044776/EU XXVIII.GP
Eingelangt am 14/11/25

Council of the European Union

Brussels, 14 November 2025
(OR. en, ga)

15399/25

Interinstitutional File:
2025/0090 (COD)

ENV 1219
CLIMA 530
POLMAR 71
COMAR 45
JUR 759
RELEX 1474
CODEC 1809
PARLNAT 200
INST 395
PARLNAT

COVER NOTE

From:	Irish parliament (Houses of the Oireachtas)
date of receipt:	17 October 2025
To:	The President of the Council of the European Union
Subject:	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 [8410/25 - COM(2025)173] - Opinion on the application of the Principles of Subsidiarity and Proportionality

Delegations will find in the Annex a copy of the above Opinion[1] and a courtesy English translation.

---

[1] Translation(s) of the opinion may be available on the Interparliamentary EU Information Exchange website (IPEX) at the following address: https://secure.ipex.eu/IPEXL-WEB/document/COM-2025-0173
The Commission reply will be available at the following address: https://national-parliaments-opinions.ec.europa.eu/home

www.parlament.gv.at

Tithe an Oireachtais
Houses of the Oireachtas

An Comhchoiste um Thithíocht, Rialtas Áitiúil agus Oidhreacht
Teach Laighean
Baile Átha Cliath 2
D02 XR20
Guthán: (01) 6183929
R/phost: jchlgh@oireachtas.ie

Joint Committee on Housing, Local Government and Heritage
Leinster House
Dublin 2
D02 XR20
Tel: (01) 6183929
E-mail: jchlgh@oireachtas.ie

HLGH-i-80

15 October 2025

Ms. Ursula von der Leyen, President of the European Commission,
Ms. Roberta Metsola, President of the European Parliament,
Ms. Thérèse Blanchet, Secretary General, Council of the European Union.

Email: SG-NATIONAL-PARLIAMENTS@ec.europa.eu
documentsreception@europarl.europa.eu
natparl@consilium.europa.eu

Re: Legislative proposal
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

Dear Ms. von der Leyen, Ms. Metsola, Ms. Blanchet,

The Joint Committee on Housing, Local Government and Heritage ("the Committee") has considered the above proposal, COM(2025)173, concerning 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. The Committee agreed at its private meeting on Tuesday 23 September 2025 to forward the attached contribution for your information.

A copy of this contribution has also been forwarded to the Minister for Housing, Local Government and Heritage as part of the political dialogue process with national parliaments.

Yours sincerely

Micheál Carrigy
Cathaoirleach

Cuirfear fáilte roimh chomhfhreagras i nGaeilge

An Comhchoiste um Thithíocht, Rialtas Áitiúil agus Oidhreacht

An Cion Polaitiúil i ndáil le

COM(2025)173 Togra le haghaidh TREOIR Ó PHARLAIMINT NA hEORPA AGUS ÓN gCOMHAIRLE maidir le caomhnú agus úsáid inbhuanaithe na bithéagsúlachta muirí i limistéir lasmuigh den dlínse náisiúnta

Meán Fómhair 2025

Joint Committee on Housing, Local Government and Heritage

Political Contribution on

COM (2025)173 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

September 2025

www.parlament.gv.at

Contents

Related information 3

Committee debates 3

Committee Membership 4

Introduction 5

Scrutiny by the Committee 5

Decision of the Committee 5

Opinion of the Joint Committee 5

www.parlament.gv.at

Related information

Publications

All publications for this Committee are available on the Oireachtas website here.

Committee debates

Transcripts of Committee debates can be found on the Committee debates page here.

Committee videos

Footage of Committee proceedings can be found on the Committee videos page here.

Contact details.

The contact details for the Committee can be found on the Committee page here.

Terms of reference

The Orders of Reference for the Committee are set out in:

- the Report of the Committee on Standing Orders and Dáil Reform Orders Of Reference And Establishment Of Committees available here , and
- the First Report of the Committee on Parliamentary Privileges and Oversight on Orders of Reference and Establishment of Committees available here

www.parlament.gv.at

Committee Membership

Cathaoirleach

Micheál Carrigy TD, Fine Gael

Leas-Cathaoirleach

Séamus McGrath TD, Fianna Fáil

Members

Richard Boyd Barrett TD, People Before Profit - Solidarity

Paula Butterly TD, Fine Gael

Joe Cooney TD, Fine Gael

Thomas Gould TD, Sinn Féin

Rory Hearne TD, Social Democrats

Willie O'Dea TD, Fianna Fáil

Eoin Ó Broin TD, Sinn Féin

Senator Pat Casey, Fianna Fáil

Senator Joe Flaherty, Fianna Fáil

Senator Aubrey McCarthy, Independent

Senator Maria McCormack, Sinn Féin

Senator PJ Murphy, Fine Gael

www.parlament.gv.at

Introduction

1. The Joint Committee on Housing, Local Government and Heritage considers COM (2025) 173 to be significantly important to Ireland and the EU.

Scrutiny by the Committee

2. The Joint Committee on Housing, Local Government and Heritage ("the Committee") scrutinised the following proposal at two meetings, on 24 June 2025 and 8 July 2025. :

   COM (2025)173 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

3. At its meeting on 24 June 2025, the Committee agreed that COM(2025)173 warranted further scrutiny. It was subsequently agreed to invite further detailed briefing from the Department of Housing, Local Government and Heritage outlining any potential issues of subsidiarity.

Decision of the Committee

4. Following the Committee's consideration of these matters, it agreed to submit a Political Contribution on this proposal as listed above at its meeting on the 8 July 2025.

5. Due to the time constraints imposed by the subsidiarity deadline, the Committee have not had the opportunity to hold public briefings on the matter prior to the deadline but reserve the right to carry out further scrutiny outside of this timeframe and may submit further contributions on this package of proposals.

Opinion of the Joint Committee

6. Having considered the proposals in detail, the Committee makes the following observations:

   6.1. The Committee welcomes the proposed directive overall.

   6.2. The Committee welcomes the proposal's aim to provide coherence across the EU in provisions on environmental assessments concerning planned activities in areas beyond national jurisdiction.

   6.3. The Committee has concerns regarding the wording of Article 16 of the proposal as it is currently worded. The Committee is concerned that , the proposed Directive goes beyond what is stipulated in the BBNJ Agreement and creates additional obligations on Member States that are not necessary to implement the BBNJ

Agreement.

6.4. Article 16 requires that Member States shall submit draft BBNJ Marine Protected Area (MPA) proposals to the European Commission for a preliminary assessment prior to submission to the BBNJ Secretariat. It is proposed that the Commission would then assess whether the proposal should be submitted to the BBNJ Secretariat by the Commission on behalf of the Union.

6.5. The Committee is concerned that if Article 16 remains as drafted, it may restrict Ireland's ability to cooperate freely with third States on the development of high seas MPA proposals. It may also affect how Ireland currently cooperates to develop high seas MPAs through the OSPAR Convention. Ireland, and the other Contracting Parties to OSPAR, including the EU, have already developed high seas MPAs in the North-East Atlantic.

6.6. The Committee is concerned that Article 16 would also create an additional bureaucratic and procedural hurdle at EU level, not envisaged by the BBNJ Agreement, which already provides for wide ranging consultations and arrangements as part of the new MPA proposal process.

6.7. The Committee is concerned that this may prevent a Member State from cooperating with a third country such as the UK or a state outside Europe in the development and submission of proposals for MPAs in areas beyond national jurisdiction.

6.8. The Committee is concerned that if Article 16 remains as drafted it may also set an unwelcome precedent for Member States' competencies with regard to the implementation of other international treaties and conventions.

Micheál Carrigy TD,

Cathaoirleach,

Joint Committee on Housing Local Government and Heritage

www.parlament.gv.at

An Comhchoiste um Thithíocht, Rialtas Áitiúil agus Oidhreacht

An Cion Polaitiúil i ndáil le

COM(2025)173 Togra le haghaidh TREOIR Ó PHARLAIMINT NA hEORPA AGUS ÓN gCOMHAIRLE maidir le caomhnú agus úsáid inbhuanaithe na bithéagsúlachta muirí i limistéir lasmuigh den dlínse náisiúnta

Meán Fómhair 2025

Joint Committee on Housing, Local Government and Heritage

Political Contribution on

COM (2025)173 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

September 2025

www.parlament.gv.at

Clár an Ábhair

Faisnéis ghaolmhar 3

Díospóireachtaí an Choiste 3

Comhaltas an Choiste 4

Réamhrá 5

Grinnscrúdú ag an gCoiste 5

Breith an Choiste 5

Tuairim an Chomhchoiste 5

Fáisnéis ghaolmhar

Foilseacháin

Tá gach foilseachán de chuid an Choiste seo ar fáil ar shuíomh gréasáin an Oireachtais anseo.

Díospóireachtaí an Choiste

Is féidir tras-scríbhinní de dhíospóireachtaí an Choiste a fháil ar leathanach dhíospóireachtaí an Choiste anseo.

Físeáin den Choiste

Is féidir taifeadtaí scannáin d'imeachtaí an Choiste a fháil ar leathanach físeán an Choiste anseo.

Sonraí teagmhála.

Is féidir sonraí teagmhála an Choiste a fháil ar leathanach an Choiste anseo.

Téarmaí tagartha

Leagtar amach Orduithe Tagartha an Choiste sna Tuarascálacha seo a leanas:

- an Tuarascáil ón gCoiste um Buan-Orduithe agus Athleasú na Dála ar Orduithe Tagartha agus Bunú na gCoistí anseo , agus
- an Chéad Tuarascáil ón gCoiste um Pribhléidí Parlaiminteacha agus Formhaoirsiú ar Orduithe Tagartha agus Bunú na gCoistí ar fáil anseo

Comhaltas an Choiste

Cathaoirleach

an Teachta Micheál Mac Conncarraigí, Fine Gael

An Leas-Chathaoirleach

an Teachta Séamus Mac Craith, Fianna Fáil

Comhaltaí

an Teachta Risteard Buíd Bairéid, Pobal roimh Bhrabús - Dlúthpháirtíocht

an Teachta Paula Butterly, Fine Gael

an Teachta Seosamh Ó Cunaí, Fine Gael

an Teachta Tomás Gúl, Sinn Féin

an Teachta Ruairí Ó hEachthiarna, na Daonlathaithe Sóisialta

an Teachta Liam Ó Deághaidh, Fianna Fáil

an Teachta Eoin Ó Broin, Sinn Féin

an Seanadóir Páid Ó Cathasaigh, Fianna Fáil

an Seanadóir Seosamh Ó Flaitheartaigh, Fianna Fáil

an Seanadóir Abraí Mac Cárthaigh, Neamhspleách

an Seanadóir Máire Nic Cormaic, Sinn Féin

an Seanadóir PJ Ó Murchú, Fine Gael

www.parlament.gv.at

Réamhrá

1. Measann an Comhchoiste um Thithíocht, Rialtas Áitiúil agus Oidhreacht COM (2025) 173 a bheith ríthábhachtach d'Éirinn agus don Aontas Eorpach.

Grinnscrúdú ag an gCoiste

2. Rinne an Comhchoiste um Thithíocht, Rialtas Áitiúil agus Oidhreacht ("an Coiste") grinnscrúdú ar an togra seo a leanas ag dhá chruinniú, an 24 Meitheamh 2025 agus an 8 Iúil 2025:

   COM(2025)173 Togra le haghaidh TREOIR Ó PHARLAIMINT NA hEORPA AGUS ÓN gCOMHAIRLE maidir le caomhnú agus úsáid inbhuanaithe na bithéagsúlachta muirí i limistéir lasmuigh den dlínse náisiúnta

3. Ag an gcruinniú a bhí aige an 24 Meitheamh 2025, chomhaontaigh an Coiste gur cóir tuilleadh grinnscrúdaithe a dhéanamh ar COM(2025)173. Comhaontaíodh dá éis sin tuilleadh faisnéisithe mhionsonraithe a iarraidh ar an Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta ina leagfar amach aon saincheisteanna a bhféadfaidh baint a bheith acu leis an gcoimhdeacht.

Breith an Choiste

4. Tar éis dó na nithe sin a bhreithniú, chomhaontaigh an Coiste, ag an gcruinniú a bhí aige an 8 Iúil 2025, Cion Polaitiúil i dtaobh an togra sin a liostaítear thuas a chur isteach.

5. De bharr na dteorainneacha ama a fhorchuirtear leis an spriocdháta coimhdeachta, ní raibh deis ag an gCoiste cruinnithe faisnéise poiblí a thionól roimh an spriocdháta ach forchoimeádann sé an ceart chun tuilleadh grinnscrúdaithe a dhéanamh lasmuigh den chreat ama sin agus féadfaidh sé tuairimí eile i dtaobh an phacáiste tograí seo a chur isteach.

Tuairim an Chomhchoiste

6. Tar éis na tograí a bhreithniú go mion, tugann an Coiste na tuairimí seo a leanas:

   6.1. Tríd is tríd, is díol sásaimh don Choiste an treoir atá beartaithe.

   6.2. Is díol sásaimh don Choiste aidhm an togra comhleanúnachas a chur ar fáil ar fud an Aontais Eorpaigh i bhforálacha maidir le measúnuithe comhshaoil a bhaineann le gníomhaíochtaí atá beartaithe i limistéir lasmuigh den dlínse náisiúnta.

   6.3. Tá imní ar an gCoiste maidir le foclaíocht Airteagal 16 den togra mar atá sé faoi láthair. Is ábhar imní don Choiste go dtéann an Treoir atá beartaithe thar a bhfuil

leagtha síos i gComhaontú BBNJ agus go gcruthaíonn sí oibleagáidí breise ar na Ballstáit nach bhfuil gá leo chun Comhaontú BBNJ a chur i ngníomh.

6.4. Ceanglaítear le hAirteagal 16 go gcuirfidh na Ballstáit dréacht-tograí BBNJ maidir le Limistéar Muirí faoi Chosaint (LMFC) faoi bhráid an Choimisiúin Eorpaigh le haghaidh réamh-mheasúnú sula gcuirfear faoi bhráid Rúnaíocht BBNJ iad. Tá sé beartaithe go ndéanfadh an Coimisiún measúnú ansin ar cheart don Choimisiún an togra a chur faoi bhráid Rúnaíocht BBNJ thar ceann an Aontais.

6.5. Tá imní ar an gCoiste, má fhanann Airteagal 16 mar a dréachtaíodh é, go bhféadfadh sé srian a chur ar chumas na hÉireann comhoibriú gan bhac le tríú Stáit maidir le tograí LMFC ar an mórmhuir a fhorbairt. D'fhéadfadh sé difear a dhéanamh freisin don tslí a gcomhoibríonn Éire faoi láthair chun LMFC ar an mórmhuir a fhorbairt trí Choinbhinsiún OSPAR. Tá LMFCanna ar an mórmhuir forbartha cheana féin ag Éirinn, agus ag na Páirtithe Conarthacha eile in OSPAR, lena n-áirítear AE, san Atlantach Thoir Thuaidh.

6.6. Is ábhar imní don Choiste go gcruthódh Airteagal 16 bac maorlathach agus nóis imeachta eile ar leibhéal an Aontais, nach samhlaítear i gComhaontú BBNJ, lena bhforáiltear cheana féin do chomhairliúcháin agus socruithe fadréimseacha mar chuid den phróiseas nua le haghaidh togra LMFC.

6.7. Tá imní ar an gCoiste go bhféadfadh sé sin cosc a chur ar Bhallstát comhoibriú le tríú tír amhail an Ríocht Aontaithe nó stát lasmuigh den Eoraip maidir le tograí le haghaidh limistéir mhuirí faoi chosaint i limistéir lasmuigh den dlínse náisiúnta a fhorbairt agus a chur isteach.

6.8. Is ábhar imní don Choiste, má fhanann Airteagal 16 mar a dréachtaíodh é, go bhféadfaidh sé fasach nach bhfuiltear a iarraidh a leagan síos freisin d'inniúlachtaí na mBallstát maidir le conarthaí agus coinbhinsiúin idirnáisiúnta eile a chur i ngníomh.

Micheál Carrigy TD,

Cathaoirleach,

An Comhchoiste um Thithíocht, Rialtas Áitiúil agus Oidhreacht