



TEXTS ADOPTED

P10_TA(2025)0263

Conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction

Amendments adopted by the European Parliament on 13 November 2025 on the 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 (COM(2025)0173 - C10-0074/2025 - 2025/0090(COD))¹

(Ordinary legislative procedure: first reading)

Amendment 1

Proposal for a directive Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) In implementing this Directive, Member States should take due account of principles and approaches of Article 7 of the BBNJ Agreement.

Amendment 2

Proposal for a directive Recital 7

Text proposed by the Commission

Amendment

(7) *As parties to the Convention on Biological*

(7) The EU biodiversity strategy for 2030, contained in the

¹ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 60(4), fourth subparagraph (A10-0205/2025).

Diversity, the Union and its Member States are committed to achieving the goals and targets of the Kunming-Montreal Global Biodiversity Framework, adopted at the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity on 7-19 December 2022, and the long-time strategic vision that, by 2050, biodiversity is to be valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people. The EU biodiversity strategy for 2030, in the communication of the Commission of 20 May 2020 entitled 'EU Biodiversity Strategy for **2023** Bringing nature back into our lives', sets out multiple objectives, including the aim to restore the good environmental status of marine ecosystems.

communication of the Commission of 20 May 2020 entitled 'EU Biodiversity Strategy for **2030** Bringing nature back into our lives', sets out multiple objectives, including the aim of restoring the good environmental status of marine ecosystems ***and of facilitating the conclusion of an ambitious legally binding agreement on marine biological diversity of areas beyond national jurisdiction.***

Amendment 3

Proposal for a directive Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a)As parties to the Convention on Biological Diversity, the Union and its Member States are committed to achieving the goals and targets of the Kunming-Montreal Global Biodiversity Framework, adopted at the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity on 7 - 19 December 2022, including the goal that,

by 2030, at least 30% of the world's oceans will be governed by systems of protected areas and other effective area-based conservation measures, together with the long-time strategic vision that, by 2050, biodiversity is to be valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people.

Amendment 4

Proposal for a directive Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) Parties to the Convention on Biological Diversity, in accordance with the 2030 mission towards achieving the 2050 strategic vision, are to take urgent action to halt and reverse biodiversity loss.

Amendment 5

Proposal for a directive Recital 7 c (new)

Text proposed by the Commission

Amendment

(7c) This Directive should be implemented in a manner that does not undermine relevant legal instruments and frameworks and competent global, regional, subregional and sectoral bodies, and promotes coherence and coordination with those instruments, frameworks and

bodies.

Amendment 6

Proposal for a directive Recital 7 d (new)

Text proposed by the Commission

Amendment

(7d) The Union and its Member States should thus develop a common coordinated approach and mechanisms for ensuring coherence with the work undertaken within those instruments, framework and bodies, such as in Regional Fisheries Management Organisations (RFMOs) as the competent international bodies for the conservation and management of fisheries resources in areas beyond national jurisdiction or Regional Seas Conventions, including regarding the promotion of measures to support the implementation of the decisions and recommendations made by the Conference of the Parties under Part III of the BBNJ Agreement.

Amendment 7

Proposal for a directive Recital 7 e (new)

Text proposed by the Commission

Amendment

(7e) The communication of the Commission of 5 June 2025 entitled “The European Ocean Pact” sets out actions to ensure the swift ratification, transposition into Union law,

and implementation of the BBNJ Agreement and the sustainable governance of the High Seas. It also envisages that the Union supports the implementation of the BBNJ agreement in developing countries through the EUR 40 million contribution to the Global Ocean Programme.

Amendment 8

Proposal for a directive Recital 7 f (new)

Text proposed by the Commission

Amendment

(7f) The declaration of the High Ambition Coalition for Biodiversity Beyond National Jurisdiction (BBNJ HAC) of 28 May 2025, initiated by the Commission and bringing together some 40 countries, illustrates the Union's ambition in global ocean governance and protection. In line with that vision, complemented by ocean diplomacy, the Commission should support Member States willing to host the headquarters of the international secretariat defined in Article 50 of the BBNJ Agreement and ensure its co-financing. It is also important for the Union, as part of its Ocean diplomacy, to encourage third countries to ratify the BBNJ Agreement and ensure that they comply with its provision in order to ensure a level playing field.

Amendment 9

**Proposal for a directive
Recital 7 g (new)**

Text proposed by the Commission

Amendment

**(7g) Regulation (EU) No 1026/2012 of the European Parliament and of the Council
^{1a} establishes a framework for the identification and the adoption of measures with regard to third countries which fail to cooperate and allow non-sustainable fishing of a stock of common interest for the Union. That Regulation, recently amended, makes possible for the Union to identify a third country as allowing non-sustainable fishing if, among others, it fails to cooperate in the management of a stock of common interest, in full compliance with the provisions of the UNCLOS and the UN Fish Stocks Agreement (UNFSA), or with any other international agreement, such as the BBNJ Agreement, or rule of international law, and if it fails to adopt the necessary fisheries management measures. In that regard, this Directive should work together with Regulation (EU) No 1026/2012, especially in relation to international cooperation that may be established in the framework of RFMOs or, where those have no competence for the stock in question, by means of ad hoc arrangements among the countries having an interest in the relevant fisheries.**

1a Regulation (EU) No 1026/2012 of the European Parliament and of the Council of 25 October 2012 on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing (OJ L 316, 14.11.2012, p. 34).

Amendment 10

Proposal for a directive Recital 10

Text proposed by the Commission

(10) It is necessary, in line with Article 9 of the BBNJ Agreement, to foster fair and equitable sharing of benefits arising from activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

Amendment

(10) It is necessary ***for Union and Member States***, in line with Article 9 ***and the objectives*** of the BBNJ Agreement, to foster fair and equitable sharing of benefits arising from activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, ***including through financial contributions, transfer of marine technology, or capacity-building for developing states.***

Amendment 11

Proposal for a directive Recital 14

Text proposed by the Commission

(14) The BBNJ Agreement allows

Amendment

(14) The BBNJ Agreement allows

the establishment of area-based management tools, including marine protected areas in areas beyond national jurisdiction. Measures adopted by the Conference of the Parties under the BBNJ Agreement should be implemented and, ***if necessary***, transposed into ***EU*** legislation. Pending transposition, ***Member States should not undermine*** the effectiveness of the measures ***adopted***. ***It is necessary to lay down the procedures needed*** to ensure coordination ***among*** the Member States and the Commission prior to the submission of any proposal to ***establish*** area-based management tools or a proposal for an emergency measure ***to the BBNJ Secretariat***.

Amendment 12
Proposal for a directive
Recital 15

Text proposed by the Commission

(15) ***Under this Directive, for any*** proposal to establish area-based management tools or ***any*** proposal for an emergency measure under Articles 19 and 24(3) of the BBNJ Agreement, ***the Commission should carry out a preliminary legal assessment. This assessment should include an assessment of the need for the Union to make such a proposal*** to the BBNJ Secretariat.

the establishment of area-based management tools, including marine protected areas in areas beyond national jurisdiction. Measures adopted by the Conference of the Parties under the BBNJ Agreement should be implemented and, ***where relevant***, transposed into ***Union*** legislation. Pending transposition, the effectiveness of the ***adopted*** measures ***should not be undermined***. ***In order*** to ensure coordination ***at Union level, procedures should be put in place for cooperation between*** the Member States and the Commission prior to the submission of any proposal to ***the BBNJ Secretariat for the establishment of*** area-based management tools or a proposal for an emergency measure.

Amendment

(15) ***As part of the established procedures, the Commission should carry out a legal assessment which should include an assessment of the need for the*** proposal to establish area-based management tools or ***the*** proposal for an emergency measure under Articles 19 and 24(3) of the BBNJ Agreement ***to be submitted*** to the BBNJ Secretariat ***on behalf of the Union or on behalf of the Union and its Member States or whether a Member State or a group of Member States that made a draft proposal may submit the***

proposal to the Secretariat in their own capacities.

Amendment 13

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) In order to act without unnecessary delay and since that it is possible to adopt intersessionally an emergency measure, as it requires rapid response to prevent or mitigate serious or irreversible harm to marine biological diversity in areas beyond national jurisdiction, Member States should be able to submit proposals for an emergency measure directly to the Secretariat.

Amendment 14

Proposal for a directive Recital 15 b (new)

Text proposed by the Commission

Amendment

(15b) The high seas are of significant economic and social importance for the Union and its marine economy as a whole, particularly for Union fisheries, food security, energy production, science and international trade. This Directive, including provisions on the establishment of area-based management tools, should ensure a consistent implementation of Union law and a level playing field throughout the Union, while

minimising the administrative burden on Member States.

Amendment 15

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) The Union is party to the United Nations Economic Commission for Europe Convention on access to information, public participation in decision-making and access to justice in environmental matters, signed in Aarhus on 25 June 1998 and ratified on 17 February 2005. The Union is party to the United Nations Economic Commission for Europe Convention on environmental impact assessment in a transboundary context, signed in Espoo on 25 February 1991 and ratified on 24 June 1997. The obligations under these Conventions should remain applicable in the areas falling within the scope of this Directive. The Espoo Convention aims to enhance international co-operation in assessing environmental impact in particular in a transboundary context. The objectives of the Aarhus Convention include guaranteeing the rights of public participation in decision-making in environmental matters in order to contribute to the protection of the right to live in an environment which is adequate for personal health and well-being. Within the scope of this Directive, the rights of public participation in decision-making in environmental matters should be exercised following the

Amendment

(17) The Union is party to the United Nations Economic Commission for Europe Convention on access to information, public participation in decision-making and access to justice in environmental matters, signed in Aarhus on 25 June 1998 and ratified on 17 February 2005. The Union is party to the United Nations Economic Commission for Europe Convention on environmental impact assessment in a transboundary context, signed in Espoo on 25 February 1991 and ratified on 24 June 1997. The obligations under these Conventions should remain applicable in the areas falling within the scope of this Directive. The Espoo Convention aims to enhance international co-operation in assessing environmental impact in particular in a transboundary context. The objectives of the Aarhus Convention include guaranteeing the ***right of access to information, the*** rights of public participation in decision-making, ***and access to justice*** in environmental matters in order to contribute to the protection of the right to live in an environment which is adequate for personal health and well-being. Within the scope of this Directive, the rights of ***access to information***, public

same principles as those established under the Aarhus Convention.

participation in decision-making, **and access to justice** in environmental matters should be exercised following the same principles as those established under the Aarhus Convention.

Amendment 16

Proposal for a directive Recital 18

Text proposed by the Commission

(18) While the purpose of this Directive is to provide for a legal framework governing activities taking place in areas beyond national jurisdiction, any activities to be conducted in areas within national jurisdiction that are likely to **have** significant **effects on** the marine environment in areas beyond national jurisdiction should be subject to an assessment in accordance with Directive 2011/92/EU of the European Parliament and of the Council⁸, other relevant **EU** law that contains provisions related to environment assessments for planned activities⁹ and national laws transposing **EU** legislation. In accordance with Article 28(2) of the BBNJ Agreement, in the **EU** such activities conducted in areas within national jurisdiction should be assessed under established **EU** rules. In those cases, Member States should ensure that they meet the obligations under the BBNJ Agreement.

Amendment

(18) While the purpose of this Directive is to provide for a legal framework governing activities taking place in areas beyond national jurisdiction, any activities to be conducted in areas within national jurisdiction that are likely to **cause substantial pollution or significant and harmful changes to** the marine environment in areas beyond national jurisdiction should be subject to an assessment in accordance with **existing Union law, such as** Directive 2011/92/EU of the European Parliament and of the Council⁸, other relevant **Union** law that contains provisions related to environment assessments for planned activities⁹ and national laws transposing **Union** legislation. In accordance with Article 28(2) of the BBNJ Agreement, in the **Union** such activities conducted in areas within national jurisdiction should be assessed under established **Union** rules. In those cases, Member States should ensure that they meet the obligations under the BBNJ Agreement.

⁸ OJ L 26, 28.1.2012, p. 1-21

⁹ Such as Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652, Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020, Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724

⁸ OJ L 26, 28.1.2012, p. 1-21

⁹ Such as Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652, Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020, Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724

Amendment 17

Proposal for a directive Recital 19

Text proposed by the Commission

(19) **Since** other applicable legal instruments or frameworks or global, regional, subregional or sectoral bodies provide a framework for assessing the impacts of planned activities under national jurisdiction or control that take place in areas beyond national jurisdiction, Member States should not be required to conduct a screening

Amendment

(19) **Where** other applicable legal instruments or frameworks or global, regional, subregional or sectoral bodies provide a framework for assessing the impacts of planned activities under national jurisdiction or control that take place in areas beyond national jurisdiction, Member States should not be required to conduct a screening

or an environmental impact assessment in accordance with this Directive **under** the conditions set out in Article 29(4) of the BBNJ Agreement. In such cases, the Member State concerned should ensure that the environmental impact assessment report is published through the BBNJ Clearing-House Mechanism.

or an environmental impact assessment in accordance with this Directive, **provided that the Member States with jurisdiction or control over the planned activity determine that** the conditions set out in Article 29(4) of the BBNJ Agreement **are met**. In such cases, the Member State concerned should ensure that the environmental impact assessment report is published through the BBNJ Clearing-House Mechanism.

Amendment 18

Proposal for a directive Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) This Directive does not apply to any warship, military aircraft or naval auxiliary. However, Member States should ensure, by the adoption of appropriate measures which do not impair the operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with this Directive.

Amendment 19

Proposal for a directive Recital 20

Text proposed by the Commission

Amendment

(20) Any plans or programmes prepared or adopted by national,

(20) Any plans or programmes prepared or adopted by national,

regional or local authorities of Member States which are likely to **have** significant **effects on** the marine environment in areas beyond national jurisdiction should be subject to an assessment in accordance with Directive 2001/42/EC of the European Parliament and of the Council¹⁰ and national laws transposing that Directive.

¹⁰ OJ L 197, 21.7.2001, p. 30-37

Amendment 20

Proposal for a directive Recital 20 a (new)

Text proposed by the Commission

regional or local authorities of Member States which are likely to **cause substantial pollution of or** significant **and harmful changes to** the marine environment in areas beyond national jurisdiction should be subject to an assessment in accordance with Directive 2001/42/EC of the European Parliament and of the Council¹⁰ and national laws transposing that Directive.

¹⁰ OJ L 197, 21.7.2001, p. 30-37

Amendment

(20a) Directive 2001/42/EC lays down environmental assessment standards and procedural guarantees that are consistent with, and do not undermine, the obligations of the BBNJ Agreement. The application of Directive 2001/42/EC^{1a} within areas under Member State jurisdiction or control contributes directly to fulfilling the strategic environmental assessment requirements set out in Article 39 of the BBNJ Agreement.

^{1a} Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and

programmes on the environment (OJ L 197, 21.7.2001, p.30)

Amendment 21

Proposal for a directive Recital 21

Text proposed by the Commission

(21) When determining the likelihood of significant ***effects of*** planned activities, Member States should take into account how notable or important effects can be. They should also take account of criteria set out in Directive 2011/92/EU in making this determination.

Amendment

(21) When determining the likelihood of ***causing substantial pollution or significant and harmful changes to the marine environment by*** planned activities, Member States should take into account how notable or important ***these*** effects can be. They should also take account of criteria set out in Directive 2011/92/EU in making this determination.

Amendment 22

Proposal for a directive Article 1 - paragraph 1 a (new)

Text proposed by the Commission

Amendment

This Directive sets out rules applicable to marine genetic resources and digital sequence information, environmental assessments of planned activities under the jurisdiction or control of Member States as well as the establishment and implementation of area-based management tools and emergency measures, in areas beyond national jurisdiction.

Amendment 23

Proposal for a directive Article 2 - paragraph 1 - point i

Text proposed by the Commission

(i) ‘planned activity’ means an activity **involving** the execution of construction works, installations, schemes or other interventions **in the marine environment**, including regular activities aimed at utilising natural resources;

Amendment

(i) ‘planned activity’ means an activity **in the marine environment, that inter alia includes** the execution of construction works, installations, schemes or other interventions, including regular activities aimed at utilising natural resources;

Amendment 24

Proposal for a directive Article 2 - paragraph 1 - point j

Text proposed by the Commission

(j) ‘activities under jurisdiction or control’ means activities carried out by both public and private **entities**, on which the Member State can, in accordance with international law, exercise its competence or authority;

Amendment

(j) ‘activities under jurisdiction or control’ means activities carried out by **legal persons**, both public and private **and by natural persons**, on which the Member State can, in accordance with international law, exercise its competence or authority;

Amendment 25

Proposal for a directive Article 2 - paragraph 1 - point n

Text proposed by the Commission

(n) ‘public’ means the public concerned as well as **indigenous peoples** and local communities with relevant traditional knowledge and relevant global, regional, subregional and sectoral bodies and the scientific community;

Amendment

(n) ‘public’ means the public concerned as well as **Indigenous Peoples** and local communities with relevant traditional knowledge and relevant global, regional, subregional and sectoral bodies and the scientific community;

(The capitalisation of Indigenous Peoples applies throughout the text in all languages.)

Amendment 26

Proposal for a directive Article 2 - paragraph 1 - point s

Text proposed by the Commission

(s) 'minor or transitory effects' mean effects that do not **have** significant harmful **impact on** the marine environment.

Amendment

(s) 'minor or transitory effects' mean effects that do not **cause substantial pollution or make** significant **and** harmful **changes to** the marine environment.

Amendment 27

Proposal for a directive Article 3 - paragraph 1

Text proposed by the Commission

1. This Directive applies to planned activities under Member States' jurisdiction or control that take place in areas beyond national jurisdiction.

Amendment

deleted

Amendment 28

Proposal for a directive Article 4 - paragraph 2 - point a

Text proposed by the Commission

(a) fishing regulated under applicable international **law** and fishing-related activities; and

Amendment

(a) fishing regulated under applicable international **and Union law, such as the common fisheries policy** and fishing-related activities; and

Amendment 29

Proposal for a directive

Article 6 - paragraph 6

Text proposed by the Commission

6. Member States shall ensure that repositories, to the extent practicable, and databases under their jurisdiction prepare, on a biennial basis, an aggregate report on access to marine genetic resources and digital sequence information linked to their BBNJ standardised batch identifier, and make the report available to the access and benefit-sharing committee set up under Article 15 of the BBNJ Agreement.

Amendment

6. Member States shall ensure that repositories, to the extent practicable, and databases under their jurisdiction prepare, on a biennial basis, an aggregate report on access to marine genetic resources and digital sequence information linked to their BBNJ standardised batch identifier, and make the report available to the access and benefit-sharing committee set up under Article 15 of the BBNJ Agreement. ***Where relevant, they shall use existing Union data collection and reporting systems for BBNJ notifications and deposits.***

Amendment 30

Proposal for a directive

Article 8 - paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the potential impacts on the marine environment of planned activities under their jurisdiction or control that take place in areas beyond national jurisdiction are made subject to an assessment before a decision authorising them (a development consent) is provided by the competent authority or authorities in accordance with this Directive.

Amendment

1. Member States shall ensure that the potential impacts on the marine environment of planned activities under their jurisdiction or control that take place in areas beyond national jurisdiction are made subject to an assessment before a decision authorising them (a development consent) is provided by the competent authority or authorities in accordance with this Directive. ***At the request of a Member State, the Commission shall provide technical assistance in that regard.***

Amendment 31

Proposal for a directive Article 8 - paragraph 6

Text proposed by the Commission

6. This Chapter does not apply to planned activities under Member States' jurisdiction or control that take place in areas beyond national jurisdiction for which a screening or an environmental impact assessment have been carried out in accordance with the requirements of other relevant international legal instruments or frameworks or by relevant global, regional, subregional or sectoral bodies. For activities for which an environmental impact assessment has been carried out in accordance with the requirements of other **relevant** legal instruments or frameworks or by relevant global, regional, subregional or sectoral bodies, Member States shall ensure that the conditions under Article 29(4) of the BBNJ Agreement are met. ***In such cases, the Member State concerned shall ensure*** that the environmental impact assessment report is published through the BBNJ Clearing-House Mechanism ***and*** that the activity is monitored.

Amendment

6. This Chapter does not apply to planned activities under Member States' jurisdiction or control that take place in areas beyond national jurisdiction for which a screening or an environmental impact assessment, have been carried out, in accordance with the requirements of other relevant, international legal instruments, or frameworks, or by relevant global, regional, subregional or sectoral bodies. For ***those*** activities for which an environmental impact assessment has been carried out in accordance with the requirements of other ***international*** legal instruments or frameworks, ***Union law*** or by relevant global, regional, subregional or sectoral bodies, Member States ***concerned*** shall ensure:

(a) that the conditions under Article 29(4) of the BBNJ Agreement are met.

(b) that the environmental impact assessment report is published through the BBNJ Clearing-House Mechanism, ***and***

(c) that the activity ***for which the environmental impact assessment has been carried***

out is monitored.

Amendment 32

Proposal for a directive Article 8 - paragraph 7

Text proposed by the Commission

7. For planned activities under Member States' jurisdiction or control that take place in areas within national jurisdiction and are likely to **have** significant **effects on** the marine environment in areas beyond national jurisdiction, Member States shall apply Directive 2011/92/EU and other relevant EU law that contains provisions related to environment assessments for planned activities. For these activities, Member States shall make relevant information available through the BBNJ Clearing-House Mechanism in a timely manner, during the process under Directive 2011/92/EU and other relevant EU law that contains provisions related to environment assessments for planned activities and ensure that the activity is monitored in a manner consistent with the requirements of that Directive and national legislation.

Amendment

7. For planned activities under Member States' jurisdiction or control that take place in areas within national jurisdiction and are likely to **cause substantial pollution or significant and harmful changes to** the marine environment in areas beyond national jurisdiction, Member States shall apply Directive 2011/92/EU and other relevant EU law that contains provisions related to environment assessments for planned activities. For these activities, Member States shall make relevant information, **including any relevant monitoring reports**, available through the BBNJ Clearing-House Mechanism in a timely manner, during the process under Directive 2011/92/EU and other relevant EU law that contains provisions related to environment assessments for planned activities and ensure that the activity is monitored in a manner consistent with the requirements of that Directive and national legislation.

Amendment 33

Proposal for a directive Article 9 - paragraph 1

Text proposed by the Commission

1. If a planned activity may have more than a minor or transitory effect on the marine environment in areas beyond national jurisdiction, or the effects of the activity are unknown or poorly understood, the Member State with jurisdiction or control of the activity shall conduct a screening in order to determine whether the activity may cause substantial pollution of or significant and harmful changes to the marine environment and therefore shall be made subject to an assessment.

Amendment

1. If a planned activity may have more than a minor or transitory effect on the marine environment in areas beyond national jurisdiction, or the effects of the activity are unknown or poorly understood the Member State with jurisdiction or control of the activity shall conduct a screening in order to determine whether the activity may cause substantial pollution of or significant and harmful changes to the marine environment, ***taking into account the precautionary principle, where there is scientific uncertainty*** and therefore shall be made subject to an assessment, ***unless the conditions laid down in Article 8 (6) are met.***

Amendment 34

**Proposal for a directive
Article 10 - paragraph 4 - point j a (new)**

Text proposed by the Commission

Amendment

(ja) where relevant, a description of any associated impacts of the planned activity, such as economic, social, cultural and human health impacts, including effects on food security, employment, and regional economies, in line with Articles 31 and 35 of the BBNJ Agreement.

Amendment 35

Proposal for a directive
Article 10 - paragraph 5

Text proposed by the Commission

5. In order to ensure **that** completeness and quality of the environmental impact assessment reports, Member States shall ensure that the reports are prepared by competent experts and that the competent authorities have, or have access as necessary to, **sufficient expertise** to examine these reports.

Amendment

5. In order to ensure **the** completeness and quality of the environmental impact assessment reports, Member States shall ensure that the reports are prepared by competent **and independent** experts and **shall require from these experts to disclose any conflict of interest in relation to their role and responsibilities. Member States shall ensure** that the competent authorities have **sufficient expertise**, or have access as necessary to **it**, to examine these reports.

Amendment 36

Proposal for a directive
Article 12 - paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the competent authority or authorities make a decision to authorise a planned activity when, taking into account mitigation or management measures, have determined that all reasonable efforts have been made to ensure that the planned activity can be conducted in a manner consistent with the prevention of significant **adverse impacts on** the marine environment.

Amendment

1. Member States shall ensure that the competent authority or authorities make a decision to authorise a planned activity when, taking into account mitigation or management measures, have determined that all reasonable efforts have been made to ensure that the planned activity can be conducted in a manner consistent with the prevention of **substantial pollution or significant and harmful changes to** the marine environment.

Amendment 37
Proposal for a directive
Article 12 - paragraph 2 - point a

Text proposed by the Commission

(a) a conclusion of the competent authority on the likely significant **impacts of the planned activity on** the marine environment and the main reasons for the authorisation;

Amendment

(a) a conclusion of the competent authority on the likely **substantial pollution or significant and harmful changes to** the marine environment **by the planned activity** and the main reasons for the authorisation;

Amendment 38

Proposal for a directive
Article 12 - paragraph 4

Text proposed by the Commission

4. When a decision to authorise or not to authorise a planned activity has been taken, Member States shall promptly ensure that the decision is made available to the public, including through the BBNJ Clearing-House Mechanism and the BBNJ secretariat. To that point, Member States shall make available the comments and opinions received during the consultations referred to in Article 11 and a description of the manner in which these comments and opinions have been taken into account or otherwise addressed.

Amendment

4. When a decision to authorise or not to authorise a planned activity has been taken, Member States shall promptly ensure that the decision is made available to the public, including through the BBNJ Clearing-House Mechanism and the BBNJ secretariat. To that point, Member States shall make available **to the public any conditions set out in the authorisation of the planned activity, including conditions related to mitigating and compensatory measures and follow-up requirements, and** the comments and opinions received during the consultations referred to in Article 11 and a description of the manner in which these comments and opinions have been taken into account or otherwise addressed.

Amendment 39

Proposal for a directive

Article 13 - paragraph 2 - subparagraph 1 - introductory part

Text proposed by the Commission

Where a Member State with jurisdiction or control over an authorised activity identifies significant and harmful changes to the marine environment that either were not foreseen in the environmental impact assessment, in nature or severity, or that arise from a breach of any of the conditions referred to in Article 12(2)(b) or where a party to the BBNJ Agreement or the BBNJ Scientific and Technical Body raise any concerns or recommendations, the Member State concerned shall review its decision. To that point, it shall:

Amendment

Where a Member State with jurisdiction or control over an authorised activity identifies **substantial pollution or** significant and harmful changes to the marine environment that either were not foreseen in the environmental impact assessment, in nature or severity, or that arise from a breach of any of the conditions referred to in Article 12(2)(b) or where a party to the BBNJ Agreement or the BBNJ Scientific and Technical Body raise any concerns or recommendations, the Member State concerned shall review its decision. To that point, it shall:

Amendment 40

Proposal for a directive

Article 14 - paragraph 1

Text proposed by the Commission

Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law or another independent and impartial body set up by law to challenge the substantive or procedural legality of decisions, acts or omissions under Articles 8 to 13.

Amendment

1. In line with the objective of contributing to the implementation of the Aarhus Convention, Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law or another independent and impartial body set up by law to challenge the substantive or procedural legality of decisions, acts or omissions under Articles 8 to 13 **and 16 to 19, where at least one of the following**

conditions is met:

(a) they have a sufficient interest;

(b) they maintain the impairment of a right, where the administrative procedural law of a Member State requires such an impairment as a precondition.

Amendment 41

**Proposal for a directive
Article 14 - paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. Member States shall determine what constitutes a sufficient interest and impairment of a right consistently with the objective of giving the public concerned wide access to justice. To that end, the interest of any non-governmental organisation promoting environmental protection and meeting the requirements under national law shall be deemed sufficient for the purpose of paragraph 1, point (a). Such organisations shall also be deemed to have rights capable of being impaired for the purpose of paragraph 1, point (b).

Amendment 42

**Proposal for a directive
Article 14 - paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1b. Legal standing under the

review procedure shall not be conditional on the role that the member of the public concerned had during a participatory phase of the decision-making procedures under this Directive.

Amendment 43

Proposal for a directive Article 14 - paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Member States shall determine at what stage the decisions, acts or omissions, referred to in paragraph 1, may be challenged.

Amendment 44

Proposal for a directive Article 14 - paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief, where appropriate.

Amendment 45

Proposal for a directive Article 14 - paragraph 1 e (new)

Text proposed by the Commission

Amendment

1e. Member States shall ensure that practical

information is made available to the public on access to administrative and judicial review procedures referred to in this Article.

Amendment 46

Proposal for a directive Article 15 - paragraph 1

Text proposed by the Commission

Member States may, individually or in cooperation with other Member States or with other Parties to the BBNJ Agreement, carry out strategic environmental assessments for plans and programmes relating to planned activities under their jurisdiction or control to be conducted in areas beyond national jurisdiction, in order to assess the potential effects of such plans or programmes on the marine environment. ***Where Directive 2001/42/EC provides for an obligation to carry out a strategic environmental assessment, Member States shall comply with the provisions of that Directive when carrying out such assessments.***

Amendment

Where Directive 2001/42/EC provides for an obligation to carry out a strategic environmental assessment, Member States shall comply with the provisions of that Directive when carrying out such assessments.

Member States may, individually or in cooperation with other Member States or with other Parties to the BBNJ Agreement, carry out strategic environmental assessments for plans and programmes relating to planned activities under their jurisdiction or control to be conducted in areas beyond national jurisdiction, in order to assess the potential effects of such plans or programmes on the marine

environment.

Amendment 47

Proposal for a directive Article 16 - paragraph 1

Text proposed by the Commission

1. Member States shall, irrespective of whether they act individually or collectively, send the draft of a proposal under Article 19 of the BBNJ Agreement or of an emergency measure under Article 24(3) of that Agreement to the Commission before any submission to the BBNJ Secretariat. Upon receipt, the Commission shall inform all Member States and share the draft proposal. ***If other*** Member States ***have*** comments, ***they shall submit these comments*** to the Commission within 30 days from receipt of the draft proposal or earlier if warranted by the emergency measure. The Commission shall send the comments received on to the other Member States.

Amendment

1. Member States shall, irrespective of whether they act individually or collectively, send the draft of a proposal under Article 19 of the BBNJ Agreement or of an emergency measure under Article 24(3) of that Agreement to the Commission before any submission to the BBNJ Secretariat. Upon receipt, the Commission shall inform all Member States and share the draft proposal ***without delay***. Member States ***may submit*** comments ***on the draft proposal or emergency measures*** to the Commission within 30 days from receipt of the draft proposal or earlier if warranted by the emergency measure. The Commission shall send the comments received on to the other Member States.

Amendment 48

Proposal for a directive Article 16 - paragraph 2

Text proposed by the Commission

2. The Commission shall present a preliminary assessment of the draft proposal or draft emergency measures received under paragraph 1 before Member States submit any proposal or

Amendment

deleted

***draft to the BBNJ Secretariat.
The aim of the preliminary
assessment is to help
determining whether the
proposal or the emergency
measure should be submitted
or not on behalf of the Union,
or the Union and its Member
States.***

Amendment 49

Proposal for a directive Article 16 - paragraph 3

Text proposed by the Commission

3. The Commission shall present a ***preliminary*** assessment of whether the draft proposal or draft emergency measure received under paragraph **1** should be submitted to the BBNJ Secretariat by the Commission on behalf of the Union. ***Pending such preliminary assessment, and if the preliminary assessment concludes that the submission should be made on behalf of the Union, Member States shall refrain from submitting the proposal or emergency measure referred to in paragraph 1 to the BBNJ Secretariat.***

Amendment 50

Proposal for a directive Article 16 - paragraph 3 a (new)

Text proposed by the Commission

Amendment

3. The Commission shall ***examine the draft proposal or draft emergency measure and comments received under paragraph 1 and present within 30 days of the deadline on Member States to comment a legal*** assessment of whether ***or not*** the draft proposal or draft emergency measure received under ***that*** paragraph should be submitted to the BBNJ Secretariat by the Commission on behalf of the Union. ***The legal*** assessment ***shall be made available to all the*** Member States.

3a. Where the Commission concludes in its legal assessment that a draft

proposal or draft emergency measure should be submitted on behalf of the Union or the Union and its Member States, the Commission shall proceed with the submission to the BBNJ Secretariat, where relevant, together with the Member States.

Amendment 51
Proposal for a directive
Article 16 - paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Where the Commission concludes in its legal assessment that a draft proposal or draft emergency measure should not be submitted on behalf of the Union, the Member State or group of Member States that sent the draft may proceed with the submission to the BBNJ Secretariat on their own behalf.

Amendment 52
Proposal for a directive
Article 16 - paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. Without prejudice to paragraphs 1 to 3b of this Article, a Member State or a group of Member States may submit a proposal for an emergency measure under Article 24(3) of the BBNJ Agreement directly to the BBNJ Secretariat. The Member State or group of Member States concerned

shall inform the Commission and the other Member States and make the submitted proposal available to them without delay.

Amendment 53

Proposal for a directive Article 16 - paragraph 3 d (new)

Text proposed by the Commission

Amendment

3d. Member States and the Commission shall endeavour to cooperate closely and consult each other regularly, in good faith, in the establishment, assessment and prior to the submission to the BBNJ Secretariat of any proposal for area-based management tools and emergency measures.

Amendment 54

Proposal for a directive Article 17 - paragraph 2

Text proposed by the Commission

Amendment

2. Stakeholders, including states and global, regional, subregional and sectoral bodies, as well as civil society, the scientific community, the private sector, indigenous peoples and local communities, ***shall be consulted, as appropriate, on*** the development of proposals referred to in this Chapter.

2. ***Member States shall consult, as appropriate, with relevant*** stakeholders, including states and global, regional, subregional and sectoral bodies, as well as civil society, the scientific community, the private sector, ***Indigenous Peoples*** and local communities, ***for*** the development of proposals referred to in this Chapter.

Amendment 55

Proposal for a directive
Article 17 - paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall make information relating to the establishment of area-based management tools, including marine protected areas, available through the BBNJ Clearing-House Mechanism.

Amendment 56

Proposal for a directive
Article 18 - paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States may adopt more stringent measures with respect to their nationals and vessels or with regard to activities under their jurisdiction or control in addition to those adopted under Part III of the BBNJ Agreement, in accordance with international law and in support of the objectives of the Agreement.

Amendment 57

Proposal for a directive
Article 18 - paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall promote, as appropriate, the adoption of measures under relevant legal instruments **and** frameworks and relevant global, regional, subregional and sectoral bodies **of which they are**

2. Member States **and the Commission** shall promote, as appropriate the adoption of measures, **and collaborate with consideration for competences**, under relevant legal instruments, frameworks

members, to support the implementation of the decisions and recommendations **made** by the Conference of the Parties under Part III of the BBNJ Agreement.

and relevant global, regional, subregional and sectoral bodies to support **and facilitate** the implementation of the decisions and recommendations **adopted** by the Conference of the Parties under Part III of the BBNJ Agreement.

Amendment 58

Proposal for a directive Article 18 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall make information relating to the implementation of area-based management tools, including marine protected areas, available through the BBNJ Clearing-House Mechanism.

Amendment 59

Proposal for a directive Article 18 - paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall encourage those third countries that are entitled to become parties to the BBNJ Agreement, in particular those whose activities, vessels or nationals operate in an area that is the subject of an established area-based management tool, including a marine protected area, to adopt measures supporting the decisions and recommendations of the Conference of the Parties on area-based management tools, including marine protected

***areas, established under the
BBNJ Agreement.***

Amendment 60

**Proposal for a directive
Article 18 - paragraph 2 c (new)**

Text proposed by the Commission

Amendment

2c. The Commission, based on the information from the Member States, shall submit biannual reports to the European Parliament on the implementation measures adopted under this Directive and on global developments regarding the implementation of the BBNJ Agreement, including information on compliance, enforcement and scientific monitoring.