreement, art. 49(3):</u> “may draw on appropriate advice emanating from relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, as well as from other scientists and experts, as may be required”</p> <p><u>Inputs from the discussions</u></p> <p><i>Interaction/collaboration/cooperation among and between the subsidiary bodies, the secretariat, the Clearing-House Mechanism and with other relevant IFBs</i></p>

RoP/ToR/modalities elements	Access and Benefit-Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
	<p><i>Interact/collaboration/cooperation with States</i></p> <p><i>Draw upon external expertise as appropriate within the limits of their capacity</i></p> <p>Clarify the interaction among and between the Access and Benefit-Sharing Committee and the Scientific and Technical Body, and the Finance Committee on financial resources and Scientific and Technical Body</p> <p>Joint work programme on SIDS-specific issues</p> <p>Participation of representatives from relevant IFBs as ex officio members</p> <p>Autonomous collaborative interactions between the subsidiary bodies, inviting relevant bodies to designate representatives, depending on the topics, to address specific issues</p>	<p><i>Interact/collaboration/cooperation with States</i></p> <p><i>Draw upon external expertise as appropriate within the limits of their capacity</i></p> <p>Collaborative interaction with external bodies implementing Capacity-Building and Transfer of Marine Technology, donors and beneficiaries</p> <p>Invite external experts on ad hoc basis</p>	<p><i>Interact/collaboration/cooperation with States</i></p> <p><i>Draw upon external expertise as appropriate within the limits of their capacity</i></p> <p>Close collaboration and interaction with all of the subsidiary bodies, the secretariat, and the COP; in particular with the Capacity-Building and Transfer of Marine Technology Committee in different capacities to assess needs, recommend priorities, and advise the COP on resource allocation</p> <p>Develop modalities for Finance Committee on financial resources to obtain information from similar bodies under other conventions</p> <p>Clarify the interaction among and between the Access and Benefit-Sharing Committee and the Finance Committee on financial resources</p>	<p><i>Interact/collaboration/cooperation with States</i></p> <p><i>Draw upon external expertise as appropriate within the limits of their capacity</i></p> <p>Ability to draw upon outside expertise when addressing SIDS-specific challenges</p> <p>Enabling participation of representatives from all other bodies as ex officio members</p>	<p><i>Interact/collaboration/cooperation with States</i></p> <p><i>Draw upon external expertise as appropriate within the limits of their capacity</i></p> <p>Ability to seek external expertise to provide additional specialized advice when required</p> <p>Mechanism for Scientific and Technical Body to collaborate with other IFBs, especially on the Agreement Part III and IV, to be operationalized through MoU</p> <p>Clarify the interaction among and between the Access and Benefit-Sharing Committee and the Scientific and Technical Body, and the Finance Committee on financial resources</p>

RoP/ToR/moda lities elements	Access and Benefit- Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
			and Scientific and Technical Body		
Meeting arrangements [COP ROP]	<p>-</p> <p><u>Inputs from the discussions</u></p> <p><i>Flexibility to hold virtual, hybrid and intersessional meetings, as needed</i></p> <p><i>Facilitate video recording</i></p>				
Ad-hoc groups /Working groups /Subcommittees [Not currently in COP ROP]	<p>-</p> <p><u>Inputs from the discussions</u></p> <p><i>Autonomy to establish ad hoc committee of experts, working groups, or subcommittees</i></p> <p><i>Establish an advisory group or similar body to help operationalize the provisions on IPLCs</i></p> <p>Flexibility to establish ad hoc committee of experts</p>	<p>-</p> <p><u>Inputs from the discussions</u></p> <p><i>Autonomy to establish ad hoc committee of experts, working groups, or subcommittees</i></p> <p><i>Establish an advisory group or similar body to help operationalize the provisions on IPLCs</i></p>	<p>-</p> <p><u>Inputs from the discussions</u></p> <p><i>Autonomy to establish ad hoc committee of experts, working groups, or subcommittees</i></p> <p><i>Establish an advisory group or similar body to help operationalize the provisions on IPLCs</i></p>	<p>-</p> <p><u>Inputs from the discussions</u></p> <p><i>Autonomy to establish ad hoc committee of experts, working groups, or subcommittees</i></p> <p><i>Establish an advisory group or similar body to help operationalize the provisions on IPLCs</i></p>	<p>-</p> <p><u>Inputs from the discussions</u></p> <p><i>Autonomy to establish ad hoc committee of experts, working groups, or subcommittees</i></p> <p><i>Establish an advisory group or similar body to help operationalize the provisions on IPLCs</i></p> <p>Flexibility to establish thematic sub-groups, expert panels, technical committees, or working group</p> <p>Create roster of experts and draw on other expertise in course of work</p> <p>Divide work into two subgroups, for ABMTs,</p>

RoP/ToR/moda lities elements	Access and Benefit- Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
					including MPAs, and EIAs
Programme of work [partially addressed in COP ROP]	- <u>Inputs from the discussions</u> <i>Autonomy to develop own work and schedule while accountable to the COP</i> <i>Autonomy to determine own work programme</i> <i>COP oversight of work programme due to budget implications</i> <i>Consider developing a joint work programme for SIDS issues across the bodies</i> <i>Work plan/programme to address developing countries' needs and priorities</i> <i>Work plan/programmes to include SIDS related issues</i>	- <u>Inputs from the discussions</u> <i>Autonomy to develop own work and schedule while accountable to the COP</i> <i>Autonomy to determine own work programme</i> <i>COP oversight of work programme due to budget implications</i> <i>Consider developing a joint work programme for SIDS issues across the bodies</i>	- <u>Inputs from the discussions</u> <i>Autonomy to develop own work and schedule while accountable to the COP</i> <i>Autonomy to determine own work programme</i> <i>COP oversight of work programme due to budget implications</i> <i>Consider developing a joint work programme for SIDS issues across the bodies</i> <i>Dedicated agenda items or work programmes focused on SIDS/developing States' financing needs</i>	- <u>Inputs from the discussions</u> <i>Autonomy to develop own work and schedule while accountable to the COP</i> <i>Autonomy to determine own work programme</i> <i>COP oversight of work programme due to budget implications</i> <i>Consider developing a joint work programme for SIDS issues across the bodies</i>	- <u>Inputs from the discussions</u> <i>Autonomy to develop own work and schedule while accountable to the COP</i> <i>Autonomy to determine own work programme</i> <i>COP oversight of work programme due to budget implications</i> <i>Consider developing a joint work programme for SIDS issues across the bodies</i> <i>Dedicated agenda item and work programme on SIDS</i>
Misc	<u>Inputs from the discussions</u> <i>Adequate, dedicated funding for</i>	<u>Inputs from the discussions</u> <i>Adequate, dedicated funding for</i>	<u>Inputs from the discussions</u> <i>Adequate, dedicated funding for</i>	<u>Inputs from the discussions</u> <i>Adequate, dedicated funding for</i>	<u>Inputs from the discussions</u> <i>Adequate, dedicated funding for</i>

RoP/ToR/moda lities elements	Access and Benefit- Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
	<p><i>participation from SIDS representatives</i></p> <p><i>Need to determine working languages and requirements for translation and interpretation</i></p> <p><i>Consider special interests, needs and priorities, full participation of developing States, inclusion of IPLCs in the work of the bodies</i></p> <p><i>COP to establish IPLC advisory group to inform the work of subsidiary bodies</i></p> <p>TOR should contain reference to CBD DSI</p> <p>Flexibility to develop unresolved aspects, including DSI</p> <p>Engagement with National Focal Points</p> <p>Guidelines for the eventual sharing of monetary benefits</p> <p>Full and effective participation of IPLCs</p>	<p><i>participation from SIDS representatives</i></p> <p><i>Need to determine working languages and requirements for translation and interpretation</i></p> <p><i>Consider special interests, needs, and priorities, full participation of developing States, inclusion of IPLCs in the work of the bodies</i></p> <p><i>COP to establish IPLC advisory group to inform the work of subsidiary bodies</i></p>	<p><i>participation from SIDS representatives</i></p> <p><i>Need to determine working languages and requirements for translation and interpretation</i></p> <p><i>Consider special interests, needs, and priorities, full participation of developing States, inclusion of IPLCs in the work of the bodies</i></p> <p><i>COP to establish IPLC advisory group to inform the work of subsidiary bodies</i></p>	<p><i>participation from SIDS representatives</i></p> <p><i>Need to determine working languages and requirements for translation and interpretation</i></p> <p><i>Consider special interests, needs, and priorities, full participation of developing States, inclusion of IPLC in the work of the bodies</i></p> <p><i>COP to establish IPLC advisory group to inform the work of subsidiary bodies</i></p> <p>Provide for a trigger mechanism, either own initiative of committee or COP</p> <p>Trigger to enable the Implementation and Compliance Committee to offer support and guidance to Parties to assist them to meet their obligations</p> <p>Provide for facilitative engagement procedure</p>	<p><i>participation from SIDS representatives or developing States experts</i></p> <p><i>Need to determine working languages and requirements for translation and interpretation</i></p> <p><i>Consider special interests, needs, and priorities, full participation of developing States, inclusion of IPLCs in the work of the bodies</i></p> <p><i>COP to establish IPLC advisory group to inform the work of subsidiary bodies</i></p> <p>Procedures for emergency measures</p>

RoP/ToR/moda- lities elements	Access and Benefit- Sharing Committee	Capacity-Building and Transfer of Marine Technology Committee	Finance Committee on financial resources	Implementation and Compliance Committee	Scientific and Technical Body
	Representation of intellectual property organizations			<p>for situations of non-compliance</p> <p>Develop rules on submissions, reviews, confidentiality, safeguards, evidence-gathering, decision-making and reporting to the COP</p> <p>Open forum to receive input from stakeholders including civil society and observers</p>	

III. Table concerning functions of each of the subsidiary bodies established under the Agreement, with inputs from the discussion

	Functions of each body under the Agreement	Inputs from the discussions to include in TOR
Access and Benefit-Sharing Committee	<p><u>A/AC.296/2025/4</u>: The specific functions of the Access and Benefit-Sharing Committee are set out in Part II of the Agreement. Under article 15, para. 3, of the Agreement, the Committee may make recommendations to the Conference of the Parties on matters relating to Part II of the Agreement, including on the following matters: (a) guidelines or a code of conduct for activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction in accordance with Part II; (b) measures to implement decisions taken in accordance with Part II; (c) rates or mechanisms for the sharing of monetary benefits in accordance with article 14; (d) matters relating to Part II in relation to the Clearing-House Mechanism; (e) matters relating to Part II in relation to the financial mechanism established under article 52; and (f) any other matters relating to part II that the Conference of the Parties may request the access and benefit-sharing committee to address. Under article 15, para. 5, the Committee may consult and facilitate the exchange of information with relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies on activities under its mandate, including benefit-sharing, the use of digital sequence information on marine genetic resources, best practices, tools and methodologies, data governance and lessons learned. Under article 15, para. 6, the Committee may make recommendations to the Conference of the Parties in relation to information obtained under article 15, para. 5. Under article 16, para. 1, the Committee may make recommendations to the Conference of the Parties on procedures concerning 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. Under article 16, para. 3, the Committee shall prepare a report based on the information received through the Clearing-House Mechanism, and make it</p>	<p>Define function, mandate, scope of work</p> <p>Terms of Reference of the Access and Benefit-Sharing Committee should contain the reference to CBD decisions on DSI (CBD Decisions 15/9, 16/2), together with Art. 15.5 of the Agreement as a legal basis to streamline a collaboration process between the CBD and the Access and Benefit-Sharing Committee</p> <p>Mandate to include monitoring of benefit-sharing framework, including assessment of socio-economic impacts, and providing guidance and support</p>

	available to Parties, which may submit comments. The Committee shall submit the report, including comments received, for the consideration of the Conference of the Parties.	
Capacity-Building and Transfer of Marine Technology Committee	A/AC.296/2025/4: The functions of the Capacity-Building and Transfer of Marine Technology Committee are provided in part V of the Agreement. Under article 45, paragraph 2, the monitoring and review referred to in article 45, paragraph 1 (“Capacity-building and the transfer of marine technology undertaken in accordance with the provisions of this Part shall be monitored and reviewed periodically”), shall be carried out by the Committee under the authority of the Conference of the Parties and shall be aimed at: (a) assessing and reviewing the needs and priorities of developing States Parties in terms of capacity-building and the transfer of marine technology, paying particular attention to the special requirements of developing States Parties and to the special circumstances of small island developing States and of least developed countries, in accordance with article 42, paragraph 4; (b) reviewing the support required, provided and mobilized, as well as gaps in meeting the assessed needs of developing States Parties in relation to this Agreement; (c) identifying and mobilizing funds under the financial mechanism established under article 52 to develop and implement capacity-building and the transfer of marine technology, including for the conduct of needs assessments; (d) measuring performance on the basis of agreed indicators and reviewing results-based analyses, including on the output, outcomes, progress and effectiveness of capacity-building and transfer of marine technology under this Agreement, as well as successes and challenges; and (e) making recommendations for follow-up activities, including on how capacity-building and the transfer of marine technology could be further enhanced to allow developing States Parties, taking into account the special circumstances of small island developing States and of least developed countries, to strengthen their implementation of the Agreement in order to achieve its objectives. Under article 46, paragraph 3, the Committee shall submit reports and recommendations that the	<p>Define function, mandate, scope of work</p> <p>Tasks should be considered together with those of the other subsidiary bodies, in particular the Access and Benefit-Sharing Committee and the Finance Committee on financial resources, given the need to ensure consistency and effectiveness in their operations and interlinkages, and avoid overlap and duplication</p> <p>Ensure the implementation of, and review compliance with, all provisions of Part V, in accordance with the Implementation and Compliance Committee</p> <p>Develop and periodically review the types of Capacity-Building and Transfer of Marine Technology for approval by the COP</p> <p>Recommend amendments to Annex II of the Agreement for approval by the COP</p> <p>Perform such other functions as may be determined by the COP or assigned to it under the agreement</p> <p>Mandate to include designing projects and programmes</p> <p>Ensure linkages with the financial mechanism</p>

	Conference of the Parties shall consider and take action on as appropriate.	
Finance Committee on financial resources	A/AC.296/2025/4: Details regarding the functions of the Finance Committee on financial resources are provided in part VII of the Agreement. Under article 52, paragraph 14, the Committee shall periodically report 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. In addition to the considerations provided in article 52, paragraph 14, the Committee shall consider, inter alia, (a) the assessment of the needs of the Parties, in particular developing States Parties; (b) the availability and timely disbursement of funds; (c) the transparency of decision-making and management processes concerning fundraising and allocations; and (d) the accountability of the recipient developing States Parties with respect to the agreed use of funds.	<p>Develop criteria and guidelines for determining funding priorities, taking into account the special circumstances of SIDS, and also taking into account needs assessments referred to in part IV and in 52.14.b</p> <p>Consider mechanisms/processes for access to funding for capacity-constrained Parties, particularly SIDS in light of their special circumstances</p> <p>Review the effectiveness of financial provision in addressing the needs and special circumstances of SIDS in implementing the Agreement</p> <p>Simplified access to funding for African States, SIDS, LDCs and LLDCs</p>
Implementation and Compliance Committee	The functions of the Implementation and Compliance Committee are provided for in Part VIII of the Agreement. Under article 55, paragraph 3, the Committee shall consider issues of implementation and compliance at the individual and systemic levels, inter alia, and report periodically and make recommendations, as appropriate while cognizant of respective national circumstances, to the Conference of the Parties. Under article 55, paragraph 4, in the course of its work, the Committee may draw on appropriate information from bodies established under the Agreement, as well as relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, as may be required.	<p>Define function, mandate, scope of work</p> <p>In implementing the functions, the Implementation and Compliance Committee must be guided by Article 7(m) [Full recognition of the special circumstances of small island developing States and of least developed countries] in all its work</p> <p>Active engagement with other subsidiary bodies to identify supportive measures and ensure appropriate capacity-building, technology transfer, and financial support should also be further considered</p> <p>Non-punitive approach that focusses on identifying and addressing systemic issues, while helping States overcome barriers to compliance, especially in relation to capacity and technology</p> <p>Create a repository of best practices</p> <p>Consider how to support States Parties in implementation of provisions on IPLCs and traditional knowledge</p>

Scientific and Technical Body	<p>A/AC.296/2025/4: The specific functions of the Scientific and Technical Body are set out in the relevant parts of the Agreement, including the following: in Part III, in relation to proposals (art. 19 (5) and (6)), publicity and preliminary review of proposals (art. 20), consultations on and assessment of proposals (art. 21 (7) and (8)), emergency measures (art. 24 (3) and (5)) and monitoring and review (art. 26 (3) and (4)); in Part IV, in relation to the obligation to conduct environmental impact assessments (art. 28 (3)), relationship between the Agreement and environmental impact assessment processes under relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies (art. 29 (3)), process for environmental impact assessments (art. 31 (1) (a) (iv) and (3)), environmental impact assessment reports (art. 33 (4), (6) and (7)), reporting on the impacts of authorized activities (art. 36 (2) and (3)), review of authorized activities and their impacts (art. 37 (4) (c)) and standards and/or guidelines to be developed by the Scientific and Technical Body related to environmental impact assessments (art. 38 (1) and (2)); and in Part VI, on the Scientific and Technical Body (art. 49).</p>	<p>Define function, mandate, scope of work</p> <p>Provide scientific and technical advice to the COP and other subsidiary bodies</p> <p>Include the elaboration of the specific procedures to give effect to the emergency measures provision</p> <p>Avoid being too prescriptive at this stage, the Scientific and Technical Body can further elaborate at later stage</p>
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