

Conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction

2025/0090(COD) - 24/04/2025 - Legislative proposal

PURPOSE: to ensure the implementation of the Biodiversity Beyond National Jurisdiction' Agreement (BBNJ Agreement) into EU law.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: 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) aims 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 the United Nations Convention on the Law of the Sea, to which the Union and its Member States are parties, and further international cooperation and coordination.

The proposed Directive should implement into EU law the obligations arising from the BBNJ Agreement in the area of the protection of the environment. Signed on behalf of the European Union in 2023, the Agreement will contribute to achieving the objectives set out in the Kunming-Montreal Global Biodiversity Framework. These include protecting at least 30% of the oceans by 2030 and increasing the sharing of benefits from genetic resources and digital sequence information.

The EU has committed to ratifying the BBNJ agreement before the UN Ocean Conference, which will be held in Nice in June 2025.

CONTENT: the proposal aims to implement the obligations arising from the BBNJ Agreement, in particular its general objective of ensuring the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction, for the present and long term.

By establishing a framework for uniform implementation of the Agreement across the EU, the proposal will prevent forum shopping across the EU and thus speed up permitting and administrative simplification.

Its specific objectives are to:

- ensure that EU **researchers**, notably those working in teams across the EU on MGRs of areas beyond national jurisdiction, are **not faced with unnecessary legal burden** potentially arising from an uneven implementation of international obligations under the BBNJ Agreement in the EU;
- ensure that the potential impacts on the marine environment of planned activities under the jurisdiction or control of Member States that take place in areas beyond national jurisdiction are **assessed** (through Environmental impact assessments) before the activities are authorised by the competent authority. This evaluation process should ensure transparency, accountability, broad public participation and fair conditions for all parties involved and avoid undue burden;

- ensure that proposals regarding the establishment of area-based management tools, including marine protected areas, are formulated on the basis of the **best available science and scientific information** and, where available, relevant traditional knowledge of indigenous peoples and local communities, taking into account the precautionary approach and an ecosystem approach and only after consulting stakeholders.

The proposed Directive will promote good governance and sustainability of the oceans, in line with the future European Pact for the Oceans.