



Statement on behalf of the European Union and its Member States regarding the Arrangements for the functioning of the secretariat, including its seat

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

22 April 2025

Check against delivery

Statement on behalf of the European Union and its Member States regarding the Arrangements for the functioning of the secretariat, including its seat

The EU and its Member States thank DOALOS for accepting the suggestion to prepare a comparative study of various secretariat models under other multilateral agreements. The outcome of the study will certainly provide key and valuable information to assist with the adoption of recommendations by the PrepCom in relation to the model for the BBNJ secretariat.

We fully understand that DOALOS' resources are limited and that the comparative study will focus on presenting key models. We also note your proposal that the study will take the form of a matrix. We can agree with this approach but note that the PrepCom should not be bound by the exact form of models presented in the study as a bespoke model may ultimately be best.

We note that DOALOS will not be able to provide an estimated budget for the BBNJ secretariat. However, we would appreciate if the comparative study could include estimated budgets of secretariats under other multilateral agreements.

The EU and its Member States consider the indicative list that was circulated by DOALOS and that provides further information on the arrangements for the secretariats of selected instruments corresponding to each model to be very comprehensive. While we are in agreement with the list, we also continue to emphasise that the PrepCom's overall guiding criteria for the arrangements for the secretariat should ensure it is a credible and visible secretariat that performs the tasks assigned to it competently and efficiently, in a cost-efficient manner, while respecting the objectives of the BBNJ Agreement.

Reviewing the list of items, the EU and its Member States would be particularly interested if the study could provide detail as to how the various models for the secretariat would be linked to the United Nations, what legal arrangements would have to be put in place to give effect to such linkages and how such linkages may impact on the degree of autonomy of the secretariat.

We would also be interested in hearing more detail regarding matters related to the head of the secretariat, including the procedure for their appointment, the qualifications required for their selection, their term of office and their line of accountability.

In addition, we are of the view that the issue of the legal capacity/personality of the secretariat in the host State and the question of the international legal personality of the secretariat deserves particular elaboration in the comparative analysis.

Regardless of the form of the model that PrepCom determines is appropriate for the BBNJ secretariat, it is essential that the secretariat has the mandate to facilitate cooperation and coordination between it and other relevant IFBs secretariats. We would welcome if the

DOALOS study could elaborate on models for such cooperation and coordination and exchange of information drawn from other multilateral agreements.

As regards the modalities and criteria which PrepCom will consider to guide the COP for the selection of the model for the BBNJ secretariat, the EU and its Member States emphasise that these criteria should be objective and pay particular attention to efficiency and cost related issues.

On whether the PrepCom should set out modalities and criteria for the selection of the seat of the secretariat and the scope of that guidance, the EU and its Member States consider that the most important element in relation to the selection of the seat for the secretariat is an objective and transparent process.

We also take note of the indicative criteria listed in paragraph 32 of the DOALOS guidance note, which builds up on practice drawn from other multilateral agreements. We consider that such criteria are a useful tool to be considered when deciding the location of the seat of the secretariat by the COP. The EU and its Member States consider that any formal offer submitted by a potential host State should address these matters.

We are conscious of the need that the first COP is required to take the decision on the location of the seat of the secretariat. We therefore consider that all offers by potential host States should be made in a timely manner, so further work on this matter can be conducted at the second meeting of the PrepCom in August.