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NOTE

From:	Friends of the Presidency Group (IMP)
To:	Permanent Representatives Committee/Council
Subject:	Draft Council conclusions on "International ocean governance: an agenda for the future of our oceans"

Delegations will find attached the draft Council conclusions on International ocean governance: an agenda for the future of our oceans".

DRAFT Council conclusions on

'International ocean governance: an agenda for the future of our oceans'

THE COUNCIL OF THE EUROPEAN UNION,

HAVING REGARD TO:

- the Presidency Conclusions of the European Council on 21-22 June 2007¹;
- the Commission Communication on an Integrated Maritime Policy for the European Union and Action Plan of October 10, 2007²;
- the Presidency Conclusions of the European Council on 14 December 2007³;
- the Commission Communication 'Developing the international dimension of the Integrated Maritime Policy of the European Union' of 15 October 2009⁴;
- the Commission Progress Reports on the EU's Integrated Maritime Policy of 15 October 2009 and 11 September 2012⁵;
- the Council Conclusions on integration of maritime surveillance of 17 November 2009 and 23 May 2011⁶;
- the Commission Communication 'Blue Growth: opportunities for marine and maritime sustainable growth' of 13 September 2012⁷;

1 11177/1/07 REV 1
2 14631/07
3 16616/07
4 14360/09
5 14363/09 and 13715/12
6 15176/2/09 REV 2 and 9250/11
7 13908/12

- the Limassol Declaration of the European Ministers responsible for the Integrated Maritime Policy and the European Commission on a Marine and Maritime Agenda for growth and jobs adopted on 8 October 2012⁸;
- the Council Conclusions on the added value of macro regional strategies of 22 October 2013⁹;
- the Council Conclusions on the Integrated Maritime Policy of December 2008, 16 November 2009, 14 June 2010, 19 December 2011, 11 December 2012, 25 June 2013 and of 24 June 2014¹⁰ recognizing the need for stronger international ocean governance;
- the Galway Statement on Atlantic Ocean Cooperation, launching a European Union - Canada United States of America Research Alliance of 24 May 2013¹¹;
- Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning¹²;
- the Joint Communication of the High Representative of the EU for Foreign Affairs and Security Policy and the European Commission 'For an open and secure global maritime domain: elements for a European Union maritime security strategy' of 6 March 2014¹³;
- the Council Conclusions on the Convention on Biological Diversity of 17 October 2016¹⁴;
- the Council Decision of 15 March 2016 authorising the opening negotiations on behalf of the European Union on the elements of a draft text of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction¹⁵;

⁸ DS 1594/2/12 REV 2

⁹ 14926/13 + ADD 1

¹⁰ 16503/1/08 REV 1, 15175/1/09 REV 1, 10300/10, 18279/11, 16553/12 + COR 1, 10790/13 and 11204/14

¹¹ 9429/1/13 REV 1

¹² OJ L 257, 28.8.2014, p. 135-145

¹³ 7537/14

¹⁴ 13398/16

¹⁵ 6862/16

- the European Union Maritime Security Strategy of 24 June 2014¹⁶;
- the Joint Communication to the European Parliament and the Council 'An integrated European Union Policy for the Arctic' of 27 April 2016¹⁷;
- the Council Conclusions on the Arctic of 20 June 2016¹⁸;
- the Council Conclusions 'Closing the loop - An EU action plan for the Circular Economy' of 20 June 2016¹⁹;
- the EU Global Strategy on the European Union's Foreign and Security Policy²⁰;
- the Council Conclusions on implementing the EU Global Strategy in the area of Security and Defence of 14 November 2016²¹;
- the Commission Communication on 'Next steps for a sustainable European future: European action for sustainability' of 22 November 2016²²;
- the Joint communication by the High Representative of the EU for Foreign Affairs and Security Policy and the European Commission on 'International ocean governance: an agenda for the future of oceans'²³ of 10 November 2016.

16 11205/14
 17 8408/16
 18 10400/16
 19 10518/16
 20 10715/16
 21 14149/16
 22 14774/16 + ADD 1
 23 14332/16 + ADD 1

1. WELCOMES the Joint Communication on international ocean governance by the High Representative of the EU for Foreign Affairs and Security Policy and the European Commission as a timely and relevant contribution to achieving a coherent cross-sectoral, rules-based international approach, as well as better coordination and cooperation between the internal and external aspects of the EU's ocean-related policies, to ensure that oceans are safe, secure, conserved and sustainably used and managed;
2. RECALLS the essential role of oceans for life on earth, sustainable development, employment and innovation; STRESSES the increasing pressures facing oceans – climate change, acidification, eutrophication, biodiversity loss, pollution, over-exploitation and illegal activities – and CONSIDERS that the EU and its Member States should step up efforts to protect the oceans and seas from the adverse consequences and impacts of such pressures, in particular by promoting the conservation and sustainable use of the oceans and their resources, deploying climate change mitigation and climate change adaptation capacities, protecting marine ecosystems in Member States' waters, and reducing marine pollution of all kinds, in particular land-based activities; RECALLS that the Marine Strategy Framework Directive is the environmental pillar of the integrated maritime policy;
3. ENCOURAGES the Member States, considering they have jurisdiction, together with the EU, over more than 10 % of the world's ocean, to continue to take a leading role as global actors to strengthen international ocean governance, achieve the ocean-dedicated goal (SDG 14) of the universal UN 2030 Agenda for Sustainable Development, and contribute to sustainable blue growth and maritime security. As responsible users of ocean resources, the EU and its Members States should build on their experience in developing a sustainable and integrated approach for the management of ocean uses, notably through their policies contributing to sustainable development and the Integrated Maritime Policy (IMP); in this context, RECALLS the importance of the role, influence and specific characteristics of the Outermost Regions (ORs) and Overseas Countries and Territories (OCTs), in matters related to oceans;

I. Legal framework

4. REAFFIRMING that the United Nations Convention on the Law of the Sea (UNCLOS) sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, STRESSING that all activities in the oceans and seas, including those undertaken in the framework of the IMP, should be consistent with the Treaties and the legal framework set out by the UNCLOS, RECALLS the universal and unified character of the UNCLOS and STRESSES that action to strengthen international ocean governance should build on the legal framework set out by UNCLOS and by Regional Seas Conventions (RSCs), Regional Fisheries Management Organizations (RFMOs), relevant multilateral environmental agreements (MEAs) and other relevant international instruments;
5. REITERATES its support for the ongoing UN process to negotiate a new legally binding implementing agreement under the UNCLOS on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction; RECALLS the Council Decision adopted on 22 March 2016²⁴; CALLS FOR a decision to be taken by the General Assembly before the end of its 72nd session to launch an Intergovernmental Conference²⁵ to draft the text of an international legally binding instrument under the Convention;
6. WELCOMES the Commission's commitment to proposing measures to support and enhance the effectiveness of the existing RFMOs and, where relevant, improve their governance;

²⁴ Council Decision (EU) 2016/455 of 22 March 2016 authorising the opening of negotiations on behalf of the European Union on the elements of a draft text of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction.

²⁵ Under United Nations auspices with the mandate to negotiate an Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Sustainable Use of Marine Biological Diversity beyond Areas of National Jurisdiction.

7. RECOGNISES the need for urgent global action, in particular within the framework of the Paris Agreement on climate change, to reduce and prevent the significant risks posed by climate change and environmental impacts in the Arctic region caused notably by global activities; RECALLS its conclusions adopted on 20 June 2016²⁶; WELCOMES the participation of the EU in the negotiations on an international agreement to prevent unregulated fisheries in the central Arctic Ocean;
8. CALLS UPON the Member States to step up efforts to promote the signing, ratification and effective implementation of key global and regional ocean governance instruments to ensure a level playing field, and CALLS UPON the Commission and the Member States to intensify efforts to improve cooperation, including sharing of best practices and coordination between international, regional and sectoral organisations dealing with ocean-related issues; CALLS FOR greater efforts to achieve an ever more coherent approach between the internal and external aspects of ocean-related policies developed by the EU and its Member States, including stepping up synergies with regional strategies;
9. STRESSES that the exploration and exploitation of seabed mineral resources in areas within and beyond national jurisdiction should identify and prevent or mitigate potential environmental risks;

II. Social dimension

10. STRESSES the importance of supporting jobs in maritime transport, tourism, fishing and other industries and REAFFIRMS the need to promote a level playing field in the labour market and ensure fair treatment by effectively applying the relevant international conventions such as the ILO Maritime Labour Convention 2006 and the Work in Fishing Convention 2007;

²⁶ 10172/1/16 REV 1

III. Strategic frameworks, partnerships and cooperation within the EU and with third countries

- ~~11.~~ RECALLS the commitment of the EU and its Member States to implementing the universal UN 2030 Agenda for Sustainable Development in a comprehensive, consistent and holistic way, both the inside and outside the EU, including the dedicated goal on the conservation and sustainable use of the oceans (SDG 14), bearing in mind that the SDGs are integrated and indivisible; LOOKS FORWARD TO progress towards a strategic approach for achieving sustainable development in Europe and the world; ACKNOWLEDGES that collaboration at regional level can make a significant contribution to the achievement of SDG 14;
12. RECALLS the commitment within the Global Strategy on the EU's Foreign and Security Policy (EUGS) to promoting rules-based good governance at sea; COMMITS ITSELF to promoting, in the context of political dialogues by the EU and its Member States with third countries and regional organisations, the concept of peaceful settlement of maritime disputes, the dispute settlement mechanisms provided by the UNCLOS, including the International Tribunal for the Law of the Sea (ITLOS), and by the International Court of Justice, and the full implementation of decisions rendered by the courts and tribunals established under or referred to by the UNCLOS;
13. ENCOURAGES the Commission to propose initiatives to the Council, on a case-by-case basis, aimed at developing Ocean Partnerships with key international partners, as a means to achieve better global governance and policy coherence vis-à-vis the oceans, in accordance with the relevant procedures of the Treaties, and building on existing bilateral cooperation frameworks such as the High Level Dialogues on Fisheries and Maritime Affairs and in line with the EU's Global Strategy priorities for Global Governance for the 21st Century;
14. CALLS ON the Commission, the EEAS and the Member States to use their development policies to promote and build capacity for better ocean governance, conservation and restoration of biodiversity, reduce pressures, including cumulative pressures on oceans, and promote the development of sustainable blue economies and sustainable fisheries in cooperation with international organisations and other relevant partners and stakeholders;

IV. Maritime Security

15. SUPPORTS the consistent use and further development of all relevant existing EU and international instruments and operational solutions to facilitate cross-sectoral cooperation, such as the Common Information Sharing Environment (CISE), the SafeSeaNet and other integrated maritime systems and services to enhance EU and Member States information sharing; UNDERLINES the importance of cooperation between national authorities and the three Agencies (Frontex, EMSA and EFCA) in accordance with their respective mandates, without delay and in particular to bring into operation the joint maritime surveillance capability based on state-of-the-art technology. This will contribute to better surveillance in areas such as the Central and Eastern Mediterranean Area;
16. ACKNOWLEDGES the progress made so far by the EU and its Member States on the implementation of the EU Maritime Security Strategy and its Action Plan, and also on the implementation of regional maritime strategies such as those related to the Gulf of Guinea and the Horn of Africa, with the aim of reducing and addressing maritime security threats and risks, and ENCOURAGES their continuous implementation; RECALLS that the EUMSS Action Plan is a rolling one that is subject to progress assessment and possible review to take account of current developments and completed actions which have achieved their targets;

V. Climate

17. WELCOMES the efforts by the International Maritime Organisation (IMO) to promote technical cooperation and capacity-building in order to ensure effective implementation and enforcement of the relevant international instruments, notably through the implementation of the EU-IMO capacity-building projects to address climate change mitigation;

18. INVITES the Member States, together with the Commission, to work towards the adoption in 2018 of an ambitious initial IMO strategy on the reduction of GHG emissions from ships, thereby taking into account the 'well below 2°C' objective of the Paris Agreement, including short, mid- and long-term further measures aimed at defining the shipping sector's contribution to the international efforts to curb GHG emissions; to this end, INVITES the Member States and the Commission to reach out to third countries and industries with the view to securing the adoption of an ambitious strategy in spring 2018, to support capacity-building, including initiatives demonstrating the benefits of decarbonisation of the shipping sector, and to promote research and investment, so that no country is left behind when addressing climate change;
19. HIGHLIGHTS the essential role of the oceans for the Earth's climate and the role of marine and coastal ecosystems in sustaining life on Earth, providing a range of ecosystem services, including storing carbon and reducing the impacts of climate change; and STRESSES the importance of well-functioning ecosystems to enhance natural resilience to the adverse impacts of climate change and reduce the risks faced by coastal communities, such as those in small islands, insular regions and outermost regions; RECALLS the important work done by the EU and its Member States in implementing and monitoring the UN framework convention on climate change; STRESSES the need to maintain a leading role in this regard; CONSIDERS the Paris Agreement to be a landmark achievement for combating climate change; CALLS FOR oceans to be further integrated into the work of the Intergovernmental Panel on Climate Change; SUPPORTS the idea of developing by 2020 international public-private partnerships aimed at restoring, adapting or developing 'green blue infrastructure' (marine and coastal ecosystems);
20. SUPPORTS the development of alliances between governmental, intergovernmental and civil society and sciences initiatives - in particular the Ocean and Climate Platform - aimed at addressing the role of the ocean both in the Global Climate Action Agenda and in the implementation of the Paris Agreement and at developing ocean-related projects; ENCOURAGES the development of renewable marine energy projects; RECOGNIZES the inclusion of ocean related actions in national follow up to the commitments under the Paris Agreement;

VI. Environment

21. COMMENDS the EU's international leadership in achieving concrete progress in the fight against illegal, unreported and unregulated fishing (IUU) and its strong commitment in implementing effective measures against IUU fishing; RECALLS the EU's efforts to reinforce its international actions against IUU fishing at bilateral, regional and multilateral level, including by continuing bilateral dialogues with third partners, using vessel tracking instruments and securing greater role for key international agencies such as Interpol; CALLS ON the Member States' authorities to actively support the Commission's work in establishing an electronic tool for management of catch certificates; AWARE OF the negative impacts of harmful fisheries subsidies, overfishing, overcapacity and IUU fishing and following SDG 14 and its targets 4 and 6, RECALLS the EU's engagement in multilateral negotiations within the World Trade Organisation (WTO) to ban harmful fisheries subsidies, and ENCOURAGES the Commission and the Member States to invite other WTO members to support the EU's proposal presented to the WTO in October 2016;
22. REITERATES the need for further measures at national, regional and global level to prevent marine litter, and in particular plastics and micro-plastics, from ending up in the marine environment, in order to achieve a significant reduction by 2020; CONSIDERS that eco-design of plastic and plastic products, together with sound management of all waste, including plastic, are essential to prevent pollution; WELCOMES the voluntary initiatives taken by industry; CALLS upon the Commission to propose robust measures to reduce the discharge of macro- and micro-sized plastic debris in the marine environment as part of the announced Strategy on plastics by 2017 at the latest, including a proposal for a ban on micro-plastic particles in products which could include personal care products and detergents, and proposals to address other products generating marine litter as appropriate, while taking into account ongoing work within the regional sea conventions of OSPAR, Helsinki, Barcelona and Bucharest; and also taking into account CBD Decision XIII/10 on 'marine debris' as well as United Nations Environment Assembly Resolution 2/11 on marine plastic litter and microplastics; RECOGNISES the need for further measures to reduce the negative impact to marine life from abandoned, lost or otherwise discarded fishing gears;

23. AFFIRMS that the protection of the marine environment has been advanced by reducing the discharge into the sea of ship-generated waste and cargo residues through the implementation and enforcement of the Port Reception Facilities Directive, as well as the Guidelines for the interpretation of the Directive; CALLS ON the Member States to ensure that adequate and sufficient port reception facilities for ship-generated waste and cargo residues are available and AWAITS the results of the ongoing evaluation of the Port Reception Facilities Directive;
24. WELCOMES the increasing worldwide interest in maritime spatial planning (MSP) and the experience gained by the EU and its Member States in particular through the implementation of the Maritime Spatial Planning Directive; LOOKS FORWARD to engaging with IOC-UNESCO to further support the international guidelines on MSP in the appropriate institutional context and to collect and exchange experiences and best practices on MSP; ENCOURAGES the Commission and the Member States to continue to promote and implement ecosystem-based MSP, inter alia through the development of relevant policies and partnerships in the appropriate institutional context;

VII. Biodiversity

25. ACKNOWLEDGES that significant progress is needed to achieve the global target of conserving 10 % of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, integrated into the wider landscape and seascape. CALLS UPON the EU and its Member States to lead by example in stepping up their efforts to achieve this target swiftly and taking into consideration the principle of the best available scientific information and the precautionary principle;
26. ACKNOWLEDGES the major role of coral reefs and mangroves in providing multiple benefits, including for climate change adaptation and mitigation, and for the achievement of the 2030 Sustainable Development Goals; HIGHLIGHTS the important role of natural and cultural heritage with regard to economic development and the creation of employment;

27. WELCOMES the Commission's intention to propose measures contributing to the effectiveness and expansion of marine protected areas (MPAs) worldwide by promoting the exchange of best practices and by supporting the efforts towards coherent networks, encourage regional and international cooperation, develop long-term, sustainable financing mechanisms for MPAs, complete an MPA twinning project facilitating the exchange of best practices, and provide funding opportunities for marine research, within the limits of available funds, under the Horizon 2020 and LIFE programmes;
28. RECALLS the Aichi biodiversity target that, by 2020, all fish and invertebrate stocks and aquatic plants are managed and harvested sustainably, legally and applying ecosystem-based approaches, so that overfishing is avoided, recovery plans and measures are in place for all depleted species, fisheries have no significant adverse impacts on threatened species and vulnerable ecosystems and the impacts of fisheries on stocks, species and ecosystems are within safe ecological limits; PROMOTES at international level the European approach on marine biological resources as developed in the Common Fisheries Policy (CFP);

VIII. Science and research

29. ENCOURAGES the Commission's intention to propose measures to further strengthen marine and maritime research and innovation activities in Horizon 2020 and its successor programme and to propose initiatives aimed at enhancing international cooperation on marine and maritime research and innovation; CALLS ON the Commission and the Member States to promote the sharing of scientific knowledge as an important contribution to the protection and sustainable use of the oceans; and INVITES the Commission to propose initiatives to facilitate the development of marine and maritime research and science partnerships on a case-by-case basis in close coordination and synergy with the relevant authorities in the Member States and building on existing frameworks such as the International Council for the Exploration of the Seas (ICES) and on previous successful initiatives, such as the Transatlantic Ocean Research Alliance, BONUS, the joint Baltic Sea research and development programme, and the Blue MED Strategic Research and Innovation Agenda for the Mediterranean;

30. LOOKS FORWARD to the Commission's proposals on coordinating EU research and observation activities with international partners, and exploring ways to improve research quality inter alia through extending the existing EU research and observation tools and activities, including the European Marine Observation and Data Network (EMODnet) in order to put in place a shared database, the European Earth Observation Programme (Copernicus), the European Global Ocean Observing System (EuroGOOS) and the Joint Programming Initiative 'Healthy and Productive Seas and Oceans' (JPI Oceans), all with the aim of creating an international marine and maritime data network, and ENCOURAGES the further development of research and policy initiatives developing an integrated system for natural capital and ecosystem services accounting;

IX. Final provisions

31. LOOKS FORWARD to the Commission's proposals and initiatives, in full compliance with the respective competences of the EU and its Member States, and in full compliance with the Treaties' institutional and procedural requirements, with due regard to the relevant international legal framework;
32. WELCOMES the UN Conference on Oceans entitled 'Our Oceans, our future: partnering for the implementation on Sustainable Development Goal 14' to be held in New York on 5-9 June 2017;
33. WELCOMES the hosting by the EU of the fourth edition of the 'Our Ocean' Conference on 5-6 October 2017 in Malta, and LOOKS FORWARD to the voluntary commitments from all participants for safe, secure, clean and sustainably managed oceans.
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