

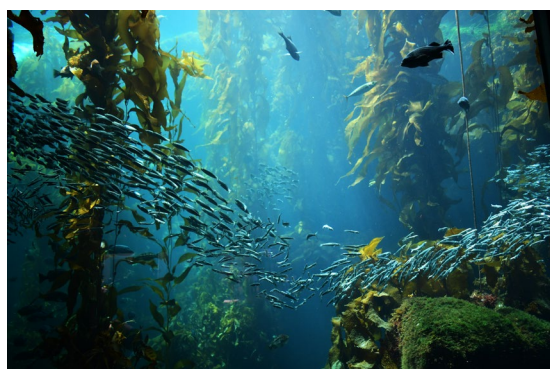
# EU agenda for international ocean governance

## SUMMARY

In June 2022, the European Commission adopted a new communication on international ocean governance. It reflects the priorities set under the European Green Deal and focuses on key threats, such as climate change, biodiversity loss and pollution. The actions, 61 in total, are grouped under four objectives: strengthening the international ocean governance framework, making ocean sustainability a reality by 2030, ensuring security and safety at sea, and expanding ocean knowledge.

As regards the EU's aim to strengthen the international rules-based framework, several negotiations on ocean governance are currently under way. In the negotiation on a legally binding instrument for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ), to resume in early 2023, the EU will push for an ambitious deal. Another negotiation is the post-2020 biodiversity framework in view of the 15th conference of the United Nations (UN) Convention on Biological Diversity, taking place in December 2022. The EU supports the protection of at least 30% of marine waters by 2030, a target it has already set for its own waters. In support of this goal, the EU will also continue negotiating new large-scale marine protected areas in the Southern Ocean. With regard to deep-sea mining, the EU will, in line with the European Parliament's position, continue advocating a ban until effective protection of the marine environment is ensured.

The Commission's communication also contains actions to promote sustainability in the 'blue' economy (encompassing all economic activities relating to oceans and seas). They include the decarbonisation of maritime transport and fisheries and measures to combat illegal, unreported and unregulated fishing. By leading by example, the EU is striving for equal ambition at international level. On marine pollution, a key objective is to conclude a legally binding agreement on global plastic by 2024, as agreed in March 2022 at UN level. Other actions relate to maritime security (under increasing pressure) and labour conditions, research, data collection and ocean literacy. A global challenge is to fill the many gaps in ocean knowledge. The EU would also like to see the establishment of an 'intergovernmental panel of experts on ocean sustainability'.



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## Background

In November 2016, the EU became the first leading economy to adopt an international ocean governance agenda. The joint [communication](#) from the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy, 'International ocean governance: an agenda for the future of our oceans', aimed to deepen the EU's ocean policy and was part of the EU's response to the United Nations (UN) Sustainable Development Goals ([SDGs](#)), particularly to [Goal 14](#) on 'life below water'. The communication presented 53 action points under three priority areas. The actions covered many different themes, such as ocean partnerships, international guidelines (e.g. on maritime spatial planning), capacity building, harmful fisheries subsidies, and expanding research and observation tools. In its related March 2017 [conclusions](#), the Council considered the communication a relevant contribution to a cross-sectoral, rules-based international approach. The European Parliament adopted a [resolution](#) on the agenda in January 2018, calling on the Commission to set clear deadlines, submit legislative proposals and publish a progress report.

In March 2019, the Commission [took stock](#) of the results achieved so far and [listed](#) the progress in implementing the different actions. It highlighted many positive results, such as the [agreement](#) to prevent unregulated fishing in the high seas of the central Arctic Ocean, the [EU-China ocean partnership](#), the [cooperation](#) with South Africa and Brazil (the '[Belém Statement](#)') to join forces on [Atlantic Ocean research](#), and the €590 million under EU development policy to promote better ocean governance. It also reported on further actions and initiatives, such as its commitments at the global 'Our Ocean' conferences and the establishment of an EU stakeholder forum bringing together experts, civil society representatives, academics and decision-makers from around the world committed to oceans. The Council, in its [2019 conclusions](#) on oceans and seas, welcomed the report; however, it also noted with deep concern the alarming findings of the [special report](#) on oceans and cryosphere from the Intergovernmental Panel on Climate Change ([IPCC](#)), and invited the Commission to come up with policy responses.

The [EU stakeholder forum](#) took place through a series of online interactive dialogues, and was complemented by a targeted consultation. A [summary](#) of the consultation and a [report](#) with recommendations from the stakeholder forum were published in early 2021. In its 2021 [communication](#) on the blue economy, the Commission announced the update of its international ocean governance agenda in the light of these conclusions. More specifically, in its 2022 [work programme](#), it planned the adoption of a new communication that would address key threats such as pollution, climate change and biodiversity loss. In preparation for the update, the Commission completed its consultation activities with a [call for evidence](#) (18 January to 15 February 2022).

## New communication on international ocean governance

On 24 June 2022, ahead of the [second UN Ocean Conference](#) in Lisbon (27 June to 1 July 2022), the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy [adopted](#) a [communication](#), 'Setting the course for a sustainable blue planet – Joint Communication on the EU's International Ocean Governance agenda'. Building on the 2016 communication and stakeholder consultations, the new agenda, which reflects the priorities set under the [European Green Deal](#), aims at an even more active role for the EU in international ocean governance. The communication was accompanied by a [synopsis](#) of the consultation activities.

The communication defines four objectives and identifies 61 actions to achieve them. The actions cover a wide range of topics, as illustrated in Figure 1 below. The actions, listed in the annex to the communication, are grouped in order of the four overarching objectives:

- strengthening the international ocean governance framework;
- making ocean sustainability a reality by 2030;
- ensuring security and safety at sea;
- building up ocean knowledge.



The EU played a leading role in the [negotiations](#), at the level of the World Trade Organization (WTO), to **prohibit harmful fisheries subsidies**. In the [agreement](#) reached at the 12th Ministerial Conference in June 2022, WTO members agreed to ban subsidies to three types of fisheries: those found to be engaged in illegal, unreported or unregulated (IUU) fishing, those targeting overfished stocks, and those in the 'unregulated' high seas (i.e. international waters where fishing is not managed by an intergovernmental organisation). Further restrictions on capacity-enhancing subsidies were not included in the final text, as WTO members could not agree on the relevant exemptions for developing countries. Additional disciplines on capacity-enhancing subsidies are now subject to a 'second wave' of negotiations. The EU will continue its leading role by building on the WTO agreement and 'push[ing] for its reinforcement with the elements not yet agreed', according to the communication.

### Antarctic MPAs – protecting the Southern Ocean

To date, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) has designated [two MPAs](#): in the South Orkney Islands Southern Shelf and the Ross Sea. The CCAMLR has been discussing three new MPA proposals in East Antarctica, the Weddell Sea, and the Antarctic Peninsula, covering together 3.8 million km<sup>2</sup>. The first two were [proposed](#) by the EU and its Member States, with nine other CCAMLR members as [co-sponsors](#). Some CCAMLR members, notably China and Russia, [opposed](#) the proposals because of fishing interests, and [no consensus](#) could be reached at the latest CCAMLR [annual meeting](#) (24 October to 4 November 2022). However, the CCAMLR has committed to holding a [special meeting](#) on MPAs in Chile in the first half of 2023.

Source: [CCAMLR](#) website.

On **deep-sea mining**, the EU would continue advocating a ban until effective protection of the marine environment from adverse effects is ensured. To this end, the EU would keep contributing to the negotiations on exploitation regulations at the International Seabed Authority (ISA), mandated as competent body under UNCLOS, while supporting related research in parallel. Also in the field of **seabed protection**, the EU would, where appropriate, regulate 'the use of fishing gear that are most harmful to biodiversity', as stated in the communication. Earlier, in the EU biodiversity strategy for 2030, the Commission announced an 'action plan to conserve fisheries resources and protect marine ecosystems' (originally envisioned for 2021), which would 'look at how to reconcile the use of bottom-contacting fishing gear with biodiversity goals'.

Furthermore, with regard to fisheries, the EU aims to ensure that its activities beyond EU waters are based on the same principles as those within the EU, in particular through its **sustainable fisheries partnership agreements (SFPAs)** with third countries, under which the EU gives financial and technical support in exchange for fishing rights, and through its membership in **regional fisheries management organisations (RFMOs)**, which deal with fisheries in areas outside national jurisdiction. According to the communication, the Commission is conducting an evaluation of the SFPAs in view of reshaping them to contribute to ocean governance more effectively. As a member of [18](#) RFMOs, the EU is a major party to these organisations, and thus an important contributor to sustainable and science-based fisheries in the high seas. It would use its membership in these organisations to contribute to best practices in fisheries management and continue promoting measures against IUU fishing.

Regional cooperation between EU Member States and third countries in the field of marine protection is coordinated through **Regional Sea Conventions (RSCs)**. The EU is a contracting party to three RSCs covering EU marine waters: the Helsinki Convention ([HELCOM](#)) for the Baltic Sea, the [OSPAR](#) Convention for the North East Atlantic waters, and the Barcelona Convention (UN Environment Programme Mediterranean Action Plan, [UNEP/MAP](#)) for the Mediterranean Sea. Work by Member States relating to these RSCs is closely linked to the implementation of the Marine Strategy Framework Directive ([MSFD](#)), the EU's overarching policy designed to achieve 'good environmental status' in marine waters. Through the RSCs, the EU aims to ensure that both Member



States and third countries aspire to an equivalent ambition of marine protection. As for the membership of third countries in these RCSs, HELCOM only counts the Russian Federation (Russia's war on Ukraine has paralysed HELCOM's work, with all its meetings [suspended](#)). OSPAR includes Iceland, Norway and Switzerland (the latter because of the river Rhine), while UNEP/MAP comprises all 13 Mediterranean third countries.

Moreover, the EU would continue seeking new **ocean partnerships** with global players. To do so, it would step up cooperation on ocean governance under the new partnership agreement between the EU and the Organisation of African, Caribbean and Pacific States ([OACPS](#)). Under the Global Europe [programme](#) for 2021-2027, the EU's main financial instrument for external action, the EU would contribute to capacity building in ocean governance. For instance, according to the communication, an indicative amount of €180 million has been allocated to five regional ocean programmes in sub-Saharan Africa. In 2023, the EU would also co-host the second [Marine Regions Forum](#) in the Western Indian Ocean, together with the EU's outermost regions in this sea basin. In October 2022, a first EU-Canada ocean partnership [forum](#) took place in Brussels, building on the EU-Canada ocean partnership [agreement](#) concluded in 2019.

## Making ocean sustainability a reality by 2030

Recognising that marine policy and maritime activities are intertwined, the EU is pursuing a coordinated approach to common challenges and cumulative impacts. Under this objective, the EU focuses, in particular, on measures to promote sustainability in the blue economy and combat IUU fishing, marine pollution and climate change. This objective is also the one with the largest number of actions and initiatives (25 in total).

The Green Deal aims to make the EU **climate neutral** by 2050. To achieve this objective, emissions must be reduced in all sectors. Regarding decarbonisation in maritime transport, the communication highlights the 'FuelEU Maritime' [proposal](#), which aims to limit the carbon intensity of the energy used on board ships. Council and Parliament adopted their [positions](#) on the file ahead of interinstitutional negotiations. With the new regulation, the EU would act as global leader towards emissions reductions in the maritime sector. In a legislative [proposal](#) to review the EU emissions trading system ([ETS](#)), the Commission proposed to extend the ETS to maritime transport, which would introduce carbon pricing in the sector. Interinstitutional negotiations are currently [ongoing](#). At the global level, the EU is pushing for an equal ambition, in particular by proposing measures within the International Maritime Organization ([IMO](#)). In this context, the EU has proposed principles for a global carbon pricing measure, and a low greenhouse gas fuel [standard](#). The EU would also continue its efforts to decarbonise the fishing sector by presenting an action plan with related advice in the first quarter of 2023. In preparation, the Commission has launched a [call for contributions](#) (7 November to 5 December 2022).

A key objective in the area of **marine pollution** is to conclude a legally binding treaty on global plastic by 2024, as [agreed](#) in March 2022 at the [fifth session](#) of the [UN Environment Assembly](#), the world's highest-level decision-making body on the environment. In the new negotiation committee, the [EU](#) would work with its allies and partners towards a rapid and ambitious agreement.

The EU would also step up its efforts to address issues relating to '**open registers**', when used in countries with weak respect for international obligations and control over ships flying their flag.

[Open registers](#) refers to a policy whereby a country allows ships to be registered and fly its flag without the ship owner having a genuine link with the country. When vessel owners use this system to avoid taxation, cut labour costs, or circumvent conservation measures, it is said that these ship owners use 'flags of convenience'.

In fisheries, this is one of the main factors contributing to IUU fishing. Changing flag prior to dismantling is also a common practice that hinders [EU legislation](#) relating to the recycling of ships. The EU would therefore discuss fulfilment of flag states' responsibilities in bilateral dialogues with the states concerned (in the areas of fisheries, maritime safety, environment and labour rights) and

in dedicated international forums. The Commission would launch a study to explore the underlying business models and propose solutions to address the problems. Moreover, the EU would make development aid conditional on the implementation of key international conventions on ocean governance (e.g. UNCLOS and IMO).

Furthermore, the EU would scale up investment in the transformation to a **sustainable blue economy** in the EU and beyond, notably through its 'BlueInvest' [platform](#). A first 'BlueInvest Africa' [event](#) took place in September 2022. The EU would also keep contributing to capacity building, for instance by sharing its expertise with third countries in offshore renewable energy and **maritime spatial planning (MSP)**. The EU [supports](#) work on MSP worldwide, in collaboration with UNESCO's Intergovernmental Oceanographic Commission ([IOC-UNESCO](#)). Together, they launched the [MSP global initiative](#), following the [second](#) International MSP Conference in 2017. The EU plans to intensify cooperation on the basis of a five-year roadmap (2022 to 2027), to be launched during the [third](#) International MSP Conference, to take place on 22 and 23 November 2022 in Barcelona.

## Ensuring security and safety at sea

**Maritime security**, a precondition not only for a sustainable blue economy but for peace in general, is under mounting pressure. Competition in international waters is growing, as are challenges to the rules-based multilateral order. As the communication states, some actors 'do not hesitate to use irregular forces in zones of instability, thereby undermining international efforts towards peace and stability, destabilising countries and their economies as well as being complicit in human rights violations'. It therefore emphasises the EU's role as a global maritime security actor that strongly opposes any unilateral action endangering security at sea.

CISE supports the implementation of the EU's maritime security strategy ([EUMSS](#)). Currently being developed jointly by the Commission and EU/EEA Member States, the EUMSS will connect more than 300 authorities involved in maritime surveillance. It is expected to become operational in 2024.

The communication lists concrete actions for security at sea, for example: live maritime exercises (e.g. with partners in the Indo-Pacific), naval operations in the Mediterranean and off the Somali coast, and the strengthening of regional partnerships in maritime zones of interest. The EU would also continue developing its common information sharing environment ([CISE](#)) system.

Other actions under this objective relate to **safety at sea**, as the fishing and seafaring sectors are characterised by high-risk labour conditions. The EU would promote the conventions of the International Labour Organization ([ILO](#)), the UN agency that sets global standards for working conditions. More specifically, the EU would work towards ratification and implementation of the 2006 [Maritime Labour Convention](#) and the 2007 Work in Fishing Convention ([ILO C188](#)). [Directive \(EU\) 2017/159](#) required EU Member States to transpose ILO C188 by 15 November 2019; however, so far, only [few](#) have done so. The Commission is expected to publish an implementation report soon. The EU will also address forced labour in bilateral dialogues and in regional and international forums, including when detected in the context of IUU fishing.

## Building up ocean knowledge

Research, data collection and ocean literacy are deemed critical to reconciling sustainable blue growth with environmental conservation. A global challenge is to fill the many gaps in ocean knowledge.

[Horizon Europe](#), the EU's **research programme** for the 2021 to 2027 period, provides about €350 million per year to finance marine and maritime issues. It allocates an additional €110 million per year between 2021 and 2023 to the EU's 'Restore our Ocean and Waters' [mission](#), which promotes practical solutions to tackling ocean challenges both within and outside the EU. Under Horizon Europe, EU research participants also work together with non-EU partner organisations.

Furthermore, EU-funded research supports the collection of evidence used by global bodies such as the IPCC.

**Information and data** on the state of Europe's seas is made available, among other channels, through the [marine service](#) of the water information system for Europe ([WISE](#)) and the European marine observation and data network ([EMODnet](#)), which makes marine data from more than 120 [organisations](#) freely available. In addition, the [marine service](#) of Copernicus, the EU's satellite earth observation programme, provides free and open data on oceans' and marine ecosystems' physical state and dynamics. Together with its [climate change service](#), Copernicus allows ocean climate monitoring and prediction services for both EU sea basins and the global ocean. The EU would continue expanding the Copernicus services. The EU is also working on a 'digital twin ocean' ([EU DTO](#)). Digital twins are digital representations of real-world entities that use real-time and historical data to represent the past and present, and create models for future scenarios. The EU DTO will be a public good, connecting the ocean's physical, biological and socio-economic dimensions. With the DTO, the EU would contribute to the 'Digital Twins of the Ocean' ([DITTO](#)) global initiative.

Lastly, building on existing global expertise and scientific bodies such as the IPCC, the EU would encourage the establishment of a platform of experts, the **intergovernmental panel on ocean sustainability** (IPOS).

## European Parliament position

The European Parliament's [resolution](#) 'Momentum for the Ocean: Strengthening Ocean Governance and Biodiversity', adopted on 6 October 2022, defines Parliament's position on the updated international ocean governance agenda, and calls for the EU to stand as a leader in protecting the ocean, including at the forthcoming climate and biodiversity conferences.

On the **international negotiations**, Parliament expresses its disappointment about the fifth negotiation session on the UN high seas treaty not having concluded successfully. It calls on the Commission and the Member States to resume negotiations as a matter of urgency. Parliament also reiterates its call for the EU to push for an ambitious post-2020 global biodiversity framework at COP15, including through legally binding global restoration and protection targets of at least 30 % by 2030. Parliament welcomes the ongoing work on negotiations towards a global treaty on plastic pollution, and calls on the UN member states to reach an ambitious and effective agreement by no later than 2024. On the WTO agreement on fisheries subsidies, Parliament welcomes the recent agreement, which all parties should ratify swiftly. However, it regrets that no agreement was reached to 'limit subsidies that increase overfishing and fleet overcapacity', and calls on the Commission to reach an agreement at the WTO without delay. Moreover, as in its January 2018 resolution mentioned above, Parliament reiterates its strong stance on **deep-sea mining**, calling on the Commission and the Member States to support an international moratorium on deep seabed mining.

As in its earlier [resolution](#) of July 2021 on the establishment of MPAs and the conservation of **Southern Ocean** biodiversity, Parliament reiterates its full support for the two new MPAs the EU co-proposed, and calls on the Commission and the Member States to ramp up their efforts significantly towards this goal. Parliament supports the EU's application for observer status on the Arctic Council, and calls for enhanced protection for the **Arctic region**, including a ban on oil exploration and, as soon as possible, on gas exploration. Parliament strongly supports the continuation of the global moratorium on **commercial whaling** and the ban on international trade of whale products, calling on Iceland, Japan and Norway to cease their whaling operations.

On the **SFPAs**, Parliament reiterates its concern that sectoral support provided by the agreements often does not benefit local fisheries and coastal communities in third countries directly. Parliament also calls on the Commission to encourage the establishment of new **RFMOs**.

Moreover, Parliament stresses the need to integrate **at-sea labour and human rights** considerations in global ocean governance. In a September 2021 [resolution](#), 'Fishers for the future', Parliament emphasised the need of ratification of ILO C188, including by EU Member States, to ensure a level playing field between fishing operators around the world.

On the decarbonisation of **maritime transport**, Parliament stresses that the EU should lead by example by adopting ambitious legal requirements; at the same time, it should support and push for global measures that are at least comparable, for example through the IMO. Parliament notes that decarbonisation should cover emissions from methane since it is the 'second most important greenhouse gas'. Parliament also calls on the Commission to examine the possibility of creating an EU research centre for sustainable marine fuels and technologies.

Recognising the need to involve scientific communities, Parliament calls on the EU to advocate the establishment of **IPOS**, based on the IPCC model, to lay the foundation for future ocean management.

Furthermore, in its October 2021 [resolution](#) on the farm to fork strategy, Parliament deemed good traceability mechanisms for all fishery products sold on EU markets, including those imported from outside the EU, essential in the fight against IUU fishing. It stressed the need to make full use of the tools available to the EU in line with the [IUU Regulation](#). Similarly, in its May 2022 [resolution](#) on the blue economy, Parliament stressed the need to establish a level playing field with fishery products imported from third countries, and called on the Commission to take the necessary measures to guarantee fair competition within the framework of the WTO and in EU trade agreements. In its October 2022 [resolution](#) on aquaculture, Parliament highlighted aquaculture's potential to reduce the EU's dependence on aquatic food imports, noting that aquaculture can contribute towards decarbonising the economy and mitigating climate change.

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