



# OSPAR Decision 2023/01 amending Decision 2021/01 on the establishment 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 revised conservation objectives as set out in the revised nomination proforma (Background Document OSPAR publication 2023/989) and WISHING to update OSPAR Decision 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 DECIDE:**

### **1. Purpose and Scope**

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

## 2. Provisions

### Preamble

2.1 In the Preamble of Decision 2021/01, the 4<sup>th</sup> paragraph is deleted.

2.2 In the Preamble of Decision 2021/01 a new 4<sup>th</sup> 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,

2.3 In the Preamble of Decision 2021/01 a new 6<sup>th</sup> 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 2021/01 on the Management of the North Atlantic Current and Evlanov Sea basin Marine Protected Area,

2.4 In the Preamble of Decision 2021/01 a new 7<sup>th</sup> 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,

2.5 In the Preamble of Decision 2021/01, the paragraph recalling 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',

2.6 In the Preamble of Decision 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,

2.7 In the Preamble of Decision 2021/01 two new paragraphs are inserted after the paragraph welcoming the adoption of 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

2.8 In Section 1 (Definitions) of Decision 2021/01, the definition of the North Atlantic Current and Evlanov Sea basin is amended as follows:

*“North Atlantic Current and Evlanov Sea basin”* refers to an area beyond national jurisdiction in OSPAR Region V (wider Atlantic) of approximately 595 196 km<sup>2</sup> 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.

2.9 In Section 1 (Definitions) of Decision 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

2.10 In Section 2 (Purpose and scope) of Decision 2021/01, paragraphs 2.1 and 2.2 are deleted and replaced by the following paragraph 2.1:

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.

2.11 In Section 2 (Purpose and scope) of Decision 2021/01, a new paragraph 2.2 is inserted as follows:

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.

2.12 In Section 2 (Purpose and scope) of Decision 2021/01, paragraph 2.2 is renumbered 2.3.

2.13 In Section 2 (Purpose and scope) of Decision 2021/01, a new paragraph 2.4 is inserted as follows:

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.

## Establishment of the North Atlantic Current and Evlanov Sea basin MPA

2.14 In Section 3 (Establishment of the North Atlantic Current and Evlanov Sea basin MPA), paragraph 3.1 is replaced by the following:

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 km<sup>2</sup> bounded by the coordinates in **Table 1**, and, in the Area, an area of seafloor of 546 511 km<sup>2</sup> bounded by the coordinates in **Table 2**.

*Table 1. NACES MPA in the high seas*

| <i>Point</i> | <i>Longitude</i> | <i>Latitude</i> |
|--------------|------------------|-----------------|
| 1            | -39.681          | 53.122          |
| 2            | -37.979          | 50.996          |
| 3            | -31.998          | 50.994          |
| 4            | -31.999          | 46.765          |

*Table 2. NACES MPA in the Area*

| <i>Point</i> | <i>Longitude</i> | <i>Latitude</i> |
|--------------|------------------|-----------------|
| 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          |

|    |         |        |
|----|---------|--------|
| 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 |

|    |         |        |
|----|---------|--------|
| 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 |

2.15 In Section 3 (Establishment of the North Atlantic Current and Evlanov Sea basin MPA), paragraph 3.2 is amended as follows:

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 limit of extended continental shelves in accordance with Article 76 of, and Annex II, to UNCLOS.

### 3. Entry into force

3.1 This Decision enters into force on 16 January 2024.