



**2023/0353(NLE)**

22.3.2024

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## **DRAFT RECOMMENDATION**

on the proposal for a Council decision on the conclusion, on behalf of the European Union, 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  
(COM(2023)0580 – C9-xxxx/2024 – 2023/0353(NLE))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Silvia Modig

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a Council decision on the conclusion, on behalf of the European Union, 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**

**(COM(2023)0580 – C9-xxxx/2024 – 2023/0353(NLE))**

**(Consent)**

*The European Parliament,*

- having regard to the proposal for a Council decision (COM(2023)0580),
  - having regard to the draft 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,
  - having regard to the request for consent submitted by the Council in accordance with Article 192(1) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C9-XXXX/2024),
  - having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
  - having regard to the opinion of the Committee on Fisheries,
  - having regard to the recommendation of the Committee on the Environment, Public Health and Food Safety (A9-0000/2024),
1. Gives its consent to the conclusion of the agreement;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States.

## EXPLANATORY STATEMENT

We are experiencing a historic moment for humanity with an acute **climate and biodiversity crisis**, recognised as such by the Parliament at the beginning of this mandate, and thus we must take it upon ourselves to act with urgency. We are overwhelmed with an abundance of scientific literature documenting the collapse of our natural systems and our collective failure to act to protect what we most depend on. The IPBES Global Assessment Report gives us the terrifying headline that one million species are threatened with extinction, and many could disappear within decades, laying the blame squarely on human activity. These scientists tell us that 40% of the marine environment “manifests severe impacts of degradation”. The WMO tells us that 2023 was the world’s warmest year on record, with global Ocean heat hitting a new record. The IPCC tells us that the choices made now are critical for the future of our Ocean, and highlights the urgency of prioritising timely, ambitious and coordinated action to address unprecedented and enduring changes in the Ocean.

While the EU is committed to the **European Green Deal** agenda, with both nature and climate pillars to it, the international dimension of it is also of great importance to ensure a global impetus to act, to co-ordinate actions, and to develop appropriate governance systems. Both biodiversity and climate crises are intertwined and are inherently global and transboundary, from their dispersed root causes to cross-border impacts. Yet at the same time, this twin crisis is also markedly local. It is the coastal communities across Europe and the rest of the world that are dealing with the fallout from this collapse of our Ocean systems. We need action at all levels, and crucially, we need an international framework for governing and sustainably managing a global common - our Ocean. The High Seas consist of the maritime area that lies beyond national jurisdictions of States, after 200 nautical miles from the baseline. It is around 64% of the Ocean surface, and about 95% of the Ocean’s volume - making it the largest habitat on our blue planet. Being beyond national jurisdictions means the High Seas suffer, more than anywhere else, from the tragedy of the commons. **Multilateralism and international Ocean governance** are essential for protecting and successfully managing this critical global commons. The Ocean plays an ever increasingly important role for a planet that is already overheating - its health must be restored and it cannot be left without a common governance structure.

The **High Seas Treaty**, or formally known as the Agreement on Law of the Sea in the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ), was concluded on 4th March 2023 in New York and adopted by UN Parties on June 19th 2023. It took almost 20 years to negotiate. It will have a game-changing impact on strengthening Ocean governance. It will do so in particular by promoting greater High Seas biodiversity conservation, as well as equity and Ocean justice through its provisions on financing, capacity-building, technology transfer, the equitable access and sharing of marine genetic resources and ensuring the interests and contribution of Indigenous Peoples and local communities are recognised. The treaty plugs many governance gaps in the ocean governance framework, especially as it provides a mechanism for identifying, establishing and managing representative networks of marine protected areas, while not undermining the mandate of competent organisations.

It will help deliver the Kunming-Montreal Global Biodiversity Framework **30x30 target** (to protect at least 30% of the Ocean by 2030) by providing clear rules and processes on

establishing marine protected areas (MPAs) in the High Seas. It is also imperative to enhance the management of human activities responsible for the deteriorating state of Ocean health such as overfishing and shipping. Moreover, there is a need to take a precautionary approach to emerging industries such as marine geo-engineering and the risky prospect of deep-sea mining, for which the Parliament has called a moratorium.

The new **Environmental Impact Assessment (EIA)** provisions within the Treaty greatly increase transparency for activities, offering a strategic framework for bolstering the evaluation and regulation of both current and forthcoming activities to mitigate significant adverse effects for the purpose of protecting and preserving the marine environment. Swift and widespread adoption of these provisions is paramount. EIAs will ensure a more holistic scrutiny of the cumulative effects of various human activities on the ecosystem. These assessments will take into account the ramifications of climate change, Ocean acidification, and associated impacts.

**Equity** is a key thread running through the BBNJ Treaty, and will be the key to its global success. It gives developing countries a much greater stake in the decision-making and implementation of the agreement by building their research and development capacity, through its provisions on capacity building and marine technology transfer. The Treaty also helps to redress inequalities through promoting the fair sharing of both monetary and non-monetary benefits from potentially highly profitable High Seas genetic resources among stakeholders, including through the development of a special fund towards implementation.

Considering that **SDG14** is the most under-funded Sustainable Development Goal, there is a need for **ambitious financing** in order to make sure that the 30 x 30 goal becomes reality. In designating MPAs, regions already under partial management should be under consideration. Areas with existing protective measures, such as Vulnerable Marine Ecosystems (VMEs) shielded from deep-sea fishing by regional fisheries management organisations (RFMOs) or designated Areas of Particular Environmental Interest (APEIs) are examples. It will also be essential to have strong internal EU coordination to ensure that the Treaty is being upheld in all EU policies, as well as through its participation in other relevant fora and avoid undermining the Treaty's provisions when engaging in other bodies. Also, more **independent research** efforts are needed, not only industry-based. Since at least 30 UN bodies have specific provisions related to the Ocean, there is a need for effective UN coordination to make sure conflicts of interests do not impede the effective implementation of the BBNJ Agreement.

The EU has been spearheading efforts for this Treaty for almost 20 years, and so the EU must lead the way on **ratification** as well. Consenting to the agreement earlier rather than later, before this Parliament mandate ends will send a strong signal that the EU is serious about its implementation and is deeply committed to this momentous agreement. The vote on this consent procedure is a timely milestone in the ratification process. In our Green Deal diplomacy, we must ensure that our leadership is driven by action and setting the right example.

## **ANNEX: ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that she has received input from the following entities or persons in the preparation of the draft recommendation, until the adoption thereof in committee

<b>Entity and/or person</b>
WWF Finland
WWF EU
Greenpeace Nordic
The Finnish Association for Nature Conservation
Seas at Risk
High Seas Alliance

The list above is drawn up under the exclusive responsibility of the rapporteur.