EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

International Ocean Governance and Sustainable Fisheries
Regional Fisheries Management Organisations

INFORMATION PAPER

The interaction between Regional Fisheries Management Organisations and 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

Delegation of the European Union

Introduction

The entry into force, on 17 January 2026, 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 ("BBNJ Agreement") has given a renewed focus on discussions on its practical implementation and the role of Regional Fisheries Management Organisations (RFMOs) in that respect. The BBNJ Agreement clearly recognises the role of RFMOs and should be interpreted and applied in a way that does not undermine RFMOs, but rather in a way that promotes coherence and coordination with these frameworks.

While the bodies of the BBNJ Agreement have yet to be established, and the specific procedures and arrangements have yet to be defined, it is nonetheless timely for RFMOs to consider the modalities of their contribution to and interaction with the BBNJ Agreement, its bodies, and processes. The objective of this paper is to highlight some of the topics that require defining a functioning relationship between the mandates and operations of RFMOs and the obligations set out by the BBNJ Agreement.

Cooperation and consultation between the BBNJ Agreement and RFMOs

An important general principle in the BBNJ Agreement is the commitment to not undermine and promote coherence and coordination with existing relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies (Article 5(2)), which includes RFMOs. This principle aims to preserve the role of RFMOs over fisheries while encouraging cooperation and coherence between global conservation goals and sectoral management regimes. It is further articulated through specific provisions in the Parts of the BBNJ Agreement that govern the establishment of area-based management tools (ABMTs), including marine protected areas (MPAs), and environmental impact assessments.

As regards ABMTs (Part III), Article 19(2) requires Parties to the BBNJ Agreement to collaborate and consult, as appropriate, with RFMOs and other instruments, frameworks and bodies for the development of proposals to establish ABMTs. Moreover, once such proposals are submitted to BBNJ, Article 21(2) requires the BBNJ secretariat to facilitate consultations and notify relevant instruments, frameworks and bodies to submit, *inter alia*, views on the merits of the proposal, relevant scientific input, information regarding any existing measures they have adopted, views regarding any aspects of the measures and other elements for a draft management plan identified in the proposal and any relevant additional measures that fall within their competence. Article 21(5) requires proponents to consider the contributions received during the consultation period.

In relation to environmental impact assessments (Part IV), Article 29 sets out the relationship between the assessment of potential impacts on the marine environment of planned activities that take place in areas beyond national jurisdiction under the jurisdiction or control of Parties to the BBNJ Agreement and environmental impact assessment (EIA) processes under relevant instruments, frameworks, and bodies, including RFMOs. This includes the development of mechanisms to enable the future BBNJ Scientific and Technical Body to collaborate with RFMOs. Importantly, Article 29(4) the BBNJ Agreement exempts Parties with jurisdiction or control over a planned activity from conducting EIAs, if they determine that:

a. the planned activity is subject to and comply with the regulations or standards of an RFMO; and

b. the regulation and standard of the RFMO were the result of an assessment of the potential impact of the category of activities it regulates and were designed to prevent, mitigate or manage potential impacts below the BBNJ Agreement's threshold for EIA. The assessment of the potential impact of category of activity should be done in accordance with the requirements and methodology of the RFMO.

Other important provisions under Article 29 relate to the publication of EIAs conducted by RFMOs (paragraph 5) and the monitoring and review of planned activities that meet the equivalence requirement by RFMOs (paragraph 6).

Implications of the BBNJ Agreement for RFMOs

The Food and Agriculture Organization of the United Nations (FAO)[1] and some RFMO secretariats[2] have expressed strong support for integrating implementation of the BBNJ Agreement with existing fisheries governance, emphasizing that healthy, biodiverse ecosystems underpin sustainable fisheries. Strategic partnerships, capacity-building initiatives, and data-sharing mechanisms can help align RFMO's actions with the objectives of the BBNJ Agreement.

For the cooperation between the BBNJ Agreement these international instruments, frameworks, and bodies to be successful and for the consultation process to be meaningful, it is important that RFMO perspectives inform the procedures and processes of the BBNJ Agreement that are being shaped. It is equally important that RFMOs ensure that their internal frameworks are 'fit for purpose', be it to engage in preliminary discussions to shape BBNJ processes, to engage in discussions with other RFMOs to coordinate positions and input, or to deal with consultation from BBNJ bodies in future.

Some RFMOs are further advanced than others in considering some of these issues and questions. For example, in 2025 the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted Resolution 25-15 that, among other things, tasks its secretariat to "follow up on the preparatory meetings as well as future relevant and important meetings of the BBNJ agreement that touch upon the work of RFMOs" as well as to coordinate with other RFMOs. Equally, Recommendation 25/13 of the Indian Ocean Tuna Commission (IOTC) encourages its Contracting Parties to "endeavour to explore all possible ways in which the Commission could take an active role in the discussions leading up to the implementation of the BBNJ Agreement".

The EU would welcome an initial discussion among Members to consider these elements and to take stock of the current state of play in CCSBT and whether any further action is required. Some issues that could be considered are whether:

- the relevant timelines and procedures applicable in CCSBT are sufficiently well known by the negotiators who are finalising the procedures for the functioning of the BBNJ Agreement? Is any further action needed? If further action is required or awareness is to be raised, will the representatives of the Members undertake this action, or should the Secretariat be tasked with it?

- CCSBT has a clear and comprehensive overview of its activities and achievements that may be affected by the BBNJ Agreement, or that may contribute to the Agreement's objectives, and that would need to be brought to the attention of BBNJ bodies. If not, should the secretariat be tasked with preparing such an overview and information?

- CCSBT should work with other RFMOs to ensure coherence in any potential contributions or information flowing between RFMOs, and BBNJ, which would contribute to strengthened ocean governance at all levels? How should such work be formalised?

- CCSBT is sufficiently prepared and equipped to deal with future requests for consultation or cooperation from BBNJ? Do the decision-making procedures of CCSBT that are currently in place provide for sufficient flexibility and agility? Are there processes that need to be reinforced, for example in the assessment of environmental impacts? Is there sufficient scientific capacity for such work and for dealing with future BBNJ requests?

Looking ahead: A dedicated event to advance discussions among RFMOs and their members

While the BBNJ Agreement and RFMOs share the objective of conserving marine biodiversity, the effective implementation of the Agreement has operational implications for RFMOs that they will have to assess and address to maximise cooperative governance and reduce the possible scope for conflicts.

Against this background, ***the European Union intends to host an event in Brussels on 16-17 March 2027*** to advance these discussions among RFMOs and their members, focusing on how RFMOs can prepare for the opportunities and challenges presented by the entry into force of the BBNJ Agreement.