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10 September 2025

Dear Sarah,

Introduction of the Biodiversity Beyond National Jurisdiction (BBNJ) Bill

I am writing to inform you, as Chair of the International Development Committee and Chair of the Ocean All-Party Parliamentary Group, of the introduction of the Biodiversity Beyond National Jurisdiction (BBNJ) Bill on 10 September – an important piece of legislation that will enable the United Kingdom to implement the obligations of the UN BBNJ Agreement and, following subsequent secondary legislation, allow us to ratify the treaty, a cornerstone of the global ocean framework under the UN Convention on the Law of the Sea (UNCLOS).

I would like at the outset to take this opportunity to thank you, the International Development Committee and the Ocean APPG for your continued support and advocacy on ocean protection. Your leadership has been instrumental in keeping ocean issues high on the parliamentary agenda, and I am keen to continue engaging closely with you and your members as the Bill progresses.

The BBNJ Bill marks a significant step forward in our shared ambition to protect marine biodiversity in the high seas – those vast areas beyond national jurisdiction that make up two-thirds of the global ocean. It will equip the UK with the powers needed to meet its international obligations, while reinforcing our leadership in global ocean governance and supporting the sustainable use of marine resources.

The Bill will help unlock innovation in marine science and biotechnology, ensuring fair and equitable access to the benefits of ocean discoveries—particularly for developing countries. It aligns with the UK's commitments under the Kunming-Montreal Global Biodiversity Framework, including the global target to conserve and manage at least 30% of the ocean by 2030.

Further detail on the Bill's measures is outlined in the annex to this letter. In summary, the Bill will:

- Support innovation and fair access by regulating how UK researchers collect, use, and share benefits from marine genetic resources in areas beyond national jurisdiction – including digital sequence information.
- Protect marine biodiversity by enabling regulation of UK activities in compliance with area-based management tools, including marine protected areas established under the Agreement.
- Ensure responsible activity by requiring Environmental Impact Assessments for UK activities that may cause substantial pollution or significant and harmful changes to the marine environment.

Beyond its environmental significance, the Bill supports the UK's broader climate and nature agenda, strengthens international law and multilateral cooperation, and contributes to long-term economic resilience by safeguarding the health of marine ecosystems that underpin global fisheries, carbon storage, and climate regulation.

I would like to emphasise the need for momentum as we begin the passage of the Bill. Smooth passage through Parliament will ensure that the UK is able to ratify the BBNJ Agreement in time to make sure that the UK has a seat at the table and a voice in shaping the future of BBNJ processes at the first Conference of the Parties meeting, expected in 2026.

I would welcome the opportunity to meet with you and members of the International Development Committee and the Ocean APPG following the Bill's introduction to discuss its measures in more detail and explore how the APPG can support its successful passage. My office will be in touch to arrange a suitable time. I will also be hosting a drop-in session for all MPs in mid-October (exact time and location to be confirmed). This will be an opportunity for colleagues to ask questions, share views, and learn more about the measures contained in the Bill.

Thank you again for your continued leadership and support.

Yours ever,



Seema Malhotra MP
Parliamentary Under-Secretary of State

Annex- Outline of BBNJ Bill Measures

1. Marine genetic resources (MGR), including the fair and equitable sharing of benefits

The Bill sets out requirements in relation to the collection and utilisation of MGR (any material of marine plant, animal, microbial or other origin containing functional units of heredity of actual or potential value) and digital sequence information (DSI) on such MGR from areas beyond national jurisdiction.

a. Collection and notification requirements

A requirement on those conducting the collection of MGR (any material of marine plant, animal, microbial or other origin containing functional units of heredity of actual or potential value) from areas beyond national jurisdiction from UK craft or equipment, to notify a UK BBNJ national focal point pre- and post-collection. This focal point will sit in the FCDO's Ocean Policy Unit. UK craft or equipment includes ships such as the Royal Research Ships, but also include new and novel automated systems such as "Boaty McBoatface".

b. Access and Database Requirements

Repositories will be required to ensure access to MGR of areas beyond national jurisdiction subject to reasonable conditions such as samples being hazardous, few in number, or subject to a CITES permit. Repositories include the Natural History Museum and other museums governed by the British Museum Act 1963, the Museums and Galleries Act 1992, and other legislation.

The Bill will impose access requirements on unregistered scientific collections, not governed by the same legislative framework governing museums, such as those held by the National Oceanography Centre and by some universities.

Databases which contain DSI on MGR of areas beyond national jurisdiction will be required to ensure access to such DSI.

There is a requirement in the Bill for repositories of MGR from areas beyond national jurisdiction and databases of DSI on such MGR to produce an aggregate report on access every two years.

c. Utilisation Requirements

A requirement for users of MGR from areas beyond national jurisdiction and, where practicable, DSI generated on such MGR to notify the UK BBNJ national focal point once the results of utilisation are available. As set out in the BBNJ Agreement, the "results of utilisation" include publications, including journal articles and reports detailing the outcomes of research and development into MGR from areas beyond national jurisdiction and DSI generated on them, patents granted, and products developed.

A requirement for users to deposit MGR from areas beyond national jurisdiction and DSI generated on them that are subject to utilisation in publicly accessible repositories and databases,

maintained either nationally or internationally, no later than three years from the start of such utilisation.

The Bill will provide that the notifications regime in Part 2 of the Bill will not apply to:

- fishing and “fishing-related activities” – the BBNJ Bill will implement this exception by reference to the Fisheries Act 2020,
- military activities,
- MGR that may have been collected incidentally while collecting other physical samples such as sediment cores or water samples, or
- Antarctica or the MGR of Antarctica including DSI generated on such MGR.

2. Area-Based Management Tools

The Bill also grants government powers to regulate UK activities in compliance with future Area-Based Management Tools (ABMTs) in ABNJ that may be established under the Agreement, where existing powers do not allow us to do so.

a. Powers to create regulations

Part III of the Agreement establishes a regime by which ABMTs are established and managed for the purpose of protecting the marine environment in areas beyond national jurisdiction. ABMTs are defined in the BBNJ Agreement as “a tool, including a marine protected area, for a geographically defined area through which one or several sectors or activities are managed with the aim of achieving particular conservation and sustainable use objectives in accordance with this Agreement.”

Articles 22(1) and 24(1) of the BBNJ Agreement confer power on the Conference of the Parties to take decisions with respect to ABMTs. The decisions which require implementation by states are the decisions to establish ‘measures’. This includes emergency measures, which may be adopted under Article 24 of the Agreement in response to a natural phenomenon or human-caused disaster. Although not described in the Agreement, these measures are likely to require control or restriction of activities within a geographic area for the purposes of meeting conservation or sustainable use objectives (for example, restrictions on high seas energy generation infrastructure to conserve an MPA feature). The Bill enables the Secretary of State to make regulations where existing legislative powers may not be sufficient to restrict or control an activity as required.

Such provision may, for example, include amendments to the marine licensing framework under Part 4 Marine and Coastal Access Act 2009 (MCAA), and related provision on enforcement and offences, or provision implementing ABMTs in respect of activities which are not licensable under Part 4 MCAA.

Given the uncertainty around timeframes related to emergency measures, the Department for Transport (DfT) also requires a specific power to be able to direct UK shipping in an emergency situation under the Agreement to ensure timely implementation. This power enables the Secretary of State for Transport to issue a direction, without the need for secondary legislation, where the emergency measures require an immediate intervention to restrict navigation and discharges from UK ships. Such a direction would be time-limited and apply for a minimum of 3 months up to a maximum of 2 years, unless or until a longer-term measure is adopted by the CoP in which case it would end sooner.

3. Environmental Impact Assessments

The Bill also makes amendments to and gives powers to amend the UK's existing marine licensing and Environmental Impact Assessments regimes to enable compliance with the BBNJ Agreement.

- a. Amendments to, and powers to amend and make supplemental provision to, existing legislation relating to, or connected with, marine licensing and licensable marine works.**

This includes powers to amend the Marine and Coastal Access Act 2009 (MCAA) and the Marine Works (Environmental Impact Assessment) Regulations 2007 (MWRs), as well as making direct amendments to the MWRs and MCAA in the BBNJ Bill. Powers to make secondary legislation will include those needed to provide flexibility to respond to decisions taken by the CoP on the modalities and continued functioning of the EIAs elements within the BBNJ Agreement once it has entered into force, as well as to enable us to make necessary provision to deal with new activities and technologies.

- b. Amendment of Part 6 of the Levelling Up and Regeneration Act 2023 (LURA) (Environmental Outcomes Reports (EOR)) to enable EOR provision to be made in respect of licensable marine activities in ABNJ.**

This is a future-proofing measure which would enable BBNJ EIAs requirements to be accommodated in any new domestic EOR regime for licensable marine activities being developed by DEFRA to replace EIAs.