

Guidelines for the revision of the OSPAR list of threatened and/or declining species and habitats and associated documents

(OSPAR Agreement 2019-04)¹

Introduction

1. OSPAR has established a list of threatened and/or declining species and habitats in the North-East Atlantic (OSPAR Agreement 2008-6). The list provides an overview of the biodiversity in need of protection in the North-East Atlantic and is being used by the OSPAR Commission as a guide for setting priorities for further work on the conservation and protection of marine biodiversity under Annex V of the OSPAR Convention. The initial set of case reports, which were developed to support the inclusion of species and habitats on the list, have been extended by a series of background documents. These provide further information on the status of each of the species and habitats, as well as the threats they face, and give recommendations on the actions and measures that could be taken to ensure the conservation of these species and habitats and to monitor the progress of this work.

2. The list of species and habitats has been drawn up based upon nominations by Contracting Parties and observers to the OSPAR Commission of species and habitats that they consider to be priorities for protection. Evidence in support of those nominations has been collectively examined by the OSPAR Commission on the basis of the relevant Texel/Faial criteria (OSPAR Agreement 2003-13) for the identification of species and habitats in need of protection and peer reviewed by the International Council for the Exploration of the Sea (ICES). The list seeks to complement, but not duplicate, the work under the EC Habitats and Birds directives and measures under the Berne Convention, the Bonn Convention and the Ramsar Convention and other relevant instruments.

Mechanism for revision of the OSPAR list and associated documents

3. The aim of this mechanism is to elaborate on the procedure for revising the OSPAR List based on submissions by Contracting Parties and Observer Organisations, as outlined in the Texel/Faial criteria (OSPAR Agreement 2019-03).

This includes:

- a. Listing of additional species and habitats
- b. Delisting i.e. removal of species and habitats from the list
- c. Modification of the content of the List for an already listed feature (e.g. modifying the OSPAR Regions where a feature is listed as threatened and/or declining)

The mechanism also covers the possibility to suggest changes to related documents (i.e. case reports, background documents and recommendations) on the basis of new information.

¹ This Agreement replaces OSPAR Agreement 2016-02

4. Both Contracting Parties and Observer Organisations can submit a proposal for revision. As per the OSPAR Rules of Procedure (Agreement 2013-02, Annex 2 §4.2c), “no proposal by an NGO shall be discussed unless discussion of this proposal is supported by at least one Contracting Party”. In the case of a proposal by an Observer Organisation that is not an NGO it will also require the support of at least one Contracting Party.

5. The Contracting Party/ Observer Organisation which submits a case for revising the List must also include a plan for the work needed to produce a (or update the existing) case report, background document and OSPAR Recommendation for the feature. This plan should include a suggested time frame and information on who will lead the task.

6. The Contracting Party(ies) who proposes a revision of the OSPAR list (whether the proposal aims to list or delist a species or habitat, or aims to modify the content of the List for an already listed feature), or supports such a proposal from an Observer Organisation, is responsible for taking the case forward. This does not preclude that the actual work of producing the required documents is taken on by another Contracting Party, Observer Organisation or Consultant hired by the lead Contracting Party.

Outline of the procedure

7. The procedure for revision of the OSPAR list based on a proposal is as follows:

8 weeks before ICG-POSH:

- The Contracting Party or Observer Organisation should deliver, or update where appropriate, a case report to support its case (listing/delisting/modification of the content of the List for an already listed feature), a background document and a draft recommendation (or a revised recommendation where appropriate) to the Secretariat, to be circulated as meeting documents for ICG POSH. The submission of a proposal for a draft Recommendation (or a revised recommendation where appropriate) at this stage is suggested to facilitate its early discussions on possible management measures but is without prejudice to §46 and §47 of the OSPAR rules of procedure governing proposals for Decisions and Recommendations. For a proposal to delist or to modify the List for an already listed feature, the case report and the background document should include updated information contained in previous case reports and background documents as appropriate. The structure of the case report and of the background document are shown in Agreement 2019-03.
- In the case of a modification of the content of the List for an already listed feature, the case report submitted by the Contracting Party or Observer Organisation to POSH to support its case examines the relevant Texel-Faial criteria that justify the modification for the feature of interest and verify if the initial assessment of the status of threat or decline is still valid or needs to be modified.

At ICG-POSH:

- Proposals submitted within the deadline and within the specified format are evaluated at ICG-POSH;
- ICG-POSH recommends further actions to BDC;
- If needed, and if so decided by ICG-POSH, further handling of proposals can continue by correspondence up until the document deadline for BDC;
- Several different outcomes are possible for a submission:
 - a. Agreed to be forwarded to BDC with the advice that the criteria have been met and, in the case of a modification of the content of the List for an already listed feature, with advice on whether or not a peer-review of the evidence supporting the case should be commissioned;
 - b. Agreed that there is insufficient evidence against the criteria and that the case should not be forwarded to BDC. ICG-POSH informs BDC about its conclusion;
 - c. Criteria are met, but ICG-POSH concludes that the proposal requires further minor additional work, to be completed by the document deadline for BDC of that cycle;

- d. Criteria are met, but ICG-POSH concludes that the proposal requires further work and is to be presented again at the next ICG-POSH. ICG-POSH informs BDC about its conclusion.

At BDC:

- BDC decides whether the case meets the relevant criteria or not, and provides an advice to the OSPAR Commission on whether the nominated feature should be listed, delisted or modified based on the case report and the background document, and whether the corresponding recommendation should be adopted, revoked or modified where appropriate.
- If BDC agrees that a feature is suitable for listing or delisting, BDC should request an appropriate quality assurance and peer review, (for example by ICES or other scientific body) taking into account advice provided by POSH.

In the case of a modification of the content of the List for an already listed feature:

- BDC considers whether a peer-review is needed. This should take into account whether the proposal is based on the best available science, following advice from ICG-POSH.
- If no-peer review is requested, BDC provides an advice to the OSPAR Commission on whether the nominated feature should be modified and forwards the draft Recommendation for adoption by the OSPAR Commission.

At OSPAR

- OSPAR makes a decision on whether or not to follow the advice from BDC on listing or delisting or modifying the nominated feature;
- If OSPAR decides that a feature is suitable to list or delist, OSPAR should arrange for appropriate quality assurance and peer review, (for example by ICES or other scientific body) taking into account advice provided by BDC. A peer –review can also be requested in case of a modification of the content of the List for an already listed feature, based on the advice from BDC

In case no peer-review is requested:

- OSPAR adopts the modification of the nominated feature and revises the list accordingly.
- OSPAR is invited to adopt the revised Recommendation forwarded by BDC.
- If the modification of the List is agreed and the revised Recommendation is adopted, the process comes to an end.

At BDC n+1:

- BDC assesses the outcome of the peer review and decides if the original conclusions on whether the relevant criteria are fulfilled/not-fulfilled are still valid;
- If the original conclusions are not valid the nominating Contracting Party(ies) is invited to provide additional information in support of the case to the next ICG-POSH and BDC meetings for review, or the listing/ delisting/modification process is stopped. A second peer review should not, generally, be required.

At OSPAR n+1:

- OSPAR adopts the listing /delisting/modification of the feature of interest and revises the list.
- If a feature is listed or modified, OSPAR adopts the Recommendation forwarded by BDC.
- If a feature is removed from the list, any Recommendation for its protection and conservation which has been adopted by the OSPAR Commission will be revoked.

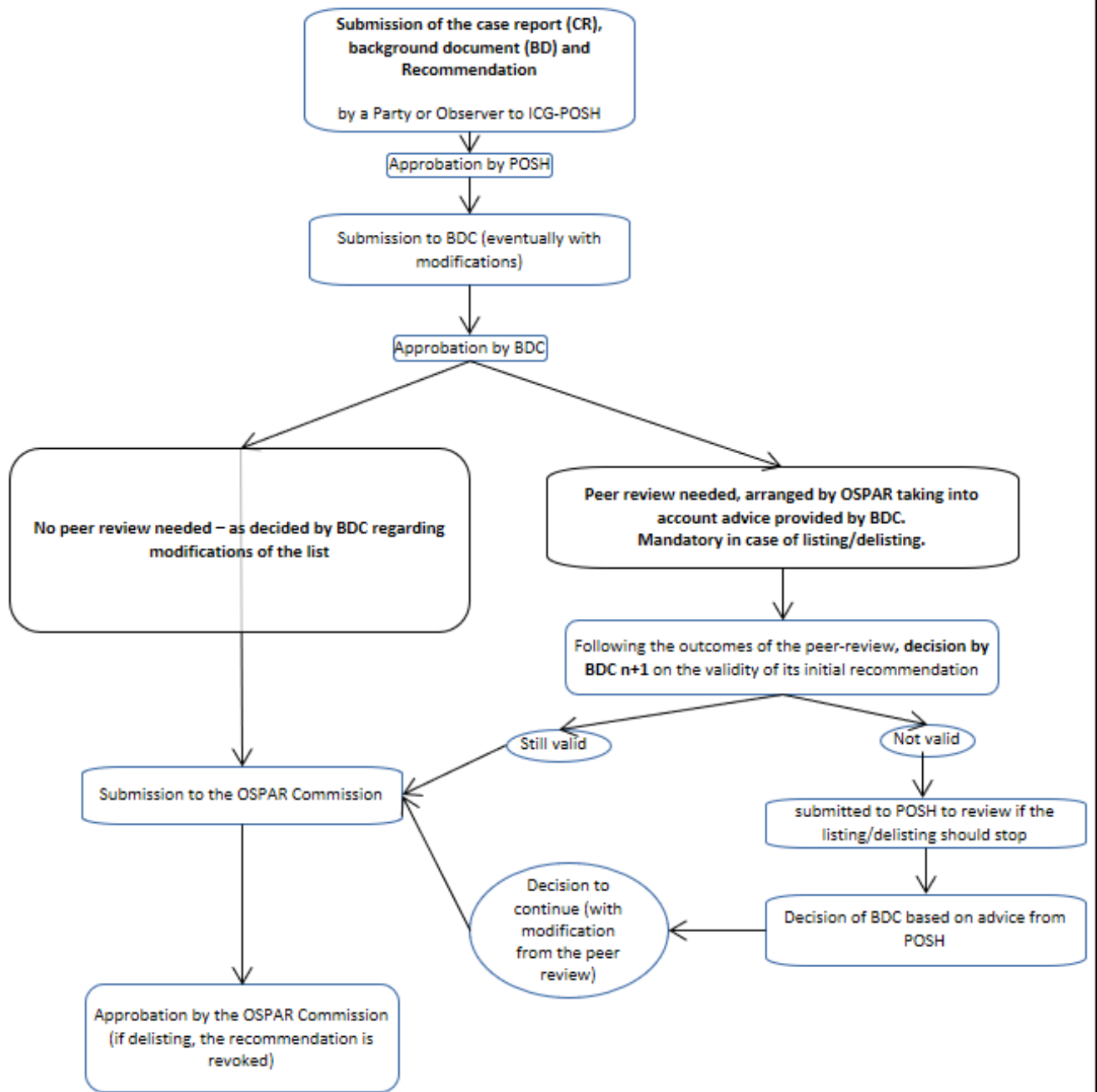


Figure 1. Schematic representation of the procedure for revision of the OSPAR list².

² The figure is only informative of the procedure set out in the text above.