

**Second Session of the BBNJ Preparatory Commission
18 – 29 August 2025**

Guiding questions for the Informal Working Groups

The Co-Chairs of the Preparatory Commission have set out below guiding questions to assist delegations to prepare for the discussions in the Informal Working Groups on the issues reflected in the programme of work of the Commission ([A/AC.296/2025/2](#)).

When using the guiding questions, delegations are encouraged to focus on the substantive elements and key decision points in the respective documents. In relation to sections A and C below, the Co-Chairs have issued revised aids to discussions and negotiations and a comparative matrix. In relation to sections B, E, F and G below, the Secretariat has issued Notes and a comparative matrix that may serve as helpful background and reference points when considering the questions posed. These documents are available on the [website of the BBNJ Agreement](#).

The Co-Chairs encourage delegations to consider the remaining timeline for the preparation for the entry into force of the BBNJ Agreement and the convening of the first meeting of the Conference of the Parties (COP) to the Agreement, in light of the significant increase in the deposit of instruments of ratification, approval or acceptance of the BBNJ Agreement between Prep Com I and Prep Com II, and prepare to work expeditiously on the issues under consideration.

Delegations may also wish to consider their experiences with relevant instruments, frameworks and bodies (e.g. in relation to rules of procedure, working modalities and secretariats of other treaty bodies, as well as other clearing-house mechanisms) and how these experiences can be used constructively in informing the decisions by the COP on the issues being considered by the Preparatory Commission.

A. Rules of procedure for the COP; Financial rules governing the funding of the COP, the secretariat and any subsidiary bodies; Arrangements with the Global Environment Facility to give effect to the relevant provisions on funding of the Agreement

The Co-Chairs invite delegations to consider the three revised aids to discussions and negotiations prepared by the Co-Chairs in light of the following general guiding questions:

1. Considering the text of each document, what elements, if any, can be accepted as is?
2. Are any elements missing from, or do any need to be added to, each document?
3. Are there any substantive elements of each document that delegations disagree with, and if so, what alternatives could be proposed?

B. Arrangements for the functioning of the secretariat, including its seat

1. What model, or combination of features of models, is preferable for the BBNJ context?
2. What elements do delegations wish to see reflected in draft text/s to be prepared by the Co-Chairs?
3. What modalities could the Preparatory Commission proceed with to facilitate the selection of the seat of the Secretariat by the first meeting of the COP?
4. What information about the potential host State would delegations consider useful?

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

1. In light of the interventions at Prep Com I and the comparative matrix prepared by the Co-Chairs, should the Preparatory Commission work towards draft terms of reference and modalities for all of the subsidiary bodies for consideration at the first meeting of the COP, and should they be separate documents or combined in one document?
2. Which elements do delegations wish to see reflected in draft text/s prepared by the Co-Chairs? In answering this question, delegations are invited to think specifically about elements that are not currently reflected in the draft rules of procedure for the COP, as identified in the Co-Chairs matrix, as well as any other elements.

D. Draft terms of reference for an informal group on the technical aspects of the operationalization of the Clearing-House Mechanism under the Agreement

1. Are there any elements that need to be added or removed from the proposed tasks of the informal group as outlined in paragraph 2 of the draft terms of reference?
2. What is the optimal size, composition and working methods of the informal group to ensure its efficiency and the timely delivery of the draft road map and recommendations sufficiently in advance of Prep Com III?

E. Arrangements to enhance cooperation with relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies (IFBs)

1. What guidance or recommendations should the Preparatory Commission provide to the COP to inform the development of arrangements to enhance cooperation with relevant IFBs?
2. How can cooperation arrangements be established and operationalized between the institutions under the BBNJ Agreement and relevant IFBs?
 - In answering this question, it may be useful to consider:

- That these processes may be different for the COP, States Parties, the subsidiary bodies, the secretariat and the Clearing-House Mechanism
 - Rules 8bis and 30bis of the revised aid to discussions and negotiations on rules of procedure for the COP, and possible future terms of reference and rules of procedure for subsidiary bodies.
3. What cooperation arrangement(s), and with which IFB(s), would be necessary for the early operation and implementation of the BBNJ Agreement?
 4. For the cooperation arrangements identified in question E.3, what are the key elements of these arrangements that will need to be considered by the COP (e.g. can these be formal/informal, continuous or ad hoc; reciprocal mandates for cooperation; areas of possible cooperation in light of the respective substantive mandates; cost)?

F. Operationalization of other provisions on financial resources and mechanism

1. What guidance or recommendations should the Preparatory Commission provide to the COP in relation to:
 - a) the establishment of the voluntary trust fund;
 - b) arrangements to give effect to the provisions on the special fund;
 - c) other aspects of the financial mechanism?
2. What steps could the Preparatory Commission take to progress its work on this matter?
3. The aid to discussions and negotiations prepared by the Co-Chairs on the financial rules for the COP provides draft rules relating to the scale of assessed contributions (see draft rule 5(1)-5(9)). Should the Preparatory Commission provide further guidance or recommendations to the COP on the scale of assessed contributions, and if so, what should such guidance or recommendations address?

G. Reporting requirements pursuant to the Agreement

1. What guidance or recommendations should the Preparatory Commission provide to the COP on reporting requirements? In particular, what aspects of the reporting requirements should be addressed by the Preparatory Commission for delivery to the first meeting of the COP?
2. What are the appropriate intervals, format and submission processes for State Party, subsidiary body and secretariat reporting to the COP? Should these be the same (e.g. interval aligned with COP or other meeting cycles) or tailored for each? How can these factors be addressed in a manner that mitigates against burdensome reporting?
3. Subject to the text of the Agreement, what role should subsidiary bodies have in the determination of their own reporting processes for reports by States Parties? Should the process be conducted by subsidiary bodies with final approval from the COP?