

OSPAR Recommendation 2016/2 on furthering the protection and conservation of intertidal mudflats in Regions I, II, III and IV of the OSPAR maritime area

Source: OSPAR 16/20/1, Annex 6

**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 Article 3(1)(b)(ii), which makes it a duty of 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; and Article 3(1)(b)(iv), which aims for the application of an integrated ecosystem approach, subject to Article 4;

RECALLING Article 4(1) of Annex V, which provides that in accordance with the penultimate recital of the OSPAR Convention, no programme or measure concerning a question relating to the management of fisheries shall be adopted under that Annex, while recognising that 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;

RECALLING OSPAR Recommendation 2003/3 as amended by OSPAR Recommendation 2010/2, that calls upon Contracting Parties to report to the OSPAR Commission sites selected for inclusion as components of the OSPAR network of marine protected areas and develop appropriate management plans and measures;

RECALLING OSPAR Recommendation 2010/5 on assessments of environmental impact in relation to threatened and/or declining species and habitats;

RECALLING the OSPAR List of Threatened and/or Declining Species and Habitats (OSPAR Agreement 2008‑6), in which intertidal mudflats are listed as a habitat occurring in OSPAR Regions I, II, III and IV and are categorised as a habitat under threat and/or in decline in those OSPAR Regions;

RECALLING the Statement on the Common Understanding of the Recommendations on Species and Habitats (OSPAR Agreement 2013-13);

NOTING the Case Report (OSPAR publication 2008/358), the respective Background Document for this habitat (OSPAR publication 2009/427) and the scientific references therein as well as OSPAR publication 2010/520 on the OSPAR workshop on defining actions and measures for the OSPAR List of Threatened and/or Declining Species and Habitats, which address the ecological significance of the habitat and provide information on, *inter alia*, the threats and impacts on intertidal mudflats from human activities;

NOTING that, where appropriate, the programmes and measures of this Recommendation will support the regional implementation of EU Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (“Habitats Directive”), EU Directive 2000/60/EC establishing a framework for community action in the field of water policy (Water Framework Directive), EU Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) and corresponding legislation of other Contracting Parties;

NOTING the Quality Status Report of the Wadden Sea 2009, as well as the consequent work done on intertidal mudflats within the framework of the Trilateral Cooperation on the Protection of the Wadden Sea;

NOTING that the Dutch-German-Danish Wadden Sea is inscribed on the World Heritage List for its Outstanding Universal Value as the largest unbroken system of intertidal sand and mud flats in the world with significance for biodiversity on a global scale;

NOTING that this OSPAR habitat is closely linked to several other OSPAR habitats, since biogenic structures such as *Mytilus edulis* beds, *Ostrea edulis* beds and Zostera beds can form on top of intertidal mudflats. Intertidal mudflats are also mutually linked across the Regions through migratory birds.

**The Contracting Parties to the Convention for the Protection of the Marine Environment of the North East Atlantic RECOMMEND:**

**1. Definitions**

For the purpose of this Recommendation:

“Intertidal mudflats” means sediment shores that typically form extensive mudflats in calm coastal and estuarine environments, as well as steep or vertical faces of dry compacted mud, particularly at the top of the shore adjacent to saltmarshes. This habitat has been divided into two sub-types, based on the predominant salinity regime:

* Marine intertidal mudflats
* Estuarine intertidal mudflats

This habitat is further described in OSPAR Agreement 2008-7.

“Marine protected area” 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 habitat mapping database” means the database compiled by OSPAR of existing data from Contracting Parties on the distribution of habitats on the OSPAR List of Threatened and/or Declining Species and Habitats (OSPAR Agreement 2008-6).

**2. Purpose and scope**

2.1 The purpose of this Recommendation is to strengthen the protection of intertidal mudflats as a threatened and/or declining habitat in order to recover the habitat, to improve its status and to ensure it is effectively conserved in Regions I, II, III and IV of the OSPAR maritime area.

**3. Programmes and measures**

3.1 Each Contracting Party should consider in Regions I, II, III and IV:

a. the possibility of introducing legislation to protect intertidal mudflats;

b. investigating the distribution, quality and extent of intertidal mudflats, by means of seabed habitat surveys and monitoring, in order to complete the knowledge base and provide indicators for the state and recovery of the habitat;

c. whenever applicable, seeking ways and means to broaden the knowledge base on the occurrence of and threats to intertidal mudflats (such as land claim for agricultural and industrial use, effluent discharges, oil spills, dredging, fishing and bait digging, sea level rise and saltmarsh encroachment) by gathering additional knowledge;

d. reporting any existing and new data on the distribution, quality and extent of intertidal mudflats to OSPAR;

e. assessing whether existing management measures for the protection of intertidal mudflats are effective and determine whether further measures are needed to address the key threats;

f. whether any sites justify selection and designation as marine protected areas for the protection and conservation of intertidal mudflats and whether such areas may become a component of the OSPAR network of marine protected areas;

g. addressing and minimising key threats to intertidal mudflats arising from: land claim for agricultural and industrial use, effluent discharges, oil spills, dredging, fishing and bait digging, sea level rise and saltmarsh encroachment;

h supporting, where practicable, the natural recovery of intertidal mudflats, in areas where pressures that have caused a decline or disappearance of the habitat are now adequately managed;

i. adapting coastal protection measures in such a way that undesired negative effects on intertidal mudflats are avoided or minimised;

j. raising public awareness of the ecological and socio-economic value of intertidal mudflats and educate planning authorities and developers on the important functions of mudflats in estuarine and coastal systems;

k. acting for the fulfilment of the purpose of this Recommendation within the framework of relevant competent authorities;

3.2 Acting collectively within the framework of the OSPAR Commission, with the aim of promoting an ecosystem-based approach, Contracting Parties should:

a. improve the OSPAR habitat mapping database in relation to intertidal mudflats, and publish regularly updated quality assessments and distribution records;

b. communicate the current knowledge base on intertidal mudflats to stakeholders and other competent international authorities;

c. intensify efforts, where appropriate, to further restore estuarine water quality to ensure that existing mudflats fulfil their important ecological and conservation role.

**4. Entry into force**

4.1 This Recommendation has effect from 24 June 2016.

**5. Implementation reports**

5.1 Contracting Parties should report by 31 December 2019 on the implementation of this Recommendation to the OSPAR Commission. After 2019 Contracting Parties should report every six years on the implementation of this Recommendation.

5.2 When reporting on implementation, the format as set out in Appendix 1 should be used as far as possible.

**Appendix 1**

**Format for implementation reports concerning OSPAR Recommendation 2016/2 on furthering the protection and conservation of intertidal mudflats in Regions I, II, III and IV of the OSPAR maritime area**

*(Note: In accordance with section 5 of the Recommendation, this format should be used as far as possible in implementation reports)*

**I. Implementation Report on Compliance**

**Country:**

Reservation applies: yes/no

Is this measure applicable in your country? yes/no

If not applicable, then state why not.

**II. Means of Implementation:**

By legislation yes/no

By administrative action yes/no

By negotiated agreement yes/no

Please provide information on:

a. specific measures taken to give effect to this measure;

b. any special difficulties encountered, such as practical or legal problems, in the implementation of this measure;

c. any reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported.