

OSPAR Recommendation 2021/01 on the Management of the North Atlantic Current and Evlanov Sea basin Marine Protected Area

Source: OSPAR 21/13/1, Annex 24

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 that Article 4.1 of Annex V 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 recognizing 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 the adoption of OSPAR Recommendation 2003/03 at the joint OSPAR/HELCOM Ministerial Meeting 2003 in Bremen, which calls upon Contracting Parties to establish the OSPAR Network of Marine Protected Areas and to ensure that by 2010 it is an ecologically coherent network of well-managed marine protected areas,

RECALLING that the need for the protection of the biodiversity and ecosystems in the maritime area beyond national jurisdiction of the Contracting Parties is further recognised in the OSPAR North-East Atlantic Environment Strategy,

RECALLING that the OSPAR Commission endorsed in 2020 conservation objectives for the North Atlantic Current and Evlanov Sea basin as set out in the Background Document OSPAR publication 2020/771,

RECALLING the commitment of the World Summit on Sustainable Development (WSSD, Johannesburg, September 2002) to promote the conservation and management of the oceans through actions at all levels, giving due regard to the relevant international instruments to develop and facilitate the use of diverse approaches and tools, including the ecosystem approach, the elimination of destructive fishing practices, the establishment of marine protected areas consistent with international law and based on scientific information, including representative networks by 2012 and time/area closures for the protection of nursery grounds and periods, proper coastal land use and watershed planning and the integration of marine and coastal areas management into key sectors,

RECALLING the United Nations General Assembly (UNGA) resolution *A/RES/75/239 of December 2020* reaffirming the need for States to continue and intensify their efforts, directly and through competent international organizations, to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the possible establishment of marine protected

areas, consistent with international law, as reflected in the Convention (UNCLOS), and based on the best scientific information available and encouraging States to further progress towards the establishment of marine protected areas, including representative networks¹,

RECALLING UNCLOS, which establishes the general legal framework on the sovereign rights and obligations of coastal States to areas under national jurisdiction, and in particular article 76 on the definition of the continental shelf, which includes the right of the coastal State to delineate outer limits of its continental shelf, article 77 on the rights of the coastal State over the continental shelf and article 78 on the legal status of the superjacent waters and air space and the rights and freedoms of other States,

RECOGNISING that a range of human activities occurring, or potentially occurring, at the North Atlantic Current and Evlanov Sea basin MPA are regulated in the respective frameworks of other competent authorities. These include, in particular, fishing (North-East Atlantic Fisheries Commission (NEAFC), International Commission for the Conservation of Atlantic Tunas (ICCAT), North Atlantic Salmon Conservation Organization (NASCO), International Whaling Commission (IWC), shipping (International Maritime Organization (IMO), and exploration and exploitation of deep-seabed mineral resources (International Seabed Authority (ISA),

NOTING the Memorandum of Understanding between the OSPAR Commission and NEAFC, that has complementary competences and responsibilities for environmental protection and fisheries management, in order to promote mutual cooperation towards the conservation and sustainable use of marine biological diversity, including protection of marine ecosystems in the North-East Atlantic.

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:

“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.

“OSPAR Network of Marine Protected Areas” means those areas which have been, and remain, reported by Contracting Parties, together with any other area in the maritime area beyond the national jurisdiction of the Contracting Parties which has been included as a component of the network by the OSPAR Commission.

“North Atlantic Current and Evlanov Sea basin” refers to an area beyond national jurisdiction in OSPAR Region V (Wider Atlantic). The North Atlantic Current and Evlanov Sea basin area is bounded to the north by the Charlie-Gibbs Fracture Zone, to the west by the Flemish Cap and the Grand Banks of Newfoundland, in the east by the Mid-Atlantic Ridge and in the south by the Azores.

“North Atlantic Current and Evlanov Sea basin Marine Protected Area” refers to the MPA of approximately 595,196 km² in the area beyond national jurisdiction of an area of the North Atlantic Current and Evlanov Sea basin established by OSPAR Decision 2021/1.

“UNCLOS” means the United Nations Convention on the Law of the Sea, 1982.

¹UNGA Resolution A/RES/75/239 Oceans and the law of the sea adopted on 31 December 2020, Paras 265 and 267.

“Environmental Impact Assessment” (EIA) means a procedure to ensure that environmental consequences of a new project are identified and assessed before authorisation is given. The public can give its opinion and all results of the assessment are taken into account in the authorisation procedure of the project with a view to avoiding and/or mitigating direct and significant environmental consequences of the project. After the adoption of the project, information about the decision and the decision-making process is made publicly available.

“Strategic Environmental Assessment” (SEA) means a procedure to ensure that environmental consequences of relevant new plans and programmes are identified and assessed during their preparation and before their adoption. The public and environmental authorities can give their opinion and all results of the assessment are integrated and taken into account in the course of the planning procedure with a view to avoiding and/or mitigating direct and significant environmental consequences of the new plans and programmes. After the adoption of the plans or programmes, information about the decision and the decision-making process is made publicly available.

2. *Purpose and Scope*

2.1 The purpose of this Recommendation is to guide OSPAR Contracting Parties in their actions and in the adoption of measures to protect and conserve the seabirds, and the ecosystems of the waters superjacent to the seabed, including their biodiversity and processes, that support the seabirds of the North Atlantic Current and Evlanov Sea basin MPA, with a view to achieving the general and specific conservation objectives in Annex 1 that have been endorsed for this area by the OSPAR Commission.

2.2 This Recommendation should apply without prejudice to the rights and obligations of coastal States, other States and international organisations in accordance with UNCLOS.

3. *Programmes and Measures*

3.1 The management of human activities in the North Atlantic Current and Evlanov Sea basin MPA should be guided by the general obligations in Article 2 of the OSPAR Convention, the Ecosystem Approach², and the conservation vision and objectives in Annex 1.

3.2 The management framework³ for the North Atlantic Current and Evlanov Sea basin MPA should be implemented. Such implementation implies the commitment by each Contracting Party of an appropriate level of resources in order to achieve the conservation objectives of the MPA in Annex 1.

3.3 Effective conservation of seabirds of the North Atlantic Current and Evlanov Sea basin MPA and the ecosystems of waters superjacent to the seabed, including their biodiversity and processes, that support the seabirds needs collaborative management, building upon and encompassing all relevant actors and competent authorities with a mandate in the North Atlantic region, in particular NEAFC and ICCAT (fishing activities), IMO (shipping activities) and ISA (exploration and exploitation of deep-seabed mineral resources).

3.4 With regard to the three seabird species listed by OSPAR as threatened and/or declining that use the North Atlantic Current and Evlanov Sea basin MPA, management measures should include actions as outlined

² As defined by the Statement on the Ecosystem Approach to the Management of Human Activities “Towards an Ecosystem Approach to the Management of Human Activities” adopted in 2003 by the Joint Ministerial Meeting of the Helsinki and OSPAR Commissions.

³ The management framework consists of Decision 2021/1, this Recommendation on associated management actions, and measures taken by the OSPAR Commission for achieving the conservation objectives of the North Atlantic Current and Evlanov Sea basin MPA. Such future measures should clearly stipulate that they are to be considered as part of the management framework.

in 'OSPAR Recommendation 2011/3 on furthering the protection and conservation of the Little shearwater', 'OSPAR Recommendation 2011/5 on furthering the protection and conservation of the Black-legged kittiwake, as amended by OSPAR Recommendation 2020/1', and 'OSPAR Recommendation 2011/7 on furthering the protection and conservation of the Thick-billed murre'.

3.5 To achieve the conservation objectives of the North Atlantic Current and Evlanov Sea basin MPA, each Contracting Party should consider:

3.5.1 Awareness Raising

- a. promoting awareness at national level of the establishment of the North Atlantic Current and Evlanov Sea basin MPA and the objectives the OSPAR Commission has set for its conservation. This could be achieved through actions such as notification of relevant stakeholders through competent national authorities and the inclusion of the North Atlantic Current and Evlanov Sea basin MPA in sea charts and other maps, as appropriate; and
- b. encouraging vessels flying their flags, through any awareness raising and/or through voluntary agreements, to comply with the management framework and meet the conservation objectives for the North Atlantic Current and Evlanov Sea basin MPA.

3.5.2 Information Building

- a. nationally engaging with relevant stakeholders in building and sharing information and knowledge of the biodiversity, in particular the seabirds, ecosystems and the impacts of human activities taking place in the North Atlantic Current and Evlanov Sea basin MPA; and
- b. reporting to the OSPAR Commission: any scientific and technical information and knowledge gained at a national level on the biodiversity, in particular the seabirds, ecosystems and on the impacts of human activities taking place in the North Atlantic Current and Evlanov Sea basin MPA; and
- c. reporting to the OSPAR Commission any scientific and technical information and knowledge from outside the North Atlantic Current and Evlanov Sea basin MPA that may be of relevance to achieving the conservation objectives of the site.

3.5.3 Marine Science

- a. encouraging and, where appropriate, supporting and initiating national and international scientific research projects and programmes to enhance the knowledge base of the North Atlantic Current and Evlanov Sea basin MPA, of the impacts resulting from human activities, and of the solutions to achieve the conservation objectives;
- b. encouraging inclusion of the North Atlantic Current and Evlanov Sea basin MPA as a reference area of a marine area of near natural state in scientific research programmes on climate change and the oceans;
- c. identifying suitable mechanisms for monitoring the achievement of the conservation objectives for the site; and
- d. identifying activities and mitigating actions that promote the achievement of the conservation objectives for the site.

3.5.4 New Human Activity Developments, including new activities and/or change in extent or intensity

- a. making publicly available and bringing to the attention of the OSPAR Commission plans if any for human activities subject to authorisation in a Contracting Party in the North Atlantic Current and Evlanov Sea basin MPA,

- b. making publicly available and bringing to the attention of the OSPAR Commission those human activities and/or measures outside the site subject to authorisation in a Contracting Party that may conflict with the conservation objectives and likely to cause a significant impact to the ecosystems and habitats supporting the seabirds of the North Atlantic Current and Evlanov Sea basin MPA;
- c. subjecting, where appropriate, any human activity under their jurisdiction or control that may conflict, alone or in combination with other human activities, with the conservation objectives of the site to an EIA⁴ or SEA,
- d. ensuring that appropriate measures are taken to avoid and/or mitigate the effects of any activities that conflict with the conservation objectives for the site, taking into account the EIA mentioned above;
- e. promoting the involvement of relevant stakeholders in the process outlined in paragraph b above taking account of “OSPAR Guidance for good practice for communication with stakeholders on the establishment and management of marine protected areas” (OSPAR Agreement 2008-2); and
- f. using best-available scientific advice when planning new human activities and assessing their potential impacts on the North Atlantic Current and Evlanov Sea basin MPA.

3.6 To achieve the conservation objectives of the North Atlantic Current and Evlanov Sea basin MPA, acting collectively within the framework of the OSPAR Commission, Contracting Parties should consider:

- a. promoting the application of the “OSPAR Code of Conduct for responsible Marine Research in the deep seas and high seas of the OSPAR area” (OSPAR Agreement 2008-1) by national research vessels or national research institutions involved in international research programmes in the North Atlantic Current and Evlanov Sea basin MPA;
- b. engaging with third parties and relevant international organisations, as appropriate, with a view to promoting the delivery of the conservation objectives that the OSPAR Commission has set for the North Atlantic Current and Evlanov Sea basin MPA;
- c. identifying suitable mechanisms for monitoring the achievement of the conservation objectives for the site;
- d. identifying activities and mitigating actions that promote the achievement of the conservation objectives for the site; and
- e. promoting the involvement of relevant stakeholders in the process outlined in paragraph 3.5 b above taking account of “OSPAR Guidance for good practice for communication with stakeholders on the establishment and management of marine protected areas” (OSPAR Agreement 2008-2).

4. Entry into Force

4.1 This Recommendation has effect from the day of entry into force of OSPAR Decision 2021/01 on the Establishment of the North Atlantic Current and Evlanov Sea basin MPA on 19 April 2022.

⁴ Taking into account relevant OSPAR and other international standards and guidelines for the specific activity under consideration

5. *Implementation reports*

5.1 Contracting Parties should report annually, starting in 2022 by 1 October to the OSPAR Commission on any specific actions and/or measures that have been undertaken in that year nationally and/or internationally to implement the management measures in section 3.

5.2 Reports on the implementation of this Recommendation should be submitted to the appropriate OSPAR subsidiary body in accordance with the OSPAR Commission's Standard Implementation and Assessment Procedure. When reporting on implementation, the format as set out in Annex 2 should be used to the extent possible.

**Conservation vision and objectives for the
North Atlantic Current and Evlanov Sea basin MPA**

Extract from the North Atlantic Current and Evlanov Sea basin MPA Nomination Proforma

1. Aim of MPA**1.1 Conservation vision⁵:**

Maintenance and, where appropriate, restoration of seabird populations and the integrity of the various ecosystems and their processes that support those populations of the North Atlantic Current and Evlanov Sea basin MPA (NACES MPA)⁶.

Method to achieve the vision:

Cooperation between competent authorities, stakeholder participation, scientific progress and public learning are essential prerequisites to realize the vision and to establish a Marine Protected Area at this site subject to adequate regulations, good governance and sustainable utilization. Long-term research and monitoring provides a detailed understanding of the biodiversity, ecosystem processes and oceanography related to seabirds and any threats to them. Best available scientific knowledge and the precautionary principle form the basis for conservation.

1.2 General conservation objectives^{7,8}:

- a. To protect and conserve the seabirds of the North Atlantic Current and Evlanov Sea basin MPA and the range of habitats and ecosystems that support the seabirds using the site.
- b. To prevent loss of biodiversity, and promote its recovery where practicable, so as to maintain the natural richness and resilience of the ecosystems and habitats to enable populations of seabird species to maintain or recover natural population densities.
- c. To prevent degradation of, and damage to, habitats and ecological processes, in order to maintain the structure and functions – including the productivity – of the ecosystems that support seabird populations in the North Atlantic Current and Evlanov Sea basin MPA.
- d. To provide a refuge for seabirds and to protect the area from human activities that would have negative impacts on seabird populations.
- e. To increase ecological understanding of the ecosystem and inform the effective management of the North Atlantic Current and Evlanov Sea basin MPA.

1.3 Specific conservation objectives⁹:

- a. To maintain or restore populations of pelagic seabirds, particularly the OSPAR Listed and globally and/or regionally threatened seabirds (see Table 1), using the site, by preventing, minimizing or mitigating:

⁵ The conservation vision describes a desired long-term conservation condition and function for the ecosystems in the entire MPA. The vision aims to encourage relevant stakeholders to collaborate and contribute to reach objectives set for the area.

⁶ Recognizing that species abundances and community composition may change over time due to natural processes.

⁷ Conservation objectives are meant to realize the vision. Conservation objectives are related to the entire MPA or, if it is decided to subdivide, for a zone or subdivision of the area, respectively.

⁸ It is recognised that climate change may have effects in the area, and that the MPA may serve as a reference site to study these effects.

⁹ Specific Conservation Objectives shall relate to a particular feature and define the conditions required to satisfy the general conservation objectives. Each of these specific conservation objectives will have to be supported by more management orientated, achievable, measurable and time bound targets.

- i) *direct* current and emerging pressures and human activities negatively affecting the seabirds, including fisheries (incidental by-catch), disturbance from shipping and extractive activities, and acute pollution, occurring in the North Atlantic Current and Evlanov Sea basin MPA.
- ii) *indirect* current and emerging pressures and human activities negatively affecting the seabirds, including fisheries (prey removal), disturbance from shipping and extractive activities, and pollution, occurring in the North Atlantic Current and Evlanov Sea basin MPA.
- b. To conserve (and restore where appropriate) the ecosystems, including their biodiversity, processes and trophic linkages, in order to support the pelagic seabird species using the site.
- c. To prevent deterioration of the environmental quality of the North Atlantic Current and Evlanov Sea basin MPA from levels characteristic of the ambient ecosystems, and where degradation from these levels occur, if applicable, to recover environmental quality to levels characteristic of the ambient ecosystems.

Table 1. List of seabird species considered under the specific conservation objectives of the North Atlantic Current and Evlanov Sea basin MPA.

Common Name	Scientific Name	Species listed as threatened and/or declining by OSPAR
Audubon's Shearwater	<i>Puffinus lherminieri</i>	x ¹⁰
Black-legged Kittiwake	<i>Rissa tridactyla</i>	x
Thick-billed Murre	<i>Uria lomvia</i>	x
Cory's Shearwater	<i>Calonectris borealis</i>	
Great Shearwater	<i>Ardenna gravis</i>	
Manx Shearwater	<i>Puffinus puffinus</i>	
Sooty Shearwater	<i>Ardenna grisea</i>	
Northern Fulmar	<i>Fulmarus glacialis</i>	
Bermuda Petrel	<i>Pterodroma cahow</i>	
Bulwer's Petrel	<i>Bulweria bulwerii</i>	
Desertas Petrel	<i>Pterodroma deserta</i>	
Leach's Storm Petrel	<i>Hydrobates leucorhous</i>	
Zino's Petrel	<i>Pterodroma madeira</i>	
Arctic tern	<i>Sterna paradisaea</i>	
Sabine's gull	<i>Xema sabini</i>	
Great Skua	<i>Catharacta skua</i>	
Long-tailed Jaeger	<i>Stercorarius longicaudus</i>	
South Polar Skua	<i>Catharacta maccormicki</i>	
Atlantic Puffin	<i>Fratercula arctica</i>	
Common Murre	<i>Uria aalge</i>	
Little Auk	<i>Alle alle</i>	
Razorbill	<i>Alca torda</i>	

Other species and habitats of special interest occurring at the North Atlantic Current and Evlanov Sea basin MPA are listed in Appendix 1.

¹⁰ OSPAR listed Little shearwater, *Puffinus assimilis baroli*, in 2010. It should be noted that the taxonomic grouping of the species has recently been reviewed. The taxonomical issue needs to be clarified during the meeting cycle 2018/2019

Appendix 1. Species and habitats of special interest occurring at the North Atlantic Current and Evlanov Sea basin MPA

A. Habitats

Threatened and/or declining Habitats¹¹

- Seamounts

Other features of interest

- Seamount-like features and associated communities
- Abyssal Plain and deep-sea trenches
 - Mid-Ocean canyon
 - Oceanic fronts (Subpolar front), seasonal and persistent eddies

B. Species

Threatened and/or declining Species¹³

- Black-legged Kittiwake (*Rissa tridactyla*)
- Thick-billed Murre (*Uria lomvia*)
- Audubon's Shearwater (*Puffinus lherminieri baroli*) – previously Little Shearwater
- Blue whale (*Balaenoptera musculus*)¹²
- Leatherback turtle (*Dermochelys coriacea*)¹⁴
- Bluefin tuna (*Thunnus thynnus*)¹⁴
- Basking Shark (*Cetorhinus maximus*)¹⁴

Other Species of special interest

- Seabirds from different functional groups, including Shearwaters, Fulmar, Petrels, Storm-petrels, Gulls, Terns, Skuas and Alcids
- Cetaceans
- Sharks
- Mesopelagic fish and cephalopods

¹¹ As included on the OSPAR List of threatened and/or declining Species and Habitats (OSPAR Agreement 2008-06).

¹² Currently there is insufficient data to establish the importance of the area for these four OSPAR listed species.

Format for Reporting on Implementation of OSPAR Recommendation 2021/01 on the Management of the North Atlantic Current and Evlanov Sea basin MPA

Contracting Party

Recommendation applicable in your country?

If not applicable, please state reasoning (e.g. no interference with activities in the area)

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Please provide information on:

- a. specific measures, including their respective means of implementation, taken to give effect to this Recommendation;
- b. the effectiveness of the measures taken to give effect to this Recommendation;
- c. any specific difficulties encountered, such as practical or legal problems, in the implementation of this Recommendation;
- d. the reasons for not having fully implemented this Recommendation and plans for full implementation.

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