

Agreement under the United Nations Convention on the Law of the Sea: conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction

2023/0353(NLE) - 12/10/2023 - Preparatory document

PURPOSE: to conclude, on behalf of the European Union, the agreement relating to the United Nations Convention on the Law of the Sea and relating to the conservation and sustainable use of marine biological diversity of areas not covered by national jurisdiction.

PROPOSED ACT: Council decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: since 2004, the EU and its Member States have been engaged in an international process with the United Nations (UN) with a view to developing the agreement relating to the United Nations Convention on the Law of the Sea and on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction (BBNJ Agreement).

Based on the relevant Council Decisions authorising the opening of negotiations on behalf of the EU, the Commission conducted negotiations from 2016 to 2023 with a view to concluding the BBNJ Agreement. The final text of the BBNJ Agreement was adopted by the BBNJ Intergovernmental Conference on 19 June 2023. The EU signed the BBNJ Agreement on 20 September 2023.

CONTENT: the objective of this proposal is for the Commission to obtain authorisation from the Council to conclude the Agreement under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (the BBNJ Agreement) on behalf of the European Union.

The BBNJ Agreement addresses the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. Such areas cover nearly two-thirds of the world's ocean and about 95% of its volume and comprise the high seas and the international seabed area.

The objective of the BBNJ Agreement is to ensure the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, for the present and in the long term, through effective implementation of the relevant provisions of UNCLOS and further international cooperation and coordination.

Under the BBNJ Agreement, Parties are to cooperate for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including through strengthening and enhancing cooperation with and promoting cooperation among relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies in the achievement of the objectives of this Agreement.

The Agreement covers four areas: (i) marine genetic resources, including questions on the sharing of benefits; (ii) measures such as area-based management tools, including marine protected areas; (iii) environmental impact assessments, and (iv) capacity-building and the transfer of marine technology.

The Agreement will:

- bring UNCLOS up to speed with the developments and challenges that have occurred in relation to marine biodiversity since the Convention's conclusion in 1982;
- support the achievement of the 2030 UN Agenda for Sustainable Development, in particular Sustainable Development Goal 14 (Life Below Water);
- help reach the goals and targets set under the Global Biodiversity Framework (adopted under the Convention on Biological Diversity), in particular the target to ensure effective conservation and management of at least 30% of the world's lands, inland waters, coastal areas and oceans by 2030;
- support the implementation of the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement.