

## CALL FOR EVIDENCE FOR AN INITIATIVE (without an impact assessment)

This document aims to inform the public and stakeholders about the Commission's work, so they can provide feedback and participate effectively in consultation activities.

We ask these groups to provide views on the Commission's understanding of the problem and possible solutions, and to give us any relevant information they may have.

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| <b>TITLE OF THE INITIATIVE</b>    | Setting the course for a sustainable blue planet - update of the international ocean governance agenda                                                                            |
| <b>LEAD DG – RESPONSIBLE UNIT</b> | Responsible: MARE –B1<br>Co responsible: EEAS – Global.GI.3: Green Transition                                                                                                     |
| <b>LIKELY TYPE OF INITIATIVE</b>  | Joint Communication                                                                                                                                                               |
| <b>INDICATIVE TIMING</b>          | Q2 2022                                                                                                                                                                           |
| <b>ADDITIONAL INFORMATION</b>     | <a href="https://ec.europa.eu/oceans-and-fisheries/ocean/international-ocean-governance_en">https://ec.europa.eu/oceans-and-fisheries/ocean/international-ocean-governance_en</a> |

*This document is for information purposes only. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by this document, including its timing, are subject to change.*

### A. Political context, problem definition and subsidiarity check

#### Political context

The EU has a long-standing interest in ocean governance. This is evidenced by the EU's international commitments, the effects of EU law and policy on oceans, and the recognised critical importance of oceans for life on earth and sustainable development. The start of the UN Decades on [Ecosystem Restoration](#) and of [Ocean Science for Sustainable Development](#) 2021-2030, and the upcoming 2022 UN Ocean Conference, are among the key opportunities for the EU to showcase its ocean governance leadership by upscaling its efforts.

The main document setting out the EU international ocean governance agenda is the [Joint Communication](#) published in 2016. The [progress report](#) published in 2019 confirms the delivery of the majority of its actions.

With the 2019 [Council conclusions on Oceans and Seas](#), Member States supported the development of the International Ocean Governance Agenda and encouraged the establishment of the stakeholder forum. In 2020, the European Parliament, in its [resolution on the European Green Deal](#), highlighted the importance of fostering the EU's role as a global leader in ocean governance.

The 2021 [Joint Communication on multilateralism](#) highlights the need to reinforce ocean governance as a priority.

The [Commission work programme for 2022](#) includes the revamp of the 2016 International Ocean Governance Agenda, to step up action for addressing key threats such as pollution, climate change impacts and biodiversity loss. It confirms the EU's determination to support the implementation of relevant global commitments.

#### Problem the initiative aims to tackle

The EU and the global community have made some progress in recent years to improve ocean governance and bring oceans higher on the political agenda. The essential role of oceans has been recognised, as has the urgent need for their conservation and restoration. However, further action is necessary, built on rules-based multilateralism in accordance with the legal framework established by the UN Convention on the Law of the Sea (UNCLOS), international cooperation, dialogue and strong partnerships.

Since 2016, environmental, economic and political developments have altered key aspects of the challenges that the EU and the international community are facing in the context of ocean governance.

Seminal scientific reports are clear on the unprecedented state of emergency the ocean is facing. These reports include the Intergovernmental Panel on Climate Change (IPCC) Special Report on the Ocean and Cryosphere in a Changing Climate (SROCC), the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Service (IPBES) Global Assessment Report on Biodiversity and Ecosystem Services and the second World Ocean Assessment (WOA).

Impacts from human activities continue to degrade the ocean, while the demand for ecosystem services from the ocean is increasing. Not fully assessed yet, COVID-19 is likely to spur this development. The need to tackle other global challenges, such as food security and clean energy, is leading to increased competition for ocean space and cumulating pressures on the marine environment. The impacts of emerging activities on ecosystems, such as renewable ocean energy, aquaculture and marine biotechnology, are not yet well understood. How they fit into the established legal and institutional framework still needs to be addressed. The pandemic has also demonstrated the need to strengthen resilience to ensure governance can respond to ad hoc shocks that will likely increase with climate change.

Delivery on global commitments faces major challenges. This is particularly relevant for [Goal 14](#) (SDG14 - Life Below Water) of the UN 2030 Agenda for Sustainable Development, which is the compass of EU action on international ocean governance. The 2020 deadline - for the targets on achieving a healthy ecosystem and sustainable fisheries, conserving 10% of marine protected areas, ending illegal, unreported and unregulated fishing, and eliminating harmful subsidies through the conclusion of negotiations in the World Trade Organization - has been missed. Safeguarding ocean health and releasing the sustainable potential of the blue economy depend on effective governance frameworks supported by strong capacities and institutions. Promoting a shared and integrated management approach at all levels is necessary to tackle effectively climate change, pollution, biodiversity loss and other impacts from human activities, such as the overexploitation of resources and illegal activities at sea.

## **Basis for EU action (legal basis and subsidiarity check)**

### **Legal basis**

Article 220 of the Treaty on the Functioning of the European Union (TFEU) obliges the EU to maintain appropriate forms of cooperation with international organisations. Ocean governance matters fall under the remit of various international organisations. These include the Food and Agricultural Organization (FAO), the International Maritime Organisation (IMO), the Intergovernmental Oceanographic Commission of UNESCO, the International Whaling Commission and the International Seabed Authority (ISA) of the United Nations Convention on the Law of the Sea (UNCLOS), and regional fisheries management bodies and regional sea conventions. The United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD), the International Labour Organization (ILO) and the World Trade Organisation (WTO) are also of relevance.

### **Practical need for EU action**

The initiative falls partly under policy areas where the EU has exclusive competence as to 'the conservation of marine biological resources under the common fisheries policy' (under Article 3d of the TFEU). Here, the subsidiarity principle does not apply. Where competence is shared, the EU level brings added value because ocean sustainability is a global challenge and shared responsibility. The UN Convention on the Law of the Sea (UNCLOS), to which the EU and its Member States are parties, sets out the legal framework within which all activities in the oceans and seas must be carried out. It obliges parties to cooperate on a global and regional basis, including with regard to shared living resources, and for the protection and preservation of the marine environment.

## **B. What does the initiative aim to achieve and how**

The 2022 initiative does not create a new policy, but updates an existing agenda to confirm the EU as a driving force to strengthen ocean governance in relevant regional and multilateral fora and processes, in particular UN bodies, regional fisheries organisations and regional sea conventions. It will ensure consistency with the UNCLOS negotiations on the international legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ), the outcome of the UN Climate Change Conference in Glasgow (COP26), and the negotiations on a post-2020 global framework on biodiversity. The

outcome of these key multilateral processes will affect the policy context in which ocean governance operates globally.

The update will also support implementation of the [European Green Deal](#), in particular its external dimension, and ensure consistency with the EU's new domestic ambitions relevant to ocean governance. They are the starting point for the EU's engagement in relevant international fora and processes.

Actions to be included will aim to: (i) promote ocean solutions to climate change across all relevant legal and institutional frameworks; ii) tackle all kinds of pollution building on the [EU Zero Pollution Action Plan](#); iii) devise comprehensive action for effective biodiversity conservation in line with the [EU Biodiversity Strategy](#); iv) promote sustainable resource use following the [new approach for a sustainable blue economy in the EU](#); and v) ensure synergies with other EU strategies, such as the [EU Maritime Security Strategy](#).

The update will also include new elements. These would include strengthening adaptive management for resilient ocean governance in a post-COVID-19 recovery, promoting transdisciplinary research, knowledge-policy interfaces and sustained ocean observation to improve the ocean knowledge system and its translation into evidence-based policymaking building on the [EU Mission to Restore our Ocean and Waters by 2030](#).

In line with the geopolitical ambitions of the EU, laid down for example in the EU [Strategy for Cooperation in the Indo-Pacific](#) and the [Strategy with Africa](#), particular attention will be given to strengthening regional cooperation and setting joint priorities. The initiative will build not only on the EU's international roles as reliable partner (cooperation) and strong sustainability advocate (diplomacy) but also as leader by example (delivery at home) and responsible actor (footprint) with the ambition to raise international standards in an inclusive way, together with its international partners.

### Likely impacts

The initiative is expected to contribute in particular to the delivery not only of SDG14 and its individual targets but also of other SDGs (see examples below). It will for example strengthen:

- sustainable post-COVID-19 blue recovery (SDG 1);
- sustainable management of fisheries and aquaculture production (SDG 2);
- climate change, biodiversity loss and pollution response (SDG 13);
- balanced policy and regulatory attention to all blue economy sectors (SDGs 8 and 12);
- social dimension in ocean governance (SDGs 4 and 10);
- maritime security and compliance with internationally agreed rules and standards (SDG16); and
- ocean knowledge system, its individual components and uptake in policymaking (SDG17).

### Future monitoring

Monitoring of the implementation will be ensured through regular exchanges with Member States in the Council Working Party on Maritime Affairs.

The International Ocean Governance Forum will further support follow-up of the initiative by bringing together stakeholders, from Europe and beyond, to discuss challenges and solutions for strengthening ocean governance.

## C. Better regulation

### Impact assessment

The initiative will take the form of a Joint Communication updating the EU's general approach to international ocean governance. It does not create a new policy and no legislative impacts are expected at this stage. Therefore, no impact assessment has been planned for the initiative itself.

### Consultation strategy

The update will be based on the inclusive consultation of stakeholders including public authorities, international organisations, research institutes and academia, business associations and NGOs, organised in 2020-2021 and including:

- the [international ocean governance forum](#), launched in April 2020, brought together up to 350 ocean stakeholders and experts per meeting and presented [recommendations for future action](#) on 21 April 2021;
- the [targeted online consultation](#) conducted in EU survey from 15 July until 15 October 2020 with 123 contributions and the [summary report](#) published on 8 February 2021 on DG MARE's website; and

- the study on the implementation of [SDG14 by the EU and its Member States](#) published in May 2021.

The consultations were publicised broadly through:

- the DG MARE website and Newsletter, and relevant DG MARE and EEAS social media accounts;
- targeted email invitations to relevant stakeholders; and
- information and exchange at every relevant event and meeting in which the EU participated.

Results from the stakeholder and expert consultation confirm the relevance and value of the International Ocean Governance Agenda, but underline the need for adapting its scope and objectives and upscaling efforts at home and abroad.