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COVER NOTE

From:	European Economic and Social Committee (EESC)
To:	Delegations
Subject:	Proposal for a Directive of the European Parliament and of the Council on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction - <i>Opinion of the European Economic and Social Committee</i>

Delegations will find enclosed the opinion of the European Economic and Social Committee.



OPINION

European Economic and Social Committee

Conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction – ratification of BBNJ Agreement

Proposal for a Directive of the European Parliament and of the Council on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction
(COM(2025) 173 final – 2025/90 COD)

NAT/959

Rapporteur: **Javier GARAT PÉREZ**

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Advisor	Daniel VOCES DE ONAÍNDI (for the rapporteur)
Legislative procedure	2025/0090 (COD)
Referral	European Parliament, 7/7/2025 Council of the European Union, 5/6/2025
Legal basis	Article 192(1) of the Treaty on the Functioning of the European Union
European Commission documents	COM(2025) 173 final Summary of COM(2025) 173 final
Relevant Sustainable Development Goals (SDGs)	SDG 14 – Life below water, SDG 16 – Peace, justice and strong institutions
Section responsible	Agriculture, Rural Development and Environment
Adopted in section	25/6/2025
Adopted at plenary session	16/7/2025
Plenary session No	598
Outcome of vote (for/against/abstentions)	183/1/3

1. RECOMMENDATIONS

The European Economic and Social Committee (EESC):

- 1.1 **welcomes the proposal for a Directive** to integrate the international agreement on marine biological diversity of areas beyond national jurisdiction (BBNJ) into EU law. The agreement's main objective is to protect the oceans, promote the sustainable use of marine resources, prevent environmental degradation, combat climate change and halt biodiversity loss. This agreement, also known as the High Seas Treaty, will help achieve the objectives and targets set out in the Kunming-Montreal Global Biodiversity Framework, the United Nations Framework Convention on Climate Change and the UN 2030 Agenda for Sustainable Development, in particular Goal 14 (Life below water);
- 1.2 supports the European Commission's position on the **strict transposition of the BBNJ Agreement** into the EU *acquis*, maintaining uniform implementation and a level playing field for all actors operating out of EU territory. This approach will allow for faster procedures and efficient administrative simplification. The agreement will make it possible to establish space management tools, including for marine protected areas in the high seas. It will also require environmental assessments for new activities, regulate the fair distribution of the benefits of using marine genetic resources and support developing countries through funding, capacity-building and technology transfer;
- 1.3 recommends ensuring that the BBNJ Agreement is **fully consistent with the European framework** and environmental assessments, as well as with multilateral environmental agreements to which the European Union and its Member States are parties, thereby ensuring the harmonisation and effectiveness of environmental policies at European and international level;
- 1.4 in this regard, recommends that, in line with the Natura 2000 network and the Marine Strategy Framework Directive, the measures to be taken take into account food production and **economic, social and cultural requirements**, as well as **regional and local** characteristics;
- 1.5 deems it crucial to ensure that the Directive **supports fair and inclusive transitions** for sectors potentially affected by new conservation or spatial management measures;
- 1.6 agrees with the European Commission that the transposition of the BBNJ Agreement into EU law should be aligned with **EU sectoral rules and policies**;
- 1.7 recommends that the new BBNJ framework act **in a coordinated and complementary manner** vis-à-vis existing international bodies, such as regional fisheries management organisations (RFMOs), the **FAO** and the **International Maritime Organisation**. In this regard, as the agreement itself points out, **the functions, mandates and powers of these bodies should not be undermined**. Complementarity and coordination should be prioritised in order to avoid regulatory overlaps and ensure consistency between international maritime policies;
- 1.8 in line with the new Kunming-Montreal Global Biodiversity Framework, calls for efforts to ensure that, by 2030, at least **30% of waters in the high seas are conserved and managed**

effectively through systems of protected areas that are ecologically representative, well connected and equitably governed, as well as through other effective, area-based conservation measures. These actions should at the same time ensure the sustainable use of wildlife, recognise and respect the rights of indigenous peoples and local communities, and generate social, economic and environmental benefits for people;

- 1.9 highlights that many **RFMOs already implement** spatial management measures, including for **marine protected areas**, and have started to identify other effective area-based conservation measures (**OECMs**), in line with the 30x30 targets. This wealth of experience should be fully exploited as a basis for effectively implementing the BBNJ in practice, ensuring that the sustainability of fisheries is not compromised. In line with previous recommendations¹, the EESC calls for the designation of strict protection areas (non-extraction areas) based on scientific criteria, assessed on a case-by-case basis, taking into account the specific characteristics of each region and ensuring an appropriate balance between biodiversity conservation and the continuity of economic activities;
- 1.10 stresses the importance of effective coordination between the different institutions involved in implementing the BBNJ Agreement. The transposition of the Directive and its implementation by the Member States should be carried out by several ministries and European Commission directorates-general: those relating to the environment (DG ENVI), maritime affairs and fisheries (DG MARE) and transport (DG MOVE), all via an integrated and holistic approach, promoted by the new European Ocean Pact, while at the same time respecting the competences of each department and the principle of subsidiarity, in accordance with the activity concerned; therefore recommends establishing clear **interinstitutional cooperation** mechanisms to ensure consistent and efficient implementation in line with EU environmental, transport and fisheries objectives.

2. **EXPLANATORY NOTES**

Arguments in support of recommendation 1.4

- 2.1 The EESC deems it appropriate to follow the interpretation put forward by the European Commission in its own response to the Court of Auditors' report², in which it states that '*[d]esignating MPAs does not have to lead to restricting human activities altogether, but rather establishing effective management measures according to the conservation objectives of the areas and on the basis of the best available scientific advice.*' The same logic is reflected in the Habitats Directive when it states that '*[m]easures taken pursuant to this Directive shall take account of economic, social and cultural requirements and regional and local characteristics*', in addition to the requirement to carry out an impact assessment on a case-by-case basis and to take measures in a justified manner (Article 2(3)).

1 OJ C, C/2025/2961, 16.6.2025, ELI: <http://data.europa.eu/eli/C/2025/2961/oj>; OJ C 349, 29.9.2023, p. 127.

2 [ECA Special report 26/2020](#) – p. 68.

3. PROPOSED AMENDMENTS TO THE LEGISLATIVE PROPOSAL OF THE EUROPEAN COMMISSION

Amendment 1

linked to recommendation 1.3

Text proposed by the European Commission	EESC amendment
Recital (7) As parties to the Convention on Biological Diversity, the Union and its Member States are committed to achieving the goals and targets of the Kunming-Montreal Global Biodiversity Framework, adopted at the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity on 7-19 December 2022, and the long-time strategic vision that, by 2050, biodiversity is to be valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people. The EU biodiversity strategy for 2030, in the communication of the Commission of 20 May 2020 entitled ‘EU Biodiversity Strategy for 2030 Bringing nature back into our lives’, sets out multiple objectives, including the aim to restore the good environmental status of marine ecosystems.	Recital (7) As parties to the Convention on Biological Diversity, the Union and its Member States are committed to achieving the goals and targets of the Kunming-Montreal Global Biodiversity Framework, adopted at the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity on 7-19 December 2022, <i>the target of at least 30% of the world’s oceans by 2030 governed under systems of protected areas and other effective area-based conservation measures</i> and the long-time strategic vision that, by 2050, biodiversity is to be valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people. The EU biodiversity strategy for 2030, in the communication of the Commission of 20 May 2020 entitled ‘EU Biodiversity Strategy for 2030 Bringing nature back into our lives’, sets out multiple objectives, including the aim to restore the good environmental status of marine ecosystems.

Reason
The Directive should refer to legal frameworks that reflect the EU’s current environmental, maritime and climate commitments and priorities.

Amendment 2

linked to recommendation 1.4

Text proposed by the European Commission	EESC amendment
Recital (5) The Union is committed to stepping up efforts to tackle climate change and to delivering on the implementation of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change ('the Paris Agreement'), guided by its principles and on the basis of the best available scientific knowledge, in the context of the long-term temperature goal of the Paris Agreement.	Recital (5) The Union is committed to stepping up efforts to tackle climate change and to delivering on the implementation of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change ('the Paris Agreement'), <i>in a manner that does not threaten food production</i> , guided by its principles and on the basis of the best available scientific knowledge, in the context of the long-term temperature goal of the Paris Agreement.

Reason
Article 2(1)(b) of the Paris Agreement states that efforts to respond to climate change must be made 'in a manner that does not threaten food production'.

Amendment 3

linked to recommendations 1.4 and 1.5

Text proposed by the European Commission	EESC amendment
<i>New point 17.3 (k)</i>	<i>(k) Socio-economic implications of the proposed measures, including, where appropriate, compensatory measures to mitigate adverse impacts on affected communities and sectors.</i>

Reason
In line with EU environmental legislation and the EU's Better Regulation Agenda, any proposed management measures should assess the socioeconomic consequences, including the impact on food production (in line with the Paris Agreement).

Amendment 4

linked to recommendation 1.6

Text proposed by the European Commission	EESC amendment
Art. 4.2 (a) fishing regulated under applicable international law and fishing-related activities; and	Art. 4.2 (a) fishing regulated under applicable international <i>and European</i> law and fishing-related activities; and

Reason
The Directive should recognise activities governed not only by international fisheries regulations, but also by European fisheries legislation.

Amendment 5

linked to recommendation 1.7

Text proposed by the European Commission	EESC amendment
Art. 18.2 Member States shall promote, <i>as appropriate</i> , the adoption of measures <i>under relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies</i> of which they are members, to support the implementation of the decisions and recommendations <i>made</i> by the Conference of the Parties under Part III of the BBNJ Agreement.	Art. 18.2 <i>In taking decisions under this chapter, Member States and the European Commission shall respect the competences of, and not undermine, relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies. Where appropriate, they shall</i> promote the adoption of measures <i>within those same bodies and frameworks</i> of which they are members, <i>in order</i> to support <i>and facilitate</i> the implementation of the decisions and recommendations <i>adopted</i> by the Conference of the Parties under Part III of the BBNJ Agreement.

Reason
The EESC considers it important to include Article 22(2) of the BBNJ Agreement in order to ensure the proper functioning and coordination of international bodies and coherence within the international legislative system.

Amendment 6

linked to recommendation 1.7

Text proposed by the European Commission	EESC amendment
<i>New Art. 3a</i>	<i>Art. 3a This directive shall be interpreted and applied in a manner that does not undermine relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, and that promotes coherence and coordination with those instruments, frameworks and bodies.</i>

Reason
The EESC considers it important to include Article 5(2) of the BBNJ Agreement in order to ensure the proper functioning and coordination of international bodies and coherence within the international legislative system.

Brussels, 16 July 2025.

The President of the European Economic and Social Committee
Oliver RÖPKE
