

## **Memorandum of understanding between the OSPAR Commission and the International Seabed Authority**

The purpose of this memorandum of understanding is to specify the scope of cooperation between the Commission established by the Convention for the Protection of the Marine Environment of the North-East Atlantic (“OSPAR Convention”), signed in Paris on 22 September 1992 (hereinafter referred to as “the OSPAR Commission”) and the International Seabed Authority (hereinafter referred to as “the Authority”) established by the United Nations Convention on the Law of the Sea (“the Convention”) signed in Montego Bay on 10 December 1982.

### **WHEREAS**

The OSPAR Commission has been taking initiatives to establish a network of marine protected areas in order to protect biodiversity in areas beyond national jurisdiction, as part of its obligations under the OSPAR Convention and its annex V;

The OSPAR Commission in fulfilling its obligations seeks, where appropriate, to cooperate with competent regional organizations and other competent international organizations and competent bodies;

The OSPAR Commission issued a Code of Conduct for Responsible Marine Research in the Deep Seas and High Seas of the OSPAR Maritime Area;

The Authority is the competent organization through which States Parties to the Convention shall, in accordance with Part XI of the Convention and the 1994 Agreement relating to the Implementation of Part XI of the Convention adopted on 28 July 1994 by the United Nations General Assembly, resolution 48/263 (“the 1994 Agreement”), organize and control activities in the Area, particularly with a view to administering the mineral resources of the Area, as defined in article 1, paragraph 1 (1) of the Convention;

The Authority promotes and encourages the conduct of marine scientific research with respect to activities in the Area and the collection and dissemination of the results of such research and analysis, when available, with particular emphasis on research related to the environmental impact of activities in the Area in accordance with article 143 of the Convention and section 1, paragraph 5 (h) of the 1994 Agreement;

The Authority is competent to take necessary measures in order to ensure effective protection of the marine environment from harmful effects which may arise from activities in the Area as set out in article 145 of the Convention and section 1, paragraph 5 (g) of the 1994 Agreement;

The Authority seeks consultation and cooperation with, *inter alia*, international organizations on matters within the competence of the Authority;

All parties to the OSPAR Convention are members of the Authority;

In areas where the “maritime area” defined in article 1 (a) of the OSPAR Convention and the “Area” defined in article 1, paragraph 1 (1) of the Convention overlap, both the OSPAR Commission and the Authority have complementary competence; this competence to be exercised in accordance with the principles governing the Area as stipulated in section 2 of Part XI of the Convention;

The OSPAR Commission and the Authority both have a strong interest in the protection of the marine environment, including of vulnerable deep sea ecosystems in the Area that are associated with some mineral resources, and have taken initiatives at a regional scale in that respect, respectively in the Charlie Gibbs Fracture Zone on the Mid-Atlantic Ridge and in the Clarion-Clipperton Fracture Zone in the Pacific Ocean;

Increased cooperation between the OSPAR Commission and the Authority will help ensure appropriate coordination of measures in order to conciliate the development of mineral resources with comprehensive protection of the marine environment;

Consultation will help guarantee that marine protected areas are established with due regard to the rights and duties of States and the Authority as set out in the Convention and the 1994 Agreement;

#### **THE OSPAR COMMISSION AND THE AUTHORITY HAVE DECIDED:**

1. To consult, where appropriate and practical, on matters of mutual interest with a view to promoting or enhancing a better understanding and coordination of their respective activities in respect of such matters;
2. To encourage the conduct of marine scientific research in the sea areas of the North-East Atlantic that are located beyond national jurisdiction, in order to contribute towards ongoing assessments, on the basis of the best available scientific information and in accordance with the precautionary and ecosystem approaches, of:
  - i. The distribution, abundance and condition of vulnerable deep water habitats;
  - ii. The status of populations of marine species;
  - iii. The effectiveness of measures aimed at the conservation of marine biological diversity in areas beyond national jurisdiction in the North-East Atlantic;
3. To cooperate, where appropriate and practical, in the collection of environmental data and information and, where possible, to exchange standardized data and information, including reports of meetings of relevance to each other;
4. To invite each other's representatives to attend and participate in the meetings of their respective governing bodies as observers in accordance with the rules of procedure of such bodies, as appropriate;
5. To conduct, where appropriate, cooperative studies and seminars;
6. That this memorandum of understanding is without prejudice to agreements concluded by either signatory with other organizations and programmes;
7. That the cooperation between them is subject to the requirement of confidentiality of data and information imposed upon the Authority by the Convention in respect of data and information submitted to it by applicants and contractors for exploration of resources of the Area;
8. That this memorandum of understanding will come into effect upon its signature by the Chairman of the OSPAR Commission and the Secretary-General of the Authority. It may be terminated by either Signatory by giving

six months' written notice to the other signatory, prior to the proposed date of termination;

**IN WITNESS WHEREOF** the undersigned have signed the present memorandum of understanding in duplicate.

The Chairman of the OSPAR Commission

The Secretary-General of the  
International Seabed Authority



Date: 20 June 2011

Date: 26 May 2011