

OSPAR 10/23/1-E, Annex 48

OSPAR Recommendation 2010/20 on an OSPAR framework for reporting encounters with conventional and chemical munitions in the OSPAR Maritime Area

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 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,

RECALLING that the OSPAR Quality Status Report 2010 and the JAMP Assessment of the Impact of Dumped Conventional and Chemical Munitions have concluded that the vast amounts of dumped munitions in the sea are a historical legacy representing a risk to fishermen, other coastal users and marine species and TAKING INTO ACCOUNT the experience gained in applying OSPAR Recommendation 2003/2 on an OSPAR Framework for Reporting Encounters with Marine Dumped Conventional and Chemical Munitions,

BEING AWARE of the problems that can arise from encounters at sea and on the coastline with conventional and chemical munitions and of the need to improve knowledge of the risks of such encounters,

DESIRING to provide a means through which Contracting Parties can exchange information on such encounters and thus promote discussion and informed decisions on the management options for munitions dumping sites,

NOTING that the OSPAR Commission will create, maintain, and make available to the public, a database of encounters with conventional and chemical munitions.

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

1. Definitions

1.1 For the purpose of this Recommendation:

“*Conventional and chemical munitions*” means all types of conventional and chemical weapons and munitions, including chemical warfare agents and white phosphorous in any type of receptacle, weapon or munitions.

“*Dumping sites*” means areas of the maritime area where conventional or chemical munitions have been dumped.

2. Purpose and Scope

2.1 The purpose of this Recommendation is:

2.1.1 to promote the reporting of encounters with conventional and chemical munitions by fishermen and other users of the sea and its coastline, and

2.1.2 to establish a record of such encounters, with the aim of facilitating:

- a. discussion and informed decisions on the management options for dumping sites;
- b. identification of the extent of areas around known dumping sites where dumped conventional and chemical munitions are to be found;
- c. the identification of previously unknown, or unrecorded, dumping sites;
- d. the designation on navigational charts of areas where a high risk exists of encounters on the seabed with conventional and chemical munitions.

2.2 This Recommendation applies to Contracting Parties which are coastal States of the OSPAR maritime area.

3. Programmes and Measures

3.1 Contracting Parties should maintain systems whereby:

- a. fishermen and other users of the sea and its coastline can readily report to an appropriate authority or body any encounters at sea or on the coastline with conventional or chemical munitions, and are encouraged to do so;
- b. those making such reports are encouraged to provide, for each such encounter, information on the location and nature of the encounter, the type and state of the device encountered (if known), the action taken with the device and, if the device was released or destroyed at sea, the location of the release or destruction;
- c. such reports are collected at a central point;
- d. public authorities which have to deal with any conventional or chemical munitions found at sea or on shore should report such encounters to the same central point, giving the information specified in subparagraph (b).

3.2 Contracting Parties should report the information collected under these systems by their central points to the OSPAR Commission. Only encounters that occur within Contracting Parties' own jurisdiction should be reported. Encounters in areas beyond national jurisdiction should be reported by the flag state of the vessel involved.

3.3 Contracting Parties should report clusters of encounters which occur within a short period of time to the OSPAR Commission as soon as they are aware of these clusters and not wait until the next report is due to be submitted to the OSPAR Commission.

3.4 Contracting Parties which are Member States of the European Union should ensure that systems operated for the purpose of this Recommendation are consistent with the provisions of Decision 2850/2000/EC of the European Parliament and the Council of 20 December 2000 setting up a Community framework for cooperation in the field of accidental or deliberate marine pollution.

3.5 The arrangements set out in this Recommendation should be reviewed periodically in the light of experience.

4. Entry into Force

- 4.1 This Recommendation has effect from 1 January 2011. Upon taking effect this Recommendation supersedes OSPAR Recommendation 2003/2 on an OSPAR Framework for Reporting Encounters with Marine Dumped Conventional and Chemical Munitions.

5. Implementation Reports

- 5.1 The first reports under this Recommendation should be submitted to the OSPAR Commission by 1 September 2011. Reporting will be annually thereafter.
- 5.2 Contracting Parties should use the spreadsheet at Appendix 1 for their reports to the OSPAR Commission.

Explanatory Notes to the OSPAR Reporting Format on Encounters with Conventional and Chemical Munitions – to be read in conjunction with the spreadsheet.

When filling in the reporting spreadsheet, Contracting Parties are kindly requested to report only those encounters that occur within their own jurisdiction (Encounters in areas beyond national jurisdiction should be reported by the flag state of the vessel involved) and to adhere to the following terminology:

1. The “**Ref. No**” is not to be completed, this is the unique OSPAR reference number that will be assigned by OSPAR.
2. The column “**Contracting Party ID No.**” should comprise the country code¹ and a consecutive number.
3. The column “**Latitude**” in World Geodetic System 1984 (WGS 84) should be completed by giving the degrees and decimal of degree to 4 decimal places where possible. (Example 1: 55°15’24” will be $55 + 15/60 + 24/3600 = 55.2566^\circ$; Example 2: 55°15.4’ will be $55 + 15.4/60 = 55.2566^\circ$).
4. The column “**Longitude**” in World Geodetic System 1984 (WGS 84) should be completed by giving degrees and decimal of degree, to 4 decimal places where possible and negative for locations west of Greenwich e.g. -6.2379°
5. In completing the column “**Nature of encounter**”, the choice of description is limited to:
 - diving;
 - dredging;
 - entanglement in nets;
 - found on shore;
 - laying pipelines or cables;
 - mine hunting;
 - others.
6. In completing the column “**Date**”, the date of the encounter should be given by DD/MM/YY.
7. In completing the column “**Type of munitions**”, the choice of description is limited to:
 - chemical (i.e. chemical warfare agent);
 - firebomb (i.e. white phosphorous)
 - conventional (i.e. explosive);
 - unknown.
8. In completing the column “**Action taken**”, the choice of description of the action is limited to:
 - destroyed, blasted;
 - destroyed, other method;
 - released at sea;
 - disposed of on land;

¹ BE (Belgium), DE (Germany), DK (Denmark), ES (Spain), FR (France), IE (Ireland), IS (Iceland), NL (the Netherlands), NO (Norway), PT (Portugal), SE (Sweden) and UK (the United Kingdom of Great Britain and Northern Ireland).

- other.
9. In the “**State of munitions**” column, the Contracting Party should indicate, where the information is available, the state of the munitions. The choice of description is limited to:
- heavily corroded - *cases where most of the contents could escape;*
 - partly corroded - *cases where the contents cannot yet escape;*
 - good condition - *case integrity intact;*
 - unknown.
10. If the munitions have been released or destroyed at sea, the “Latitude and Longitude **of release or destruction**” should be given in WGS 84 in the same format as for the location of the encounter, see 3 and 4 above.
11. In the “**Remarks**” column, the Contracting parties should include general remarks on:
- the proximity of the location of encounters to the nearest known dumping site;
 - known activities that may have resulted in disturbance of dumping site, e.g. pipe/cable laying, changes in fishing practices;
 - type of shell, if known (i.e. thick or thin);
 - other information deemed relevant.

The column “**General remarks**” should also include any necessary notes of details where the category “*other*” or “*destroyed, other method*” has been used, as well as any description that can be given of the substances contained in the devices that may have been identified.

