



**Answers on behalf of the European Union and its Member States
regarding the Guiding Questions for the preliminary exchange of
views on the issues for consideration at the second session of the
Preparatory Commission**

**Preparatory Commission for the Entry into Force 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 and the Convening of the First
Meeting of the Conference of the Parties to the Agreement**

**First session of the Preparatory Commission
14-25 April 2025**

Informal Working Group Discussions

24 April 2025

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Answers of the European Union and its Member States regarding the Guiding Questions for the preliminary exchange of views on the issues for consideration at the second session of the Preparatory Commission

- 1. Arrangements to enhance cooperation with relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies**
 - a. What are the most important elements of each issue to be addressed by the Preparatory Commission?*
 - b. What modalities could the Preparatory Commission consider to address each item?*

The European Union and its 27 Member states would first like to thank the co-chairs and the Secretariat for all their work before and during the last two weeks, which allowed us to make substantial progress. As we move towards an intersessional period and the second PrepCom we would like to reiterate our full support to you for the fruitful continuation of our work.

As we move to the next stage, we believe that it is important that we use the wealth of discussion of the last two weeks to prepare, as much as possible, negotiation texts for parties to consider and discuss at the next PrepCom.

We are fully aware of your workload and that of Doalos, however, to ensure that delegations are fully prepared for the August PrepCom, we would be grateful if we could receive the relevant documents as early as feasible. From our part, we are happy to engage in any intersessional work deemed necessary by the Co-Chairs and support you in your efforts.

Moving to the matter of IFBs, the European Union (EU) and its 27 Member States have carefully listened to the interventions over the last two weeks and we are pleased to see that the cooperation with IFBs have featured prominently in so many of them. We also appreciate the constructive engagements of IFBs during the present session, and stress that their expertise and experience is valuable for the successful implementation of the Agreement.

We strongly believe that establishing appropriate cooperation and coordination processes with and amongst relevant IFBs is fundamental to the successful implementation of the Agreement. We believe that these arrangements should support the CoP in promoting coherence amongst efforts towards the effective implementation of the BBNJ Agreement.

We have also heard the concern voiced by some delegations, such as Iceland, that the Agreement must be applied in a manner that promotes coherence with relevant IFBs and that does not undermine those IFBs. The EU and its Members State believe the balance found in Article 5.2 should guide our work on this important topic.

As regards the first questions put forward by the co-chairs last night, we believe that we should start with mandatory provisions, particularly Secretariat's obligations (in Article 50(4)) to facilitate cooperation and coordination with the secretariats of other IFBs and enter into such administrative and contractual arrangement as may be required for that purpose and for the effective discharge of its function.

We also believe that we need to ensure that the CoP is well-informed on these cooperation and coordination processes, that consultation on ABMTs and EIAs is taking place according to the rules and procedures set out in the BBNJ Agreement, and that the mechanisms of cooperation therein support the effective implementation of the BBNJ Agreement.

We believe that we should encourage that the objectives of the BBNJ Agreement are taken into account in the decision-making of other relevant IFBs and that the IFBs are consulted with a view to reflect their work and enhance cooperation with them as appropriate, in the decision-making of the BBNJ Agreement. As mentioned by Switzerland, the work of BBNJ and IFBs should be mutually supportive.

We believe that it is important to promote the meaningful participation of IFBs in the meetings of the BBNJ CoP, and all other relevant meetings of the BBNJ Agreement, as appropriate, in accordance with the relevant RoPs and the involvement of the secretariat. In particular, as noted by the African Group, we consider it important to establish mechanisms for the STB to collaborate with relevant IFBs.

Finally, we are of the view that it is important to ensure that the arrangements for cooperation, collaboration and coordination are flexible, coherent and fit for purpose, and build on existing arrangements under relevant IFBs.

With regards to the second question of the co-chairs on the modalities, we support the production of a background note, by the Secretariat, to facilitate our discussion in the next PrepCom. We believe, it would be useful if this note could 1) as mentioned in point 55(e) of the note on arrangement for the functioning of the Secretariat, explore areas of cooperation with the secretariats, and other bodies of relevant IFBs and 2) explore arrangements or MoUs already existing between Multilateral Environmental Agreements, Sectoral bodies, Regional Fisheries Management Organizations, Regional Seas Conventions, and other relevant IFBs.

2. Reporting requirements (This may include, for example, reporting by the Secretariat to the Conference of the Parties and reporting by States Parties on implementation of the Agreement.)

- a. What are the most important elements of each issue to be addressed by the Preparatory Commission?*
- b. What modalities could the Preparatory Commission consider to address each item?*

On the reporting by States Parties on implementation of the Agreement, the EU and its 27 Member States are of the view that reporting is an essential tool to ensure accountability between parties to meet the obligations and commitments under the Agreement.

When it comes to the modalities for reporting by parties on the implementation of the Agreement, the EU and its Member states would like to stress the following elements:

First, it is important that we ensure rational, coherent and feasible reporting that avoids duplication efforts. In particular, as noted in paragraph 41 of the Secretariat note on Matters to be addressed at the first meeting of the PrepCom, the relationship between the reporting obligation under article 54 and the specific reporting requirements under the relevant Parts of the Agreement should be considered.

In this context, we should promote the development of model report templates, where applicable and efficient. The templates should be user-friendly and thus ease the reporting process.

Second, we believe that it is important to promote the use of the Clearing House Mechanism to ensure transparent, open and inclusive sharing of information on how the obligations and commitments under the BBNJ Agreement are met.

Third, it is important to ensure that reporting is not too burdensome and onerous and to find a good balance between comprehensive reporting for the effectiveness of the implementation of the BBNJ Agreement and a reporting procedure that is feasible for all future users.

Fourth, we are of the view that we should ensure that capacity-building for reporting is included in the support given to developing countries for the implementation of the BBNJ Agreement.

Finally, we believe that we should promote cooperation and coordination with other IFBs when it comes to reporting and underline the importance to identify and prevent overlap and duplication in reporting obligations.

With regards to the second question of the chairs, we support the production of a background note, by the Secretariat, to facilitate our discussion in the next PrepCom. We believe, it would be useful if this note could also draw on other frameworks to guide our exchanges on 1) the content, format and frequency of the reports, 2) any potential template for such reports and 3) any potential follow-

up to such reports. Finally, it would be useful if this note could provide a preliminary assessment of potential overlap with reporting obligations with other IFBs.

I'll now move to the reporting of the Secretariat to the COP on the execution of its functions. We note that in paragraph 41 of the previously mentioned Secretariat note, it is suggested that reporting by the bodies established under the Agreement may be addressed in the context of their terms of reference. We thus wonder whether the issue of reporting by the secretariat should be discussed together with the arrangements for the functioning of the Secretariat.

That being said, we believe that it could be helpful to draw some inspiration from other frameworks regarding the content, format and frequency of such secretarial reports.

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