



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

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1. Introduction

1.1 OSPAR Recommendation 2010/5

The OSPAR Biological Diversity and Ecosystems Strategy sets out that the OSPAR Commission will assess which species and habitats need to be protected. This work is to guide the setting of priorities by the OSPAR Commission for its activities in implementing Annex V to the Convention ("On the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area").

The OSPAR List of Threatened and/or Declining Species and Habitats (OSPAR Agreement 2008-6) has been developed to fulfil this commitment. It is based upon nominations by Contracting Parties and observers to the Commission of species and habitats that they consider to be priorities for protection. The purpose of the list is to guide the OSPAR Commission in setting priorities for its further work on the conservation and protection of marine biodiversity. Feature specific Recommendations have been adopted for almost all of the features on the list. These Recommendations define measures that require common and/or national actions to further the feature specific protection and conservation and to reduce the main threats from human activities and pressures.

With the aim to ensure a general level of protection from new human activities, the OSPAR Recommendation 2010-05 recommends that the 'OSPAR List of threatened and/or declining species and habitats' is taken into consideration when assessments of environmental impacts (EIAs) of human activities are prepared. Environmental impact assessments of human activities are needed when the activities may affect the marine environment of the OSPAR maritime area.

1.2 EC legislation

The EU Directive on Environmental Impact Assessment, Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, outlines the requirements for undertaking EIAs EU wide.

1.3 Implementation reporting

1.3.1 General reporting requirements

Under Article 22 of the OSPAR Convention, Contracting Parties shall report to the Commission at regular intervals on the national measures (legal, regulatory, or other) taken by them to implement the provisions of the Decisions and Recommendations adopted under the OSPAR Convention and on the effectiveness of these national measures. This implementation reporting forms the basis for OSPAR to assess the compliance by Contracting Parties with the Convention and ultimately to evaluate the effectiveness of programmes and measures under the Convention.

Detailed provisions on implementation reporting and related assessments by OSPAR are laid down in OSPAR's Standard Implementation Reporting and Assessment Procedure (reference number 2003-23,

update 2005). Unless stated otherwise in the OSPAR instrument concerned, the practice has been in general that an implementation report should be submitted to the appropriate OSPAR subsidiary body in the intersessional period four years after the adoption of a measure and every four years thereafter until fully implemented. Implementation reporting does not apply to Contracting Parties with reservations (or non- acceptance) on an OSPAR measure unless and until the reservation (or non-acceptance) is lifted.

1.3.2 Reporting requirements under OSPAR Recommendation 2010-05

This overview assessment of the implementation of OSPAR Recommendation 2010-05 has been prepared by the Secretariat based on national reports submitted by Contracting Parties in the 2016/2017 meeting cycle, and has been examined by the Environmental Impacts of Human Activities Committee in 2018.

This is the second implementation reporting and assessment on Recommendation 2010-05. The first implementation reports were due to be submitted by Contracting Parties by 31 December 2011, however no reports were received by the Secretariat. EIHA 2012 agreed that the next delivery of implementation reports should be submitted by 1 January 2013, with reporting taking place every three years thereafter. EIHA 2017 agreed that reporting should be changed to match the 6 year reporting cycle of the individual recommendations for the OSPAR list of threatened and/or declining species and habitats.

2. Overview of compliance

All Contracting Parties were invited to submit implementation reports on OSPAR Recommendation 2010-05 by 1 January 2016, extended until 31 May 2017. The following Contracting Parties have submitted an implementation report in 2016/17 on this measure: Denmark, Germany, Ireland, the Netherlands, Norway, Spain and the UK. No reports were received from Belgium, the EU, Finland, France, Iceland, Ireland, Luxembourg, Portugal, Sweden and Switzerland. The Recommendation does not apply Finland, Luxembourg and Switzerland, as they don't have maritime waters in the OSPAR Maritime Area.

The overview of those Contracting Parties that have submitted implementation reports show that less than half of the Contracting Parties to whom the Recommendation applies have completed reporting (Table 1). Administrative action was the most common means of implementation, indicated by all Contracting Parties that reported, whereas three Contracting Parties indicated implementation through legislative action two of which also reported implementation through voluntary action.

Table 1. Overview of implementation on OSPAR Recommendation 2010/5 on the consideration of the 'OSPAR List of threatened and/or declining species and habitats' in environmental impact assessments (EIAs). **Contracting Parties in bold type** have not supplied evidence on the implementation of the measure.

Contracting Party	Reservation in place	Implementation report submitted in 2016/2017	Means of implementation		
			By legislation	Administrative action	Voluntary agreement
Belgium	No	No			
Denmark	No	Yes	x	x	
EU	No	No			
Finland	No	N/A			

France	No	No			
Germany	No	Yes		x	
Iceland	No	No			
Ireland	No	No			
Luxembourg	No	N/A			
Netherlands	No	Yes		x	
Norway	No	Yes	x	x	x
Portugal	No	No			
Spain	No	Yes		x	
Sweden	No	No			
Switzerland	No	N/A			
United Kingdom	No	Yes	x	x	x

3. Overview of implementation effectiveness

The information received from those Contracting Parties that report against implementation of OSPAR Recommendation 2010-05 varies in content. While Denmark and Spain report that the 'OSPAR List of threatened and/or declining species and habitats' is considered in environmental impact assessments. Spain reported that the 'OSPAR List' is taken into account both in the environmental impact assessments (EIA) as well as in the strategic environmental assessments (SEA). Germany and the Netherlands indicated that only specific OSPAR Listed features and their relevant threats are considered in EIAs. The Netherlands also reported that the OSPAR List is currently not considered at all in EIAs. Norway reported that the OSPAR List is considered secondarily through the listing of the species on other lists, which are considered in EIAs similarly to the UK reporting national legislation implemented for some features on the OSPAR List. Norway reported that the OSPAR List has been considered in EIAs related to oil and gas.

The OSPAR Contracting Parties Denmark, Spain and the UK, which are also EU Member States, reported that OSPAR Recommendation 2010/5 is implemented through the EU Directive on EIA (Directive 2001/42/EC). The UK and the Netherlands also identified other EU legislation as being of relevance for the implementation of OSPAR Recommendation 2010/5, e.g. the EC Habitats Directive (Council Directive 92/43/EEC) including the Natura2000 network, and the EU Marine Strategy Framework Directive (Directive 2008/56/EC).

The OSPAR List of threatened and/or declining species and habitats is an OSPAR Other Agreement, thus it is not legally binding to Contracting Parties. Spain and Norway Contracting Parties indicated that the legally non-binding nature of the OSPAR List has contributed to difficulties in implementation of Recommendation 2010/5, as there is no obligation to adjust national legislation to recognise the listed species, which would make their assessment mandatory.

The current lack of knowledge of the distribution, range and occurrence of the features on the OSPAR List was identified as an impediment to the implementation of Recommendation 2010/5 by Norway, Spain and the Netherlands. Habitat mapping as well as mapping of the listed species, which are often rare, was identified as needed. Improved knowledge of the spatial distribution and occurrence of listed features would support Contracting Parties in taking relevant administrative action in ensuring that projects planned to occur in areas overlapping with the OSPAR Listed features consider the relevant threats in the EIA process.

4. Conclusions on the state of implementation of Recommendation 2010-05

The implementation reporting on Recommendation 2010/5 was completed by less than half of the OSPAR Contracting Parties. Thus the overview cannot be seen as providing a complete assessment of the current level of consideration EIAs of the OSPAR listed threatened and/or declining species and habitats.

The following broad conclusions can be drawn;

- a. some Contracting Parties ensure the features of the 'OSPAR List of threatened and/or declining species and habitats' and the relevant threats are considered in environmental impact assessments (EIA);
- b. the implementation effectiveness varies significantly between Contracting Parties, from full implementation through administrative action in some Contracting Parties to no implementation in other Contracting Parties;
- c. it seems unlikely that the aim of Recommendation 2010/5 of furthering the conservation and protection of OSPAR Listed features is currently being achieved through this measure.

The overall conclusion of this assessment of implementation reporting is that OSPAR Recommendation 2010/5 has not been fully nor effectively implemented throughout the OSPAR region to date.

Annex 1

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

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 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,

RECALLING Article 4 of Annex V, which provides that no programme or measure concerning a question relating to the management of fisheries shall be adopted under that Annex,

RECALLING the adoption by the OSPAR Commission of the OSPAR List of threatened and/or declining species and habitats (OSPAR Agreement 2008-6) which was adopted by the OSPAR Commission to guide the setting of priorities for its activities in implementing Annex V to the Convention,

RECALLING the OSPAR Case Reports for the OSPAR List of Threatened and/or Declining Species and Habitats (OSPAR publication 2008/358) providing the evidence for the development of the OSPAR List,

RECALLING the series of OSPAR background documents published on the OSPAR website on the species and habitats listed by OSPAR that examine their current status and the need for actions to ensure the protection of each species or habitat,

RECALLING that the OSPAR Quality Status Report 2010 concluded that the UN target of reducing the loss of biodiversity by 2010 is far from being achieved in the North-East Atlantic and that there is an urgent need for effective protection and conservation of the threatened and/or declining species and habitats on the OSPAR List,

RECALLING EU legislation, namely the European Directives 85/337/EEC and 97/11/EC on the assessment of the effects of certain public and private projects on the environment, and Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, and NOTING FURTHER corresponding legislation of other Contracting Parties,

RECOGNISING the conclusion of the Quality Status Report 2010 that pressures from human activities on the marine environment are increasing and that there is a need better understand and address the environmental impacts of human activities, individually or cumulatively, on vulnerable marine habitats and species,

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

1. Purpose and Scope

1.1. The purpose of this Recommendation is to support the protection and conservation of species and habitats on the OSPAR List of threatened and/or declining species and habitats, through assessments of environmental impacts of human activities.

2. Programmes and Measures

2.1 When assessments of environmental impacts of human activities that may affect the marine environment of the OSPAR maritime area are prepared, Contracting Parties should ensure they take account of the relevant species and habitats on the OSPAR List of threatened and/or declining species and habitats (OSPAR Agreement 2008-6).

2.2 The assessment referred to in paragraph 2.1 above should consider threats identified in the Background Documents on species and habitats on the OSPAR List published on the OSPAR website and other relevant documentation.

3. Entry into Force

3.1 This Recommendation has effect from 24 September 2010.

4. Implementation reports

4.1 Contracting Parties should report by 31 December 2011 to the OSPAR Commission on their implementation of this Recommendation and subsequently thereafter as decided by the OSPAR Commission.

4.2 When reporting on implementation, the format at Appendix 1 should be used as far as possible.

Appendix 1

Format for implementation reports concerning OSPAR Recommendation 2010/5 on assessments of environmental impact in relation to threatened and/or declining species and habitats

(Note: In accordance with Section 4 of the Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

Reservation applies:

Is measure applicable in your country ?

If not applicable, then state why not

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Means of Implementation:

by legislation	by administrative action	by negotiated agreement
yes/no*	yes/no*	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.

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* Delete whichever is not appropriate.

Annex 2

Denmark

Format for implementation reports concerning OSPAR Recommendation 2010/5 on assessments of environmental impact in relation to threatened and/or declining species and habitats

(Note: In accordance with Section 4 of the Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

Reservation applies:

Is measure applicable in your country?

If not applicable, then state why not

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Means of Implementation:

by legislation	by administrative action	by negotiated agreement
yes	yes	yes/no*

Please provide information on:

- specific measures taken to give effect to this measure;*
- any special difficulties encountered, such as practical or legal problems, in the implementation of this measure;*
- any reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported.*

a) The measures are in practice implemented through the national implementation of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment. The assessments needed to fore fill the requirements of the legislation will in practice include the same assessments as described in the OSPAR recommendation 2010/5.

b) No special difficulties encountered.

Germany

Format for implementation reports concerning OSPAR Recommendation 2010/5 on assessments of environmental impact in relation to threatened and/or declining species and habitats

(Note: In accordance with Section 4 of the Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

Reservation applies:

Is measure applicable in your country ?

If not applicable, then state why not

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Means of Implementation:

by legislation	by administrative action	by negotiated agreement
<p>yes/no*</p> <p>Maritime Spatial Planning for the German EEZ in the North Sea (2009): Wind farm installation and operation are excluded from protected areas (Natura 2000 sites)</p>	<p>yes/no*</p> <p>Incidental provisions in the approvals given by the Federal Maritime and Hydrographic Agency for offshore construction sites (e.g. offshore wind farms):</p> <p>Limitation of underwater sound emission during the erection of offshore installations by given thresholds</p>	<p>yes/no*</p> <p>Sound protection concept for harbour porpoises by the Federal Ministry Sound protection concept for harbour porpoises by the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety</p>

Please provide information on:

* Delete whichever is not appropriate.

- 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.

Species: Harbour Porpoise (*Phocoena phocoena*).

Human activity/pressure: installation of foundations of offshore wind turbines/underwater noise. .

There is a risk that Harbour Porpoises are negatively impacted by underwater noise arising from the installation of foundations of offshore wind turbines, in particular pile driving activities, if no noise mitigation measures are applied.

In the incidental provisions of German approvals for the erection and operation of offshore wind installations in the German EEZ it is inter alia laid down that during the installation and foundation of a wind turbine such working methods according to the best available technology shall be used which are under the present conditions as noiseless as possible.

Furthermore, in the incidental provisions sound emission thresholds are specified. Thus, it has to be ensured that the sound exposure level (SEL) in a distance of 750 m to the ramp site does not exceed the level of 160 decibel (dB re $1\mu\text{Pa}^2\text{s}$) and the peak level (peak to peak) does not exceed the value of 190 decibel (dB re $1\mu\text{Pa}$).

Although there is the chance that promising new low-noise foundations types (suction buckets) may be increasingly be used in future, the current main technology used is the ramming of piles. In particular for these ramming activities technical suitable mitigation measures or combination of such measures have to be selected in such a way that the sound emission thresholds laid down in the incidental provisions will be met.

In addition, according to the sound protection concept of the Federal Ministry for the Environment Nature Conservation, Building and Nuclear Safety, the area impacted by disturbing underwater noise exceeding a sound exposure level (SEL) of 140 decibel (dB re $1\mu\text{Pa}^2\text{s}$) is generally restricted to ten per cent of the German North Sea EEZ and, in addition, to one per cent both of a main concentration area of harbour porpoises within the German Bight and of the Special Areas of Conservation (SACs) during in the particularly sensitive phase from May to August.

A technical mitigation concept on how to comply with these thresholds has to be provided to the approval authority before the start of the construction. The effectiveness of new measures chosen (according to the state-of-the-art of science and technology) has to be proven under conditions comparable to those offshore. A documentation of the testing has to be submitted to the approving authority.

To avoid the endangerment of harbour porpoises, in the case of ramming of foundations, the offshore wind farm developer has to apply mitigation measures such as

- use of acoustic deterrents before pile driving
- soft-start techniques
- technical sound mitigation measures (e.g. bubble curtain, isolation casings, hydro sound damper) or a combination of them
- controlling of hammer energy and blow frequency
- controlling of the maximum effective piling time per pile
- reporting requirements

By using pingers and soft-start techniques the harbour porpoises will appropriately be deterred from the vicinity of the construction site. Together with noise reduction measures at source and the associated sound emission threshold values it is according to current knowledge sufficiently ensured that killing, injury or significant disturbances of harbour porpoises will not occur.

Spain

Implementation report concerning OSPAR Recommendation 2010/5 on assessments of environmental impact in relation to threatened and/or declining species and habitats

(Note: In accordance with Section 4 of the Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

SPAIN

Reservation applies:

NO

Is measure applicable in your country ?

YES

If not applicable, then state why not

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Means of Implementation:

by legislation	by administrative action	by negotiated agreement
NO	YES	NO

Please provide information on:

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

OSPAR List is taken into account in the Environmental Impact Assessments (EIAs) of projects and in the Strategic Environmental Assessments (SEAs) of plan or programmes to be developed in the marine waters. The Division for the Protection of the Sea is consulted in the EIA and SEA processes, stating in their reports the presence of the species in the OSPAR List, where appropriate.

In Spain there are also other administrative procedures that require an assessment of the environmental impact of human activities. International oceanographic campaigns that take place in the Spanish jurisdictional waters require an administrative authorisation given by the Ministry of Foreign Affairs and Cooperation. The Ministry of Agriculture, Fisheries, Food and Environment is informed about these campaigns and submits a report on the environmental impact taking into account, among some other aspects, the OSPAR List species and habitats.

Moreover, according to the Spanish Law 41/2010, for the protection of the sea the human activities in the marine waters must be compatible with the environmental targets of the Marine Strategy. These targets are directly related to other European Environmental Policies and Regional

Marine Conventions. For instance, the target A.3 states Ensure the conservation of marine species and habitats, especially those considered threatened or in decline.

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

OSPAR List of Threatened &/or Declining Species and Habitats is not a binding instrument, as is the case for other Lists approved by other Conventions. For example, when some species are included in Annex II of Barcelona Convention, environmental national legislations must be modified in order to protect these species, as well. One of the main difficulties found in the application of measures aimed at the protection of Species and Habitats included in the OSPAR List is the fact that they must not necessarily be included in national legislation, and consequently measures adopted to protect them are in most of the cases recommendations or voluntary actions, not having a binding application.

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

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Norway

Format for implementation reports concerning OSPAR Recommendation 2010/5 on assessments of environmental impact in relation to threatened and/or declining species and habitats

(Note: In accordance with Section 4 of the Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

No

Reservation applies:

yes

Is measure applicable in your country ?

yes

If not applicable, then state why not

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Means of Implementation:

by legislation	by administrative action	by negotiated agreement
yes	yes	yes

Please provide information on:

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

-EIA procedures- Starting up new human activities in Norwegian ocean areas will normally require an environmental impact assessment. Listed habitats and species should be a part of the considerations in the EIA.

-according to national guidelines for EIA, threatened species and habitats shall be considered. These guidelines should be used in all relevant EIA processes. Threatened habitats as defined by the national redlist in the categories CR, EN and VU (and also NT if the measure considered will increase the risk for an NT habitat to be more threatened), selected habitat types (according to nature diversity act) should be considered. Important habitats from the national habitat mapping program shall also be included. For species categories CR, EN and VU in the national redlist, priority species (according to nature diversity act) and species of particular national interest should be considered.

The OSPAR listed species and habitats will therefore be considered in EIAs as long as there is overlap with these national systems. In particular in the coastal areas the overlap is quite good.

For oil and gas activities the OSPAR list has been used in EIA procedures.

-Strengthening the knowledge base- habitat mapping is going on both in the coastal areas and in the oceans. Relevant listed threatened and declining habitats is a part of the habitat mapping programmes

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

Although impact assessments are implemented, the major issues of the seas are often settled politically. Economic considerations may then override ecological concerns.

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

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UK

Implementation report concerning OSPAR Recommendation 2010/5 on assessments of environmental impact in relation to threatened and/or declining species and habitats

(Note: In accordance with Section 4 of the Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

Reservation applies:

Is measure applicable in your country ?

If not applicable, then state why not

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Means of Implementation:

by legislation	by administrative action	by negotiated agreement
yes	yes	yes

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.

a. Potentially damaging licensable activities are regulated and managed by UK competent authorities through UK legislation implementing the EC Habitats Directive (Council Directive 92/43/EEC), e.g. The Conservation of Habitats and Species Regulations 2010 (as amended), The Marine Works (EIA) Regulations 2007 (as amended) and The Marine and Coastal Access Act (2009). As such, they require a marine licence (unless exempt). Consideration of potential direct and indirect damage to the species or habitat is made as part of applicable marine licence processes, and consent conditions may be imposed that restrict temporal

or areal impact. Deep sea mining is not currently active in UK seas but would be regulated by the International Seabed Authority.

There are also existing management plans (e.g. Special Areas of Conservation (SACs) management plans, regulation 35 advice).

For a number of the features national legislation has been adopted to protect them such as the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Regulations 2007. Features can be listed as Species or habitats of principal importance in England, Scotland, Wales and Northern Ireland under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (England), Section 7 of the Environment (Wales) Act 2016, Section 2(4) of the Nature Conservation (Scotland) Act 2004, and Section 3(1) of the Wildlife and Natural Environment Act (Northern Ireland) 2011. As a result of the Wildlife and Countryside Act for example, places of shelter or protection for listed features are protected.

In addition to this, for offshore protected sites JNCC publishes Site Information Centres online which presents information on the site, its features and human activities known to occur within the site.

The UK is also signatory to a number of international Conventions (e.g. International Convention for the Prevention of Pollution from Ships - MARPOL) that limit pollution, ships and tankers of a specified type and size carry an approved Shipboard Oil Pollution Emergency Plan (SOPEP). Under the Merchant Shipping (Oil Pollution Preparedness, Response Co-operation Convention) Regulations (1998), every offshore installation and oil-handling facility must have an approved oil pollution emergency plan (OPEP) setting out arrangements for responding to incidents that cause or may cause marine pollution by oil, with a view to preventing such pollution or reducing or minimising its effect.

It is worth noting that during 2016 UK Government held a consultation on the proposals for implementing European Directive 2014/52/EU amending Directive 2011/92/EU 'on the assessment of the effects of certain public and private projects on the environment' (known as the "Environmental Impact Assessment" or "EIA" Directive).

Netherlands

implementation report concerning OSPAR Recommendation 2010/5 on assessments of environmental impact in relation to threatened and/or declining species and habitats

(Note: In accordance with Section 4 of the Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

Netherlands

Reservation applies:

No

Is measure applicable in your country ?

yes

If not applicable, then state why not

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Means of Implementation:

by legislation	by administrative action	by negotiated agreement
Possibilities are still being studied	Protection of species and habitats will be enhanced by Marine Protected Areas and through seabed protection measures under MSFD. Natura 2000 management plans for Marine Protected Areas are under development	

Please provide information on:

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

No specific overall measures in place yet; the previous 2014 report is still valid. Possibilities are being studied and it will depend on the outcome of the MSFD measures and the MPA management plans. The protection of the relevant listed species and habitats may in future be taken up in the requirements for Environmental Impact Assessments.

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

See under c.

- c. any reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported.
- Present lack of knowledge on occurrence of the some of the species and habitats (rare species and habitats are difficult to monitor)
 - Although EIA processes do exist in the Netherlands for (major) human activities on the Northsea, there is no obligation to take the OSPAR List on S/H into account, sometimes only for selected species. This will be discussed with Dutch EIA Commission.
 - Natura 2000 management plans are adopted and under implementation for the largest part of the Dutch coastal zone. Recently three MPAs are designated in the Dutch EEZ mid-2016. Management plans are under development for these MPAs.
 - Under the MSFD two large seabed protection areas in the Dutch EEZ will be identified in the near future
 - Within all these areas (coastal zone and EEZ), activities are strictly regulated and the OSPAR species usually benefit from measures taken to protect certain habitats (for example the Natura 2000 habitat type H1110 “Sandbanks which are slightly covered by sea water all the time”) or other species
 - A national conservation plan towards a favourable conservation status for the Harbour Porpoise has been developed and implemented. This will be taken into account with EIAs.
 - A national plan for the plan for the restoration of populations of sharks, rays and skates has been developed. This will be taken into account with EIAs.



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**OSPAR's vision is of a clean, healthy and biologically diverse
North-East Atlantic used sustainably**

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