



OSPAR Decision 2021/01 on the establishment of the *North Atlantic Current and Evlanov Sea basin Marine Protected Area*, as amended by OSPAR Decision 2023/01

(Consolidated text)¹

Source: OSPAR 21/13/01, Annex 23
OSPAR 23/17/01, Annex 12 + JL(2) 23/05/01, Annex 2

Preamble

RECALLING Article 2(1) of the Convention for the Protection of the Marine Environment of the North-East Atlantic ("the OSPAR Convention"),

RECALLING Annex V to the OSPAR Convention on the protection and conservation of the ecosystems and biological diversity of the maritime area, and in particular its Article 3(1)(b)(ii), which imposes a duty on the OSPAR Commission to develop means, consistent with international law, for instituting protective, conservation, restorative or precautionary measures related to specific areas or sites or related to specific species or habitats,

RECALLING the adoption of OSPAR Recommendation 2003/03 at the joint OSPAR/HELCOM Ministerial Meeting 2003 in Bremen, which calls upon Contracting Parties to establish the OSPAR Network of Marine Protected Areas and to ensure that by 2010 it is an ecologically coherent network of well-managed marine protected areas,

RECALLING the 2021 Ministerial Meeting in Cascais at which OSPAR further committed to expand the OSPAR network of effectively managed, well connected and representative Marine Protected Areas and other effective conservation measures across OSPAR Regions to cover at least 30% of the OSPAR maritime area by 2030, as articulated in the North-East Atlantic Environment Strategy 2030,

RECALLING that the OSPAR Commission endorsed in 2020 conservation objectives for the North Atlantic Current and Evlanov Seamount as set out in the Background Document OSPAR publication 2020/771,

RECALLING the adoption by the OSPAR Ministerial Meeting 2021 of OSPAR Decision 2021/1 designating the North Atlantic Current and Evlanov Sea basin Marine Protected Area with the goal of

¹ The consolidated text integrates the original OSPAR measure with subsequent amendments adopted by OSPAR in a single, non-official document to facilitate documentation. Only the original OSPAR measure and the subsequent measures adopted by OSPAR to amend the basic measure are official documents.

protecting and conserving seabirds and the ecosystems of the waters superjacent to the seabed including their biodiversity and processes that support those populations in accordance with the conservation objectives set out in OSPAR Recommendation 2021/01 on the Management of the North Atlantic Current and Evlanov Sea basin Marine Protected Area,

RECALLING the adoption by the OSPAR Ministerial Meeting 2021 of an OSPAR agreement on a Roadmap for further development of the North Atlantic Current and Evlanov Sea basin Marine Protected Area (OSPAR Agreement 2021-08) setting out an evidence review process to consider the further development of protection for the deep-sea ecosystem at the North Atlantic Current and Evlanov Sea basin Marine Protected Area, and the intention by the OSPAR Commission to enhance the protection by including additional OSPAR listed features and the seabed, ocean floor and subsoil thereof in the scope of the North Atlantic Current and Evlanov Sea basin Marine Protected Area,

RECALLING the adoption in December 2022 of the Kunming-Montreal Global Biodiversity Framework, specifically Target 3 to ‘ensure and enable that by 2030 at least 30 per cent of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories’.

RECALLING the United Nations General Assembly (UNGA) resolution A/RES/75/239 of December 2020 reaffirming the need for States to continue and intensify their efforts, directly and through competent international organisations, to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the possible establishment of marine protected areas, consistent with international law, as reflected in the Convention (UNCLOS), and based on the best scientific information available and encouraging States to further progress towards the establishment of marine protected areas, including representative networks²,

RECALLING UNCLOS, which establishes the general legal framework on the sovereign rights and obligations of coastal States to areas under national jurisdiction, and in particular article 76 on the definition of the continental shelf, which includes the right of the coastal State to delineate outer limits of its continental shelf, article 77 on the rights of the coastal State over the continental shelf and article 78 on the legal status of the superjacent waters and air space and the rights and freedoms of other States,

WELCOMING the adoption 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, in particular the objective under Part III of the Agreement to conserve and sustainably use areas requiring protection, including through the establishment of a comprehensive system of area-based management tools, with ecologically representative and well-connected networks of marine protected areas,

² UNGA Resolution A/RES/75/239 Oceans and the law of the sea adopted on 31 December 2020, Paras 265, and 267.

ACKNOWLEDGING that on 1 August 2017 the Portuguese Republic has presented to the Commission on the Limits of the Continental Shelf (CLCS), an addendum to its submission regarding the establishment of the outer limits of the Portuguese continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, in accordance with Article 76 of, and Annex II to, UNCLOS and that this submission by Portugal encompasses part of the seabed subjacent to the North Atlantic Current and Evlanov Sea basin Marine Protected Area.

NOTING and WELCOMING that the Portuguese Republic has reported to the OSPAR Commission the commitment to designate the seabed subjacent to the North Atlantic Current and Evlanov Sea basin Marine Protected Area, as a component of the OSPAR network of Marine Protected Areas and will establish the programmes, measures and agreements pertaining to the seabed which are necessary for the achievement of the conservation vision and conservation objectives of the North Atlantic Current and Evlanov Sea basin Marine Protected Area.

RECOGNISING further that a range of human activities occurring, or potentially occurring, at the North Atlantic Current and Evlanov Sea basin Marine Protected Area are regulated in the respective frameworks of other competent authorities. These activities include, in particular, fishing ((North-East Atlantic Fisheries Commission (NEAFC), International Commission for the Conservation of Atlantic Tunas (ICCAT), North Atlantic Salmon Conservation Organization (NASCO), and International Whaling Commission (IWC)), shipping (International Maritime Organization (IMO)), and exploration and exploitation of deep-seabed mineral resources (International Seabed Authority (ISA)).

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic DECIDE:

1. Definitions

1.1 For the purpose of this Decision:

“Marine Protected Area (MPA)” means an area within the maritime area for which protective, conservation, restorative or precautionary measures, consistent with international law, have been instituted for the purpose of protecting and conserving species, habitats, ecosystems or ecological processes of the marine environment.

“OSPAR Network of Marine Protected Areas” means those areas which have been, and remain, reported by Contracting Parties, together with any other area in the maritime area beyond the national jurisdiction of the Contracting Parties which has been included as a component of the network by the OSPAR Commission.

“North Atlantic Current and Evlanov Sea basin” refers to an area beyond national jurisdiction in OSPAR Region V (wider Atlantic) of approximately 595 196 km² within the boundaries given in Table 1 of §3.1. The North Atlantic Current and Evlanov Sea basin area is approximately bounded in the north by the Charlie-Gibbs Fracture Zone, in the west by the Flemish Cap and the Grand Banks of Newfoundland, in the east by the Mid-Atlantic Ridge and in the south by the Azores.

“UNCLOS” means the United Nations Convention on the Law of the Sea, 1982.

The “high seas” means all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State (in accordance with Article 86 UNCLOS).

The “Area” means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction (Article 1(1)(1) UNCLOS).

2. Purpose and Scope

2.1 The purpose of this Decision is to establish the North Atlantic Current and Evlanov Sea basin Marine Protected Area with the goal of protecting, conserving, maintaining, and restoring seabird populations, marine biodiversity, habitats, and the integrity of ecosystems of the seabed, ocean floor and subsoil thereof and the superjacent waters of the Site, in accordance with the conservation objectives set out in OSPAR Recommendation 2021/01 on the Management of the North Atlantic Current and Evlanov Sea basin Marine Protected Area, as amended.

2.2 In the part of the high seas of the North Atlantic Current and Evlanov Sea basin Marine Protected Area that is superjacent to the Extended Continental Shelf of the Portuguese Republic the goal of protecting, conserving, maintaining, and restoring seabird populations, marine biodiversity, habitats, and the integrity of ecosystems of the seabed, ocean floor and subsoil thereof will be accomplished in coordination with, and complementary to, the protective measures taken by the Portuguese Republic for the seabed, and in accordance with the joint conservation objectives set out in OSPAR Recommendation 2021/01 as amended by Recommendation 2023/01.

2.3 This Decision shall apply without prejudice to the rights and obligations of coastal States, other States and international organisations in accordance with UNCLOS.

2.4 This Decision does not restrict in any way the exercise of a coastal State of its sovereign rights over the continental shelf in accordance with UNCLOS.

3. Establishment of the North Atlantic Current and Evlanov Sea basin MPA

3.1 The North Atlantic Current and Evlanov Sea basin Marine Protected Area is established as a component of the OSPAR Network of Marine Protected Areas and covers, in the high seas, an area of 595 196 km² bounded by the coordinates in **Table 1**, and, in the Area, an area of seafloor of 546 511 km² bounded by the coordinates in **Table 2**.

Table 1. NACES MPA in the high seas

Point	Longitude	Latitude
1	-39.681	53.122
2	-37.979	50.996
3	-31.998	50.994
4	-31.999	46.765
5	-39.916	41.911
6	-42.000	44.180
7	-42.000	45.492
8	-40.506	46.504
9	-41.173	48.762
10	-42.001	49.588
11	-42.000	53.118
12	-39.681	53.122

Table 2. NACES MPA in the Area

Point	Longitude	Latitude
1	-39.681	53.122
2	-37.979	50.996
3	-31.998	50.994
4	-31.999	46.765
5	-32.810	46.497
6	-33.990	46.642
7	-35.559	46.391
8	-37.425	44.701
9	-37.946	43.119
10	-39.916	41.911
11	-42.000	44.180
12	-42.000	45.492
13	-40.506	46.504
14	-41.173	48.762
15	-42.001	49.588
16	-42.000	53.118
17	-39.681	53.122

3.2 The boundaries of the marine protected area in this Decision may be reviewed by the OSPAR Commission, taking into account, inter alia, progress made in establishing the outer limits of extended continental shelves in accordance with Article 76 of, and Annex II to, UNCLOS.

4. Entry into Force

4.1 This Decision enters into force on 19 April 2022, 200 days from the date of its adoption.