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## 'I' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee

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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  
- State of play

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### I. INTRODUCTION

1. On 24 April 2025, the Commission adopted its 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 ('the proposal').<sup>1</sup>
2. The proposal aims to implement 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 ('the BBNJ Agreement') in the EU in a uniform manner, transposing into EU law the obligations arising from the Agreement in the areas related to environmental protection and marine genetic resources.

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<sup>1</sup> ST 8410/25.

3. The Economic and Social Committee adopted its opinion on the proposal on 16 July 2025.<sup>2</sup>
4. The European Parliament appointed MEP Michal Wiezik (Renew) as Rapporteur. On 13 November 2025, the EP adopted, by 454 votes to 172 and 19 abstentions, amendments to the proposal and the issue has been referred back to the responsible parliamentary committee.<sup>3</sup>

## II. WORK IN THE COUNCIL

5. Within the Council, the Working Party on the Environment (WPE) is responsible for examining the proposal at technical level. The Commission presented its legislative proposal to the WPE on 28 May 2025. The Polish and Danish Presidencies held further meetings of the WPE to examine the proposal and discuss general aspects of it on 11 June 2025, 4 and 18 July 2025 and 8 September 2025.
6. Following strong concerns raised by delegations, notably related to possible effects of the adoption of the proposal on competences, the Council Legal Service issued an opinion<sup>4</sup> on 2 March 2026.
7. The Council Legal Service took the view that there is no legal necessity for a Directive to implement the obligations stemming from the BBNJ Agreement and that adopting a Directive with a scope similar to the one proposed by the Commission is a political choice with consequences for the division of competences. This opinion was presented under the Cyprus Presidency at the WPE meeting on 23 March 2026 and discussed at the WPE meeting on 21 April 2026.

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<sup>2</sup> ST 11935/25.

<sup>3</sup> TA-10-2025-0263.

<sup>4</sup> ST 6889/26.

8. The discussions at the last WPE meeting on 21 April 2026, clearly demonstrated that at this stage there is no support to pursue work on the proposal and that it is not conducive to continue the discussions on this proposal at working party level.
9. At the same time, at the WPE meeting on 21 April 2026, delegations also recognised the need to seek alignment in the implementation of the BBNJ Agreement and requested support from the Commission in the implementation process, through appropriate non-legislative means.
10. It should be noted that at international level the groundwork for shaping how the BBNJ Agreement will operate continues, with the first meeting of the Conference of the Parties scheduled to take place in the beginning of next year. Further developments as regards the concrete operationalisation of the implementation of the BBNJ Agreement can therefore be expected, including regarding the setting up of the Clearing House Mechanism which is a key element to enable parties to comply with their obligations under the BBNJ Agreement.

### III. CONCLUSION

11. In view of the above, the Permanent Representatives Committee is informed that, in light of the outcome of the discussions in the WPE, there is no support at this stage to pursue further work on the proposal for a Directive, and invites the Commission, in cooperation with the Member States, to actively support an effective implementation of the BBNJ Agreement.
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