



OSPAR Recommendation 2021/05 on furthering the protection and conservation of kelp forest habitat in Region II, III¹ and IV of the OSPAR maritime area

Source: OSPAR 21/13/1, Annex 29

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; and Article 3(1)(b)(iv), which aims for the application of an integrated ecosystem approach, subject to Article 4;

RECALLING Article 4(1) of Annex V, which provides that in accordance with the penultimate recital of the OSPAR Convention, no programme or measure concerning a question relating to the management of fisheries shall be adopted under that Annex, while recognising that where the OSPAR Commission considers that action is desirable in relation to such a question, it shall draw that question to the attention of the authority or international body competent for that question;

RECALLING OSPAR Recommendation 2003/03 as amended by OSPAR Recommendation 2010/2, that calls upon Contracting Parties to report to the OSPAR Commission sites selected for inclusion as components of the OSPAR network of marine protected areas and develop appropriate management plans and measures;

RECALLING OSPAR Recommendation 2010/05 on assessments of environmental impact in relation to threatened and/or declining species and habitats;

RECALLING the OSPAR List of Threatened and/or Declining Species and Habitats (OSPAR Agreement 2008-06), in which kelp forest, defined by specific species of kelp in decline in specific Regions as identified in the case report (OSPAR publication 2021/787), is listed as a habitat occurring in all OSPAR Regions and are categorised as a habitat under threat and/or in decline in OSPAR Regions II, III and IV;

RECALLING the Statement on the Common Understanding of the Recommendations on Species and Habitats (OSPAR Agreement 2013-13);

¹ The present Recommendation applies to the part of Region III south west of a line defined between the point 48° 16' 57,36"N 8° 57' 24,12"W and the point 49° 14' 24,36"N 5° 0' 0"W, illustrated in Appendix 2

NOTING the Case Report (OSPAR publication 2021/787), the respective Background Document for this habitat (OSPAR publication 2021/788) and the scientific references therein;

NOTING that, where appropriate, the programmes and measures of this Recommendation will support the regional implementation of EU Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) and corresponding legislation of other Contracting Parties;

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

1. Definitions

For the purpose of this Recommendation:

“kelp forest habitat” means rocky substratum dominated by large brown seaweeds, in the order Laminariales and some species of the order Tilopteridales, forming an almost complete canopy (often referred as Leaf Area Index > 1 equivalent to a stipe density of at least 3-5 stipes/m²) and supporting a specific and distinct associated understorey and epibiotic community. This habitat is further described in OSPAR Agreement 2008-7;

“threatened and/or declining kelp forest habitat” means kelp forest for which there is firm evidence of decline, being those dominated by the following species (per OSPAR Region): *Alaria esculenta* (in OSPAR Region II, and the part of Region III south west of a line defined between the point 48° 16' 57,36"N 8° 57' 24,12"W and the point 49° 14' 24,36"N 5° 0' 0"W), *Laminaria digitata* (in OSPAR Region II, IV and the part of Region III south west of a line defined between the point 48° 16' 57,36"N 8° 57' 24,12"W and the point 49° 14' 24,36"N 5° 0' 0"W), *Laminaria hyperborea* (in OSPAR Region IV), *Laminaria ochroleuca* (in OSPAR Region IV), *Saccharina latissima* (in OSPAR Region II, IV), and *Saccorhiza polyschides* (in OSPAR Region IV);

“Marine protected area” 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;

“OSPAR habitat mapping database” means the database compiled by OSPAR of existing data from Contracting Parties on the distribution of habitats on the OSPAR List of Threatened and/or Declining Species and Habitats (OSPAR Agreement 2008-06).

2. Purpose and scope

2.1 The purpose of this Recommendation is to strengthen the protection of kelp forest habitat as a threatened and/or declining habitat in order to recover the habitat, to improve its status and to ensure it is effectively conserved in Region II, the part of Region III south west of a line defined between the point 48° 16' 57,36"N 8° 57' 24,12"W and the point 49° 14' 24,36"N 5° 0' 0"W and Region IV of the OSPAR maritime area.

3. Programmes and measures

3.1 Each Contracting Party should consider in Region II, III and IV:

- a. introducing legislation to protect threatened and/or declining kelp forest habitat;
- b. monitoring the distribution of kelp forest and the intensity of pressures threatening kelp forest habitat (including loss and change of substratum, levels of eutrophication, removal of species, introduction and spread of non-indigenous species and physical damage);

- c. designating marine protected areas to protect threatened and/or declining kelp forest habitat as part of the OSPAR network of marine protected areas;
- d. developing relevant and targeted conservation measures for threatened and/or declining kelp forest habitat in existing marine protected areas;
- e. adopting additional measures to minimise the potential individual or cumulative effects on threatened and/or declining kelp forest habitat from:
 - i. water quality degradation (e. g. eutrophication, turbidity),
 - ii. hazardous substances,
 - iii. introduction of non-indigenous species;
- f. adopting measures to remove, minimise and/or avoid physical disturbance or loss of threatened and/or declining kelp forest habitat;
- g. promoting the development of threatened and/or declining kelp forest habitat restoration programmes at the local level;
- h. promoting the development of research project at the local level focusing on climate refuge areas, population dynamics and genetic diversity, response to cumulative effects of multiple stressors, ecological status, restoration capacities and functionality of kelp forest habitat;
- i. raising public awareness of the ecological value of kelp forest habitat;
- j. providing information to planning authorities, developers, and marine industries on the important functions of kelp forest habitat and the pressures and activities that can prevent recovery.

3.2 Acting collectively within the framework of the OSPAR Commission, with the aim of promoting an ecosystem-based approach, Contracting Parties should:

- a. share any existing and new data on the distribution, quality and extent of kelp forest habitat and the distribution and intensity of pressures on the habitat with the OSPAR Commission and regularly publish updated status assessments;
- b. improve the OSPAR habitat mapping database in relation to kelp forest habitat by reporting relevant records;
- c. improve the coordination of management approaches at the international level;
- d. promote better international and regional exchange of scientific data on kelp forest habitat;
- e. promote a regional approach to minimise the adverse effects of human activities and climate change on kelp forest habitat;
- f. taking account of Article 4 of Annex V of the Convention and in line with the common understanding (OSPAR 2013/13), draw to the attention of relevant competent organisations instances where human activities constitute a threat to kelp forest habitat and where appropriate encourage those organisations to take relevant measures;
- g. identify whether further measures to maintain or improve water quality (contaminants and nutrients) are necessary to safeguard kelp forest habitat and implement if required;
- h. consider whether existing and new measures to manage the impacts of pressures both within and outside waters under their national jurisdiction require additional action through the OSPAR Commission;
- i. promote the joint development of research projects at the local and regional level focusing on climate refuge areas, population dynamics and genetic diversity, response to cumulative effects of multiple stressors, ecological status, restoration capacities and functionality of kelp forest habitat;

- j. promote the joint development of kelp forest restoration programmes at the regional level;
- k. raise public awareness of the ecological value of kelp forest habitat;
- l. communicate the current knowledge base on kelp forest habitat to stakeholders and other competent international authorities.

4. Entry into force

4.1 This Recommendation has effect from 1 October 2021.

5. Implementation reports

5.1 Contracting Parties should report by 31 December 2025 on the implementation of this Recommendation to the OSPAR Commission, and every six years thereafter.

5.2 When reporting on implementation, the format as set out in Appendix 1 should be used as far as possible.

Format for implementation reports concerning OSPAR Recommendation 2021/5 on furthering the protection and conservation of kelp forest habitat in Regions II, III and IV of the OSPAR maritime area

(Note: In accordance with section 5 of the Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

Reservation applies: yes/no

Is this measure applicable in your country? yes/no

If not applicable, then state why not.

II. Means of Implementation:

By legislation yes/no

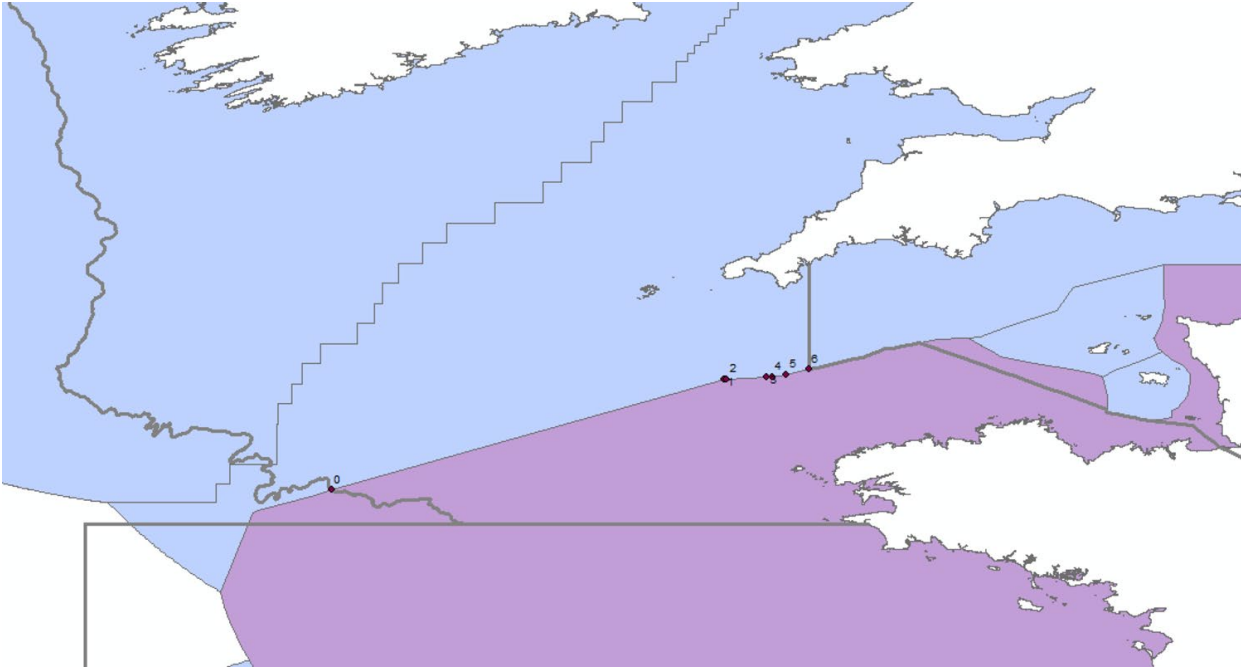
By administrative action yes/no

By negotiated agreement 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.

The map provides an illustration of the line as defined in the phrase “the part of Region III south west of a line defined between the point 48° 16' 57,36"N 8° 57' 24,12"W and the point 49° 14' 24,36"N 5° 0' 0"W”. The first and last coordinate in the table are used to define the line used in the Recommendation as an approximation of the part of Region III for which the Recommendation is applicable indicated in dark purple colour.



	Latitude	Longitude
0	48,2826 N	8,9567 W
1	49,1990 N	5,6978 W
2	49,2018 N	5,6764 W
3	49,2157 N	5,3459 W
4	49,2218 N	5,3014 W
5	49,2401 N	5,1848 W
6	49,2824 N	5,0000 W