



North-East Atlantic Fisheries Commission

Memorandum of Understanding between the North East Atlantic Fisheries Commission (NEAFC) and the OSPAR Commission

The North East Atlantic Fisheries Commission (hereinafter “the NEAFC”) and the Commission established by the 1992 Convention for the protection of the marine environment of the North-East Atlantic (hereinafter “the OSPAR Commission”) have complementary competences, for fisheries management and environmental protection respectively in the North-East Atlantic, including areas beyond national jurisdiction,

RECOGNISING that under the 1982 Convention on the future multilateral cooperation in North-East Atlantic Fisheries, the NEAFC:

- a. is the competent organisation for multilateral cooperation on managing fishery resources in the NEAFC Regulatory Area;
- b. has the objective of ensuring the long-term conservation and optimum utilisation of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits;
- c. in order to fulfil its objective, shall, according to the amendments to the Convention adopted by the Contracting Parties which shall apply when interpreting and implementing the Convention, until such time as the amendments have entered into force:
 - i. ensure that its recommendations are based on the best scientific evidence available;
 - ii. apply the precautionary approach;
 - iii. take due account of the impact of fisheries on other species and marine ecosystems, and in doing so adopt, where necessary, conservation and management measures that address the need to minimise harmful impacts on living marine resources and marine ecosystems;
 - iv. take due account of the need to conserve marine biological diversity.
- d. provides a forum for consultation and exchange of information on the state of fishery resources in the Convention Area and on management policies, including examination of the overall effect of such policies on the fishery resources and, as appropriate, other living marine resources and marine ecosystems
- e. seeks information and advice from the International Council for the Exploration of the Sea, in the interest of the optimal performance of its objectives and functions

RECOGNISING that under the Convention for the Protection of the Marine Environment of the North-East

Atlantic (“OSPAR Convention”) signed in Paris on 22 September 1992, the Contracting Parties to OSPAR shall, *inter alia*:

- a. take all possible steps to prevent and eliminate pollution and shall take the necessary measures to protect the maritime area against the adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems and the biological diversity of the maritime area and, when practicable, restore marine areas which have been adversely affected;
- b. apply the precautionary principle, by virtue of which preventive measures are to be taken when there are reasonable grounds for concern that substances or energy introduced, directly or indirectly, into the marine environment may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea, even when there is no conclusive evidence of a causal relationship between the inputs and the effects;
- c. undertake and publish at regular intervals joint assessments of the quality status of the marine environment and of its development, for the maritime area or for regions or sub-regions thereof;

RECOGNISING that, amongst others, the OSPAR Commission:

- a. aims for the application of an integrated ecosystem approach;
- b. considers that questions relating to the management of fisheries are appropriately regulated under international and regional agreements dealing specifically with such questions and, therefore, will not adopt a programme or measure concerning a question relating to the management of fisheries;
- c. where it considers that action is desirable in relation to a question relating to the management of fisheries, shall draw that question to the attention of the authority or international body competent for that question. Where action within the competence of the OSPAR Commission is desirable to complement or support action by those authorities or bodies, the Commission shall endeavour to cooperate with them;
- d. has agreed a memorandum of understanding with the International Council for the Exploration of the Sea (ICES) under which OSPAR commissions from ICES an annual programme of work on scientific information and advice.

RECOGNISING that NEAFC and the OSPAR Commission have complementary competences and responsibilities for fisheries management and environmental protection, respectively, within the North-East Atlantic including in areas beyond national jurisdiction and that both NEAFC and the OSPAR Commission are intergovernmental organisations which ensure the observance of the normal standards of public bodies in their work;

NEAFC and the OSPAR Commission both have an interest in conserving the living resources of the seas including those located in areas beyond national jurisdiction and have therefore reached the following understanding:

1. To promote mutual cooperation towards the conservation and sustainable use of marine biological diversity including protection of marine ecosystems in the North-East Atlantic, through cooperation in the following areas:
 - a. NEAFC and the OSPAR Commission will ensure that there is a free flow of mutually useful information (including data) between the two organisations. The OSPAR Commission will draw to the attention of NEAFC any concerns that are raised during the course of its work concerning the need for protection of marine ecosystems in the North-East Atlantic and NEAFC will draw to the attention of OSPAR any concerns related to other human activities than fishery impacting on marine ecosystems;
 - b. NEAFC and the OSPAR Commission will discuss jointly their respective concerns over the management of human activities that impact on the marine environment and the living marine resources in the North-East Atlantic including in areas beyond national jurisdiction and possible actions and measures to address them;
 - c. NEAFC and the OSPAR Commission will work together to develop a common understanding of

the application of the precautionary approach/ principle;

- d. NEAFC and the OSPAR Commission will cooperate regarding marine spatial planning and area management;
- e. NEAFC and the OSPAR Commission will encourage the funding and conduct of marine science in the sea areas of the North-East Atlantic, including in areas beyond national jurisdiction that will contribute towards the enhancement of knowledge on:
 - (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 the North-East Atlantic, including in areas beyond national jurisdiction.
 - (iv) the costs of non-action.
- f. NEAFC and the OSPAR Commission may cooperate on specific projects through ICES;
- g. NEAFC and the OSPAR Commission will establish reciprocal observer arrangements according to their respective internal rules;
- h. NEAFC will provide the OSPAR Commission with reports of meetings of NEAFC or its subsidiary bodies that are relevant to the OSPAR Commission's work;
- i. the OSPAR Commission will provide NEAFC with reports of its meetings or meetings of its subsidiary bodies relevant to NEAFC's work.

2. Working relations between NEAFC and the OSPAR Commission will be maintained at an appropriate level, complemented by review meetings between the Secretary of NEAFC and the Executive Secretary of the OSPAR Commission, at a frequency established by them. Other relevant international organisations may be invited to attend these meetings;

3. NEAFC or the OSPAR Commission may propose changes, or withdraw from this Memorandum of Understanding. Any such proposal will be made at least 10 weeks before the annual meeting of the OSPAR Commission, if proposed by NEAFC or at least 10 weeks before the annual meeting of NEAFC, if proposed by the OSPAR Commission. Cooperation on specific issues within the scope of this Memorandum of Understanding may, if necessary, be specified in further detail through the development of separate sub-agreements between NEAFC and the OSPAR Commission.

4. Any change will come into effect on 1 January in the calendar year after the change has been agreed by both NEAFC and the OSPAR Commission. Any withdrawal will come into effect one complete calendar year after the meeting in advance of which notice of the proposed withdrawal was given.

This Memorandum of Understanding will apply from 5 September 2008.

Signed on behalf of the OSPAR Commission:

Signed on behalf of NEAFC:

Mr Atle Fretheim
Chairman of the OSPAR Commission

Mr Stefán Ásmundsson
President of NEAFC

Date:

Date: