

# General consultation procedures for establishing Marine Protected Areas in Areas Beyond National Jurisdiction of the OSPAR Maritime Area

## (OSPAR Agreement 2019-09)

### 1. Introduction

**THE CONTRACTING PARTIES** to the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) recall the main objectives of the OSPAR Convention and in particular Annex V to the OSPAR Convention which states that Contracting Parties are to take necessary measures to protect and conserve the ecosystems and biological diversity of the maritime area, and to restore, where practicable, marine areas which have been adversely affected and to co-operate in adopting programmes and measures, in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea.

At the Ministerial Meeting in Sintra in 1998, OSPAR Ministers agreed to promote the establishment of a network of marine protected areas and, following a period of preparatory work, the 2003 OSPAR Ministerial Meeting in Bremen adopted [Recommendation 2003/3 on a network of marine protected areas](#) with the purpose of establishing an ecologically coherent network of MPAs in the North-East Atlantic that is well managed by 2016, by guidance through the “Guidelines for the Identification and Selection of MPAs in the OSPAR Maritime Area” (2003-17, amended in 2007).

The OSPAR network of MPAs aims:

- to protect, conserve and restore species, habitats and ecological processes which have been adversely affected by human activities;
- to prevent degradation of, and damage to, species, habitats and ecological processes, following the precautionary principle;
- to protect and conserve areas that best represent the range of species, habitats and ecological processes in the maritime area.

The Contracting Parties to the OSPAR Convention (Contracting Parties) are mindful that concerted action at national, regional and global levels is essential to prevent and eliminate marine pollution and to achieve sustainable management of the maritime area, that is the management of human activities in such a manner that the marine ecosystem will continue to sustain the legitimate uses of the sea and will continue to meet the needs of present and future generations and that the common interests of States concerned, within the same marine area should induce them to cooperate at regional or sub-regional levels.

OSPAR has the mandate to designate MPAs in ABNJ of the OSPAR Maritime Area as described in 'OSPAR's Regulatory Regime for establishing Marine Protected Areas in areas beyond national jurisdiction of the OSPAR Maritime Area' (adopted by OSPAR in 2009).

Furthermore, the Contracting Parties value and seek to increase transparency and acceptance of the nomination process and the establishment of marine protected areas in areas beyond national jurisdiction in the OSPAR maritime area. To this end, the Contracting Parties confirm the importance of consulting and seeking views on proposals for the establishment of marine protected areas in areas beyond national jurisdiction in the OSPAR maritime area, and their scientific basis (Site Nomination Proforma) with the aim to acquire as much information as possible to inform a decision on the designation of a marine protected area and its management.

## 2. Definitions

For the purpose of this Agreement:

**Marine protected area (MPA)** 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.

**Site** means the marine area where the OSPAR MPA is proposed to be designated.

**Site Nomination Proforma** means a document used to collate information against agreed criteria<sup>1</sup>, such as conservation objectives, ecological criteria, and spatial delineation, which serves as a scientific basis for designating a new MPA

**Secretariat** means the Secretariat established under the OSPAR Convention.

## 3. Consultation procedure

### 3.1 The objective of the Consultation Procedure

The Contracting Parties value increased transparency and acceptance of the nomination process and the establishment of MPAs in areas beyond national jurisdiction in the OSPAR maritime area and are therefore committed to seeking views on proposals for such MPAs through a consultation procedure.

The objective of the Consultation Procedures is to collect as much relevant information as possible to ensure that OSPAR has the best available knowledge before establishing MPAs in an area beyond national jurisdiction in the OSPAR maritime area, and to draw attention of users, coastal states and other stakeholders to the proposed MPA in order for them to provide relevant scientific information and express possible concerns. This includes information on the ecosystem and biology in the area, current and/or potential future human activities at the site, including economic activities, and their possible adverse impacts on the Site and its features and any indication of potential future management actions to deliver the proposed conservation objectives for the site. This will inform OSPAR's decision on the designation of a proposed MPA in the area beyond national jurisdiction in the OSPAR maritime area and any recommendations on its future management.

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<sup>1</sup> The criteria are defined in Agreement 2003-17 'Guidelines for the Identification and Selection of Marine Protected Areas in the OSPAR Maritime Area'

In addition, the Consultation Process will enhance the involvement of Contracting Parties also through sectoral and regional competent organisations with a view to implement future management measures relevant to the Site.

### **3.2 Issues for consultation**

Relevant issues that should be included in the Consultation Procedure are requests for:

- (i) additional information of relevance on the species, habitats and ecosystems in the proposed MPA
- (ii) additional information on current and/or potential future human activities at the site, economic or other activities, including their intensity, type and timing
- (iii) additional indicative information about current and/or potential future management actions within the site to deliver the proposed conservation objectives for the site.

### **3.3 How to consult**

With the view to collect all relevant information and concerns related to ongoing and planned activities the Secretariat will initiate early wide and inclusive Consultation Procedure.

The Secretariat will publish the Nomination Proforma on the OSPAR website together with relevant background material and the OSPAR mandate to delineate MPAs in the area beyond national jurisdiction (OSPAR's Regulatory Regime for establishing MPAs in areas beyond national jurisdiction of the OSPAR Maritime Area<sup>2</sup>), with a general invitation for comments. Notification of the consultation will be made public through an OSPAR Press Release

In addition the Secretariat will invite through a written communication, the most potentially affected OSPAR and non-OSPAR states, including any states with a continental shelf subjacent to any proposed MPA and states that carry out human activities, including economic activities, in the area to comment on the proposals.

The Secretariat will, upon the advice of the Contracting Parties, also invite relevant competent intergovernmental organisations and non-governmental organisations to give their comments on the proposal. The invitation will be communicated through the Memoranda of Understanding that OSPAR has established with other organisations, through contact with OSPAR Observers, and through contact with other organisations identified as relevant in each case.

### **3.4 Consultation period**

Views on a proposed MPA are to be submitted within three months of the publication of the Site Nomination Proforma.

## **4. OSPAR decision-making process**

All views and information provided through the Consultation Procedure will be considered in the subsequent internal OSPAR processes, in accordance with the requirements set forth in Recommendation 2003/3, for further development of the Site Nomination Proforma and the ultimate designation of the Site.

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<sup>2</sup> [www.ospar.org/site/assets/files/33747/annex06\\_jl\\_advice\\_on\\_abnj.doc](http://www.ospar.org/site/assets/files/33747/annex06_jl_advice_on_abnj.doc)