



OSPAR Recommendation 2023/01 amending Recommendation 2021/01 on the management of the North Atlantic Current and Evlanov Sea basin Marine Protected Area

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

RECALLING OSPAR Recommendation 2021/01 on the management of the North Atlantic Current and Evlanov Sea basin Marine Protected Area,

RECALLING the Strategy of the OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic 2030 (OSPAR Agreement 2021-01),

RECALLING the adoption by the OSPAR Ministerial Meeting 2021 of the 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 that in 2023 the OSPAR Commission endorsed conservation objectives as set out in the revised nomination proforma (Background Document OSPAR Publication 2023/989) and WISHING to update OSPAR Recommendation 2021/01 to take account of the revised conservation objectives,

Contracting Parties to the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic RECOMMEND:

1. Purpose and Scope

1.1 The purpose of this Recommendation is to update OSPAR Recommendation 2021/01 on the management of the North Atlantic and Current Evlanov Sea basin Marine Protected Area.

2. Provisions

General

2.1 Throughout the Recommendation, 'Site' when used to refer to the North Atlantic Current and Evlanov Sea basin Marine Protected Area is capitalised.

Preamble

2.2 In the Preamble of Recommendation 2021/01 the 5th paragraph is deleted.

2.3 In the Preamble of Recommendation 2021/01 a new 5th paragraph is inserted as follows:

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.

2.4 In the Preamble of Recommendation 2021/01 a new 7th paragraph is inserted as follows:

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 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 2021/1 on the Management of the North Atlantic Current and Evlanov Sea basin Marine Protected Area,

2.5 In the Preamble of Recommendation 2021/01 a new 8th paragraph is inserted as follows:

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,

2.6 In the Preamble of Recommendation 2021/01 the paragraph recalling the commitment of the World Summit on Sustainable Development is replaced by the following paragraph:

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’.

2.7 In the Preamble of Recommendation 2021/01 a new paragraph is inserted after the paragraph recalling UNCLOS as follows:

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,

2.8 In the Preamble of Recommendation 2021/01 two paragraphs are inserted after the new paragraph recalling the BBNJ Agreement as follows:

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.

Definitions

2.9 In Section 1 (Definitions) of Recommendation 2021/01, the 4th definition is amended as follows:

The “North Atlantic Current and Evlanov Sea basin Marine Protected Area” refers to an area in the high seas of 595 196 km² bounded by the coordinates in **Table 1 of OSPAR Decision 2023/01**, and, in the Area, an area of seafloor of 546 511 km² bounded by the coordinates in **Table 2 of OSPAR Decision 2023/01**.

2.10 In Section 1 (Definitions) of Recommendation 2021/01, the following definitions are inserted after the definition of UNCLOS:

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).

Purpose and scope

2.11 In Section 2 (Purpose and Scope) of Recommendation 2021/01, paragraph 2.1 is replaced by the following paragraph:

2.1 The purpose of this Recommendation is to guide OSPAR Contracting Parties in their actions and in the adoption of measures to protect, conserve, maintain, and restore 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, with a view to achieving the general and specific conservation objectives in Annex 1 that have been endorsed for this area by the OSPAR Commission. 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 this 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 as in Annex 1.

2.12 In Section 2 (Purpose and scope) of Recommendation 2021/01, a new paragraph 2.3 is inserted as follows:

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

Programmes and Measures

2.13 In Section 3 (Programmes and Measures) of Recommendation 2021/01, paragraph 3.3 is replaced by the following:

3.3 Achieving the conservation objectives and vision for the Site requires collaborative management, building upon and encompassing all relevant actors and competent authorities with a mandate in the North Atlantic region, in particular NEAFC and ICCAT (fishing activities), IMO (shipping activities) and ISA (exploration and exploitation of deep-seabed mineral resources).

2.14 In Section 3 (Programmes and Measures) of Recommendation 2021/01, paragraph 3.4 is replaced by the following:

3.4 With regard to the species and habitats listed by OSPAR as threatened and/or declining within the North Atlantic Current and Evlanov Sea basin Marine Protected Area, management measures should include actions as outlined in the respective OSPAR Recommendations set out in Annex 2.

2.15 In Section 3 (Programmes and Measures) of Recommendation 2021/01, paragraph 3.5.2a is amended as follows:

- a. nationally engaging with relevant stakeholders in building and sharing information and knowledge of the seabirds, marine biodiversity, habitats, and ecosystems, and the impacts of human activities taking place in the North Atlantic Current and Evlanov Sea basin MPA; and

2.16 In Section 3 (Programmes and Measures) of Recommendation 2021/01, paragraph 3.5.2b is amended as follows:

- b. reporting to the OSPAR Commission: any scientific and technical information and knowledge gained at a national level on seabirds, marine biodiversity, habitats, and ecosystems, and on the impacts of human activities taking place in the North Atlantic Current and Evlanov Sea basin MPA; and

2.17 In Section 3 (Programmes and Measures) of Recommendation 2021/01, paragraph 3.5.4a is amended as follows:

- a. making publicly available and bringing to the attention of the OSPAR Commission any plans for human activities subject to authorisation in a Contracting Party in the North Atlantic Current and Evlanov Sea basin MPA;

2.18 In Section 3 (Programmes and Measures) of Recommendation 2021/01, paragraph 3.5.4b is amended as follows:

- b. making publicly available and bringing to the attention of the OSPAR Commission those human activities and/or measures outside the Site subject to authorisation in a Contracting Party that may conflict with the conservation objectives and likely to cause a significant impact to the seabirds, marine biodiversity, habitats, and ecosystems of the North Atlantic Current and Evlanov Sea basin MPA;

2.19 In Section 3 (Programmes and Measures) of Recommendation 2021/01, paragraph 3.5.4e is replaced by the following:

- e. Ensuring the involvement of relevant stakeholders in the process of planning new activities assessing their potential impacts on the North Atlantic Current and Evlanov Sea basin Marine Protected Area. Engaging stakeholders should be guided by the “OSPAR Guidance for good practice for communication with stakeholders on the establishment and management of marine protected areas” (OSPAR Agreement 2008-2); and

2.20 In Section 3 (Programmes and Measures) of Recommendation 2021/01, paragraph 3.6e is amended as follows:

- e. promoting the involvement of relevant stakeholders in the process outlined in section 3.5 above taking account of “OSPAR Guidance for good practice for communication with stakeholders on the establishment and management of marine protected areas” (OSPAR Agreement 2008-2).

Implementation Reports

2.21 In Section 5 (Implementation Reports) of Recommendation 2021/01, paragraph 5.1 is amended as follows:

- 5.1 Contracting Parties should report annually, starting in 2024 by 1 October to the OSPAR Commission on any specific actions and/or measures that have been undertaken in that year nationally and/or internationally to implement the management measures in section 3.

2.22 In Section 5 (Implementation Reports) of Recommendation 2021/01, paragraph 5.2 is amended as follows:

- 5.2 Reports on the implementation of this Recommendation should be submitted to the appropriate OSPAR subsidiary body in accordance with the OSPAR Commission's Standard Implementation and Assessment Procedure. When reporting on implementation, the format as set out in Annex 3 should be used to the extent possible

Annexes

2.23 Annex 1 of OSPAR Recommendation 2021/01 is replaced with the conservation objectives at Annex 1 to this Recommendation, taken from the revised nomination proforma (OSPAR Publication 2023/989).

2.24 A new Annex 2 is inserted with the list of relevant OSPAR Recommendations on threatened and/or declining species and habitats.

2.25 The original Annex 2 is renamed Annex 3, and the title of the Annex is amended as follows:

Format for Reporting on Implementation of OSPAR Recommendation 2023/01 on the Management of the North Atlantic Current and Evlanov Sea basin MPA

3. Entry into force

3.1 This Recommendation has effect from the day of entry into force of OSPAR Decision 2023/01, on 16 January 2024.

**Conservation vision and objectives for the
North Atlantic Current and Evlanov Sea basin MPA¹**
**Extract from the Revised North Atlantic Current and Evlanov Sea basin MPA Nomination
Proforma (OSPAR Publication 2023/989)**

Aim of MPA (conservation objective)

Conservation vision²:

Maintenance and, where appropriate, restoration of seabird populations, marine biodiversity and the integrity of the various ecosystems and their functions and processes within the North Atlantic Current and Evlanov Sea basin MPA (NACES MPA).

Method to achieve the vision:

Cooperation between competent authorities, stakeholder participation, scientific progress and public learning are essential prerequisites to realize the vision and to establish a Marine Protected Area at this site subject to adequate regulations, good governance, and sustainable utilisation. Long-term research and monitoring provide a detailed understanding of the biodiversity, ecosystem processes and oceanography and any threats to seabirds and to the marine ecosystems of the site. Best available scientific knowledge and the precautionary principle form the basis for conservation.

General conservation objectives^{3,4}:

1. To **protect** and **conserve** the seabirds, marine biodiversity, habitats, ecosystems, and their processes and functions within the North Atlantic Current and Evlanov Sea basin MPA.
2. To **prevent loss** of biodiversity, and promote its recovery where practicable, so as to **maintain** the natural richness and resilience of the ecosystems and habitats to enable populations of seabirds and other species to maintain or recover natural population densities.
3. To **prevent** degradation of, and damage to, habitats and ecological processes including the benthic-pelagic coupling, nutrient fluxes, and connectivity, in order to maintain the structure and functions of marine ecosystems in the North Atlantic Current and Evlanov Sea basin MPA.
4. To **provide** a refuge for seabirds, to **maintain** migration corridors and freedom of movement for highly migratory and wide-ranging species, and to **protect** seafloor habitats including

¹ The nomination proforma was developed for the North Atlantic Current and Evlanov Seamount Marine Protected Area. Please refer to the summary record of the meeting of OSPAR 2021 (OSPAR 21/13/1) for an explanation of the change of name.

² The conservation vision describes a desired long-term conservation condition and function for the ecosystems in the entire MPA. The vision aims to encourage relevant stakeholders to collaborate and contribute to reach objectives set for the area

³ Conservation objectives are meant to realize the vision. Conservation objectives are related to the entire MPA or, if it is decided to subdivide, for a zone or subdivision of the area, respectively.

⁴ It is recognised that climate change may have effects in the area, and that the MPA may serve as a reference site to study these effects

seamounts and abyssal plains from human activities that would have negative impacts on biodiversity and ecosystems.

5. To **increase** ecological understanding of the ecosystem and inform the effective management of the North Atlantic Current and Evlanov Sea basin MPA.

Specific conservation objectives⁵:

Pelagic wide-ranging and/or migratory species

- a. To maintain or restore populations of pelagic seabirds and other pelagic wide-ranging and/or migratory species, including cetaceans, marine reptiles, cephalopods and fish, particularly globally and/or regionally threatened species, using the site, by preventing, minimising or mitigating (see **Table 1**):
 - i. *direct* current and emerging pressures and human activities negatively affecting the seabirds and the other species, including from fisheries (incidental by-catch), disturbance from shipping and extractive activities, and pollution, occurring in the North Atlantic Current and Evlanov Sea basin MPA;
 - ii. *indirect* current and emerging pressures and human activities negatively affecting the seabirds and other species, including fisheries (prey removal), disturbance from shipping and extractive activities, and pollution, occurring in the North Atlantic Current and Evlanov Sea basin MPA.
- b. To conserve (and restore where appropriate) the pelagic ecosystems, including their functions, biodiversity, processes, and trophic linkages, in order to support the resident, visiting and migratory species using the site see **Table 1**.
- c. To prevent deterioration of the environmental quality of the North Atlantic Current and Evlanov Sea basin MPA from levels characteristic of the ambient ecosystems, and where degradation from these levels occur, if applicable, to recover environmental quality to levels characteristic of the ambient ecosystems.

Benthic habitats and species

- a. To conserve the seafloor features occurring at the site that are essential to support integrity of functions of the marine ecosystems, namely, abyssal plains, abyssal hills, basins, fracture zones, pillow lava, knolls, and seamounts.
- b. To protect, maintain, and restore where appropriate:
 - i. the benthic organisms and biogenic habitats, including threatened and/or declining species and habitats such as deep-sea sponge aggregations, and coral gardens;
 - ii. the habitats listed in **Table 1**, including abyssal plain, seamounts and deep-sea elasmobranch spawning grounds.

⁵ Specific Conservation Objectives shall relate to a particular feature and define the conditions required to satisfy the general conservation objectives. Each of these specific conservation objectives will have to be supported by more management orientated, achievable, measurable and time bound targets

The list of pelagic and benthic species and habitats considered under the specific conservation objectives is presented in **Table 1** below.

It is recognised that table 1 includes species that are subject to management by relevant international organisations and bodies. Where the OSPAR Commission considers that action is desirable in relation to such a question, it shall draw that question to the attention of the authority or international body competent for that question. The inclusion of such species in this list must be read in this context.

Table 1⁶. List of habitats and resident, visiting and migratory species of ecological significance in NACES MPA. Note that species and habitats that are also included in the OSPAR List of threatened and/or declining species are indicated with an X in the right-hand column. Table ordered alphabetically by the scientific name within taxonomic groups.

Common Name	Scientific name	Species/habitat listed as threatened and/or declining by OSPAR
Seabirds		
Razorbill	<i>Alca torda</i>	
Little Auk	<i>Alle alle</i>	
Bulwer's Petrel	<i>Bulweria bulwerii</i>	
Cory's Shearwater	<i>Calonectris borealis</i>	
Atlantic Puffin	<i>Fratercula arctica</i>	
Northern Fulmar	<i>Fulmarus glacialis</i>	
Leach's Storm Petrel	<i>Hydrobates leucorhous</i> ⁷	
Bermuda Petrel	<i>Pterodroma cahow</i>	
Desertas Petrel	<i>Pterodroma deserta</i>	
Zino's Petrel	<i>Pterodroma madeira</i>	
Great Shearwater	<i>Ardena gravis</i> ⁸	
Sooty Shearwater	<i>Puffinus griseus</i>	
Macaronesian Shearwater	<i>Puffinus baroli</i>	x ⁹
Manx Shearwater	<i>Puffinus puffinus</i>	
Black-legged Kittiwake	<i>Rissa tridactyla</i>	x
Long-tailed Jaeger	<i>Stercorarius longicaudus</i>	
Parasitic Jaeger ¹⁰	<i>Stercorarius parasiticus</i>	
South Polar Skua	<i>Catharacta maccormicki</i> ¹¹	
Arctic tern	<i>Sterna paradisaea</i>	

⁶ This table includes species that are subject to management by relevant international organisations and bodies. Where the OSPAR Commission considers that action is desirable in relation to such a question, it shall draw that question to the attention of the authority or international body competent for that question. The inclusion of such species in this list must be read in this context.

⁷ Synonymised as *Oceanodroma leucorhoa* (WoRMS, 2023)

⁸ Synonymised as *Puffinus gravis* (WoRMS, 2023)

⁹ OSPAR listed Little shearwater, *Puffinus assimilis baroli*, in 2003, the taxonomic grouping of the species has recently been reviewed and was referred to also as Audobons's shearwater, *Puffinus iherminieri baroli*. In 2021 the OSPAR List (Agreement 2008-6) was updated to change the name to Macaronesian shearwater (*Puffinus baroli*) which is used in this nomination proforma. The previously used names may feature in results presented in the nomination forma that precede 2021.

¹⁰ Added to list March 2023 based on Harrison et al. (2021) tracking data

¹¹ Synonymised as *Stercorarius maccormicki* (WoRMS, 2023)

Common Name	Scientific name	Species/habitat listed as threatened and/or declining by OSPAR
Great Skua	<i>Catharacta skua</i> ¹²	
Common Murre	<i>Uria aalge</i>	
Thick-billed Murre	<i>Uria lomvia</i>	x
Sabine's gull	<i>Xema sabini</i>	
Cetaceans		
Sei whale	<i>Balaenoptera borealis</i>	
Blue whale	<i>Balaenoptera musculus</i>	x
Fin whale	<i>Balaenoptera physalus</i>	
Short-beaked dolphin	<i>Delphinus delphis</i>	
Pilot whale	<i>Globicephala melas</i>	
Risso's dolphin	<i>Grampus griseus</i>	
Northern Bottlenose Whale	<i>Hyperoodon ampullatus</i>	
White-sided dolphin	<i>Lagenorhynchus acutus</i>	
Humpback whale	<i>Megaptera novaeangliae</i>	
Sperm whale	<i>Physeter macrocephalus</i>	
Harbour porpoise	<i>Phocoena phocoena</i>	x ¹³
Striped dolphin	<i>Stenella coeruleoalba</i>	
Marine reptiles		
Loggerhead turtle	<i>Caretta caretta</i>	x
Green sea turtle	<i>Chelonia mydas</i>	
Leatherback turtle	<i>Dermochelys coriacea</i>	x
Hawksbill turtle	<i>Eretmochelys imbricata</i>	
Kemp's Ridley	<i>Lepidochelys kempii</i>	
Fish		
Thorny Skate	<i>Amblyraja radiata</i>	
European eel	<i>Anguilla anguilla</i>	x ¹⁴
American Eel	<i>Anguilla rostrata</i>	
Basking shark	<i>Cetorhinus maximus</i>	x
Grenadiers	<i>Coryphaenoides</i> spp.	
Atlantic Cod ⁸	<i>Gadus morhua</i>	
Shortfin mako shark	<i>Isurus oxyrinchus</i>	
Mesopelagic fish (>100 species)	Full list of species of mesopelagic fish available in Annex 10	
Ocean Sunfish	<i>Mola mola</i>	
Blue shark	<i>Prionace glauca</i>	
Scalloped Hammerhead	<i>Sphyrna lewini</i>	
Bigeye Tuna	<i>Thunnus obesus</i>	
Bluefin tuna	<i>Thunnus thynnus</i>	x
Cephalopods		

¹² Synonymised as *Stercorarius skua* (WoRMS, 2023)

¹³ Harbour porpoise listed threatened and/or declining by OSPAR in 2003 in Regions II, III, and listed as occurring in All OSPAR Regions.

¹⁴ European Eel listed threatened and/or declining by OSPAR in 2008 in Regions I, II, III, IV. European eel is listed as present in Regions I, II, III, and IV, however, OBIS occurrence data shows presence of the species within the Site, it is therefore included in this nomination proforma.

Common Name	Scientific name	Species/habitat listed as threatened and/or declining by OSPAR
Paralarval cephalopods (>25 species)	Full list of cephalopod species available in Annex 9	
Dumbo octopus	<i>Grimpoteuthis</i> sp.	
Atlantic gonate squid	<i>Gonatus steenstrupi</i>	
Atlantic cranch squid	<i>Teuthowenia megalops</i>	
Habitats		
Abyssal plains		
Abyssal hills		
Basins		
Coral gardens		x
Deep-sea elasmobranch spawning grounds		
Deep-sea sponge aggregations		x
Escarpmets		
Fracture zones		
Knolls		
Northwest Atlantic Mid-Ocean Channel		
Pillow lava		
Ridges		
Seamounts		x