



**Answers on behalf of the European Union and its Member States  
regarding the Guiding Questions on the Scientific and Technical  
Body**

**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**

**16 April 2025**

*Check against delivery*

## **Answers of the European Union and its Member States regarding the Guiding Questions on the Scientific and Technical Body**

**B. Terms of reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies established under the BBNJ Agreement, including the selection process for their members.**

**1. For the Scientific and Technical Body, what are the most important elements relating to: nature and scope of work; functions; operational modalities, including interaction with other bodies/committees established under or pursuant to the Agreement (including the COP); and its cooperation with relevant instruments, frameworks and bodies (IFBs)?**

In relation to the specific functions and role of the Scientific and Technical Body (STB) under the BBNJ Agreement, the EU and its Member States will start by considering the role of the STB under the Measures such as Area-Based Management Tool, including Marine Protected Areas, (ABMT) chapter of the BBNJ Agreement, and then we will continue by considering on the role of the STB in relation to the Environmental Impact Assessments (EIAs) chapter of the BBNJ Agreement. The EU and its Member States will finally consider some of the issues concerning the membership of the STB.

In the view of the EU and its Member States, it is clear that the STB has a crosscutting function throughout the ABMT chapter of the BBNJ Agreement. Therefore, it is necessary that specific rules of procedure and modalities are established to give effect to its mandate. This is essential for the robust and transparent functioning and delivery of the ABMT chapter.

The fundamental cornerstone of the role of the STB when giving effect to the ABMT chapter is the elaboration of modalities for application by the Parties of the indicative criteria in Annex 1 to the BBNJ Agreement for the identification of areas to be subject to ABMT and the elaboration by the STB of guidance on the elements that will form the proposals for ABMT. The procedures of the STB should describe how these functions will be carried out.

We know that the STB has an important role at each of the various stages of the ABMT process. This role is engaged from the outset of the ABMT process and continues across the assessment by the STB of the proposals for ABMTs, whether at the initial phase, or throughout the consultation phase. This persistent role of the STB highlights the need for clear modalities for its work to be determined for each step of the process. These modalities should also include the elaboration of the specific procedures to give effect to the emergency measures provision of Article 24 of the BBNJ Agreement, and the process for cooperation with relevant IFBs must be established.

A central theme of the ABMT chapter is the strong cooperation and coordination measures reflected in it – including through the establishment of a mechanism regarding existing ABMTs adopted by relevant IFBs. Arrangements providing for these requirements of the BBNJ Agreement will also have to be reflected in the modalities of the STB, thereby promoting

transparency and underpinning robust scientific and technical advice for the establishment of ABMTs.

Moving onto the Environmental Impact Assessments (EIAs) chapter, in the view of the EU and its Member States, clear rules of procedure and modalities are required to give effect to the EIA chapter of the BBNJ Agreement.

The EU and its Member States are of the view that the modalities for the involvement of the STB in multiple stages of the EIA process should contribute to enhancing transparency and accountability of the EIA process.

By supervising the process of an EIA conducted by parties, the STB will contribute to these goals. At the same time, the discretion of parties in conducting EIAs will be restricted by the supervision of the STB.

Each of the BBNJ Agreement's provisions on EIAs that envisage a role for the STB has to be considered in order to determine how to give practical effect to that role and then be reflected in the modalities of the STB.

As we are aware, a crucial role for the STB will be to prepare guidelines for the conduct of EIAs. The modalities for the STB should contain procedures as to how the STB will carry out this task.

A further substantive task for the STB that should be addressed in its modalities concerns the procedure, including timelines, for the EIA review and reporting process. These modalities must also include provision for the STB to comply with the requirement under the BBNJ Agreement for relevant traditional knowledge of Indigenous Peoples and of local communities to be considered where available. In addition, the process by which the STB will issue recommendations to Parties must be determined.

On the question of cooperation with other IFBs, the EU and its Member States are of the view that the STB should strive to avoid fragmentation between global and regional bodies in respect of common matters that come within their mandate.

The STB should also seek to avoid duplication of efforts, build synergies and collate and integrate existing knowledge from related bodies in order multinational frameworks. It will therefore be necessary for the STB to develop cooperation mechanisms with related bodies of other relevant IFBs in order to give effect to this aim.

An enabling provision should be included in the general rules of procedure for the COP to permit such collaboration and coordination between the subsidiary bodies within the limit of their competences.

The EU and its Member States would like to see the STB becoming a catalyst for cooperation and coherence among IFBs.

**3. In the Co-Chairs aid to discussions on rules of procedure for the COP, draft rule 26 proposes that the rules of procedure for the COP will apply *mutatis mutandis* to subsidiary bodies established under the Agreement, unless decided otherwise.**

***3.1 Should the rules of procedure for the COP apply to all the subsidiary bodies?***

The rules of procedure for the COP should apply *mutatis mutandis* to the STB, but with the possibility of adjustments where necessary and with the enactment of additional rules and modalities to give effect to specific functions of the STB that we highlighted earlier in our statement.

**4. Having regard to the Agreement, what should be the eligibility criteria, qualifications and expertise of members, number of members, selection process, term of office and renewal modalities for the Scientific and Technical Body? How may the selection process work?**

***Eligibility criteria, qualifications and expertise of members***

The EU and its Member States question the necessity for the COP to elaborate on qualifications and expertise that would be appropriate for the STB members.

We do not see this as a useful exercise: firstly, it could take a lot of time before delegations agree on a list of suitable qualifications and expertise. Secondly, such a list could only be indicative, open and non-exhaustive.

We should be confident that the Parties will nominate members that possess appropriate qualifications in accordance with the terms of the BBNJ Agreement.

However, the EU and its Member States are of the view that the STB should be multidisciplinary, composed of experts from different specific relevant fields of expertise that reflect the complex and inter-connected nature of Areas Beyond National Jurisdiction (ABNJ).

The most important aspect should be the expertise and/or professional experience in relevant fields required for the STB to provide scientific and technical advice to the COP, including in accordance with the relevant provisions of the BBNJ Agreement with respect to Indigenous Peoples, local communities, and traditional knowledge. Such relevant expertise and/or professional experience would include, in particular the implementation of the ABMTs, and conducting EIAs. Other relevant expertise and/or professional experience includes appropriate expertise, such as policy, legal and financial expertise.

The EU and its Member States consider that the members of the STB should serve, conduct themselves and express opinions in a neutral manner, in their individual capacity as experts and not as representatives of the Party who nominated them. The members of the STB should also serve in the best interest of the BBNJ Agreement.

### ***External expertise***

The rules of procedure of the STB should enable the diversification of available avenues for science and knowledge exchange, beyond the core composition of the STB. To facilitate the generation of high-quality and pertinent advice, the EU and its Member States suggest that consideration should be given to enabling the STB to draw upon the roster of experts envisaged under the BBNJ Agreement, where specific experts would focus on different questions or topics.

Provision should also be made to enable external expertise to be sought in order to provide additional specialised advice when required. Flexibility in the operation of the STB is required so it can issue invitations to Parties (through the secretariat) to identify experts with expertise in specified areas who the STB can invite to consider specific scientific issues as they arise.

It should also be possible for the STB to invite one or more external experts, on an *ad hoc* basis, to present their views on specific issues, hold discussions and host workshops (including virtually) to feed the development of recommendations and enhance networking and collaboration with various stakeholders.

### ***Number of members***

The EU and its Member States consider that it is first necessary to reach agreement on a framework for the composition of the body and then we should agree on a number of members that gives effect to that framework. In our view, ideally, the number of members of the STB should be such that the STB remains flexible, responsive and efficient, while meeting the requirements of the BBNJ Agreement.

To determine a specific number of members, it would be also important to strike a balance between the required expertise and/or professional experience in the specific fields required for the STB to provide scientific and technical advice to the COP, while being conscious of the financial implications arising from a large membership.

In light of these considerations, we envisage the STB having a limited membership of the STB, but one possibility would be to have an additional roster of broader experts that can be invited, on a case-by-case basis, to assist the STB when their specific expertise and/or professional experience would be relevant.

### ***Selection process***

The EU and its Member States note that the draft rules of procedure for the COP does not elaborate any procedure for the election of members to subsidiary bodies. This is a matter common to all subsidiary bodies that should be addressed in the rules of procedure for the COP.

The EU and its Member States consider that the selection process for the members of the STB should be clear and prevent politicisation of the process.

In the view of the EU and its Member States, and in reference to the equitable geographical representation, nomination through the UN regional groups is a suitable method for constituting the core membership of the STB.

On gender balance, the EU and its Member States consider that while seeking a balance between male and female representation on the STB, it could be suggested that a gender focal point could be appointed to provide advice and assistance to the regional groups when making nominations to the STB.

#### ***Term of office and renewal modalities***

For the EU and its Member States, the frequency and intervals of meetings of the COP will influence terms of office of the members of the STB.

In principle the EU and its Member States are in favour of term limits spanning at least two intersessional periods, and staggered terms in order to build institutional knowledge within STB.