

**Memorandum of Understanding
(MoU)
between
the OSPAR Commission for the Protection of the Marine Environment
of the North-East Atlantic
and
the Bonn Agreement Contracting Parties**

(OSPAR Agreement 2021-04)

The purpose of this memorandum of understanding is to specify the scope of cooperation between the Commission established by the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic, signed in Paris in 1992 (hereinafter referred to as “the OSPAR Commission”), and the Contracting Parties to the Agreement for Co-operation in Dealing with Pollution of the North Sea Area by Oil and Other Harmful Substances including air pollution caused by shipping¹, signed in Bonn in 1969 (hereinafter referred to as “the Bonn Agreement”).

WHEREAS the OSPAR Convention is a Regional Seas Convention aiming to prevent and eliminate pollution by taking necessary measures to protect the maritime area against adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected;

WHEREAS the Bonn Agreement is a Treaty committed to combat different types of pollution through active co-operation and mutual assistance among Contracting Parties so as to protect their coasts and waters;

WHEREAS in June 1979, the then Oslo and Paris Commission, now the OSPAR Commission and the Bonn Agreement (hereinafter referred to individually as “Participant” and collectively as “Participants”) decided to share a Secretariat based in London;

¹ At the time the MoU was signed the official title of the Agreement was “Agreement for Co-operation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances”. However the title included in the MoU was “Agreement for Cooperation in Dealing with Pollution of the North Sea Area by Oil and Other Harmful Substances including Air Pollution Caused by Shipping” to reflect the decision on the extension of the scope of application of the Agreement with a view to cooperation on surveillance of the requirements of Annex VI of MARPOL which was agreed at Bonn 2019. In accordance with Article 16 para. 2 of the Bonn Agreement, the decision will enter into force on the first day of the second month following the date on which the Depositary Government has received notifications of approval from all Contracting Parties

WHEREAS the Participants have emphasised the importance of an active dialogue among members of different autonomous regional conventions and have accepted to strengthen dialogue and cooperation;

WHEREAS the OSPAR Commission in fulfilling its commitments under the OSPAR Convention, is to cooperate with competent regional organisations and other competent international organisations and competent bodies;

WHEREAS the Participants share the wish to consult each other on matters of common interest with a view to ensuring maximum coordination of their work and activities in respect of such matters;

WHEREAS the Participants aim to improve the exchange of information and to keep each other informed of projected activities and programmes in fields of common interest and to invite each other to attend their annual or extraordinary meetings;

RECOGNISING that the Participants have complementary competences and responsibilities for protecting the marine environment from pollution and the negative impacts of human activities on the living resources and marine biodiversity, within the North-East Atlantic and the North Sea Area, respectively;

WHEREAS the Participants recognise that marine and air pollution know no boundaries and that by joining efforts and exchanging information they may further contribute to cleaner and healthier seas towards the protection of marine life and biodiversity;

THEREFORE, THE PARTICIPANTS HAVE REACHED THE FOLLOWING UNDERSTANDING:

1 Purpose and objective of the Memorandum of Understanding

The Participants decide to cooperate in strengthening their collaboration and partnership, within their respective scope of activities and regional area of competence, to promote cleaner and healthier seas and conserve the marine ecosystem, specifically through the prevention of, and combat against, marine pollution incidents, threats and risks to the marine environment.

2 Areas of cooperation

With a view to achieving the purpose of this MoU, as set out in paragraph 1 above, the cooperation between the Participants will:

2.1 Comprise inviting each other to attend the respective annual and extraordinary meetings of their Contracting Parties;

2.2 Promote a productive dialogue, collaboration and exchange of relevant information towards reinforcing the means to protect the marine environment in common areas of interest as a better approach to meet the objectives of the OSPAR North-East Atlantic Environment Strategy and the Bonn

Agreement Strategic Action Plan;

2.3 Focus on ensuring the free flow of mutually useful information and data between them, particularly, with respect to OSPAR, environmental information, quality assessment data on the status of the North-East Atlantic, marine environment and common indicators; and with respect to the Bonn Agreement, annual surveillance results, risk analysis information, code and response manuals, as well as operational experiences and lessons learnt when preventing, combatting or responding to pollution incidents in the North Sea Area, as well as any other information the Participants consider suitable and useful;

2.4 Discuss as necessary their respective and common concerns over pollution incidents, risks or threats from human activities that may impact the marine environment in the North-East Atlantic and the North Sea Area, respectively, as well as possible actions or efforts deployed to address them;

2.5 Given that the work of the OSPAR Commission is interlinked with the work under the Bonn Agreement, the Participants accept, as future means of collaboration, to exchange and share information, and discuss the following matters of common interest and concern as identified at present:

- (a) Pollution from shipping, offshore oil and gas operations and other maritime activities;
- (b) Monitoring of oil and gas installations, including from aerial surveillance data;
- (c) Surveillance exercises to assess the appearance of operational and illegal discharges of pollutants at sea;
- (d) Enforcement, investigation and prosecution of MARPOL² maritime pollution offences;
- (e) Assessment of indicators of common interest;
- (f) Monitoring and assessment of the environmental impact of a 'significant acute pollution' event and development of a common understanding for "acute pollution incident" that could contribute to discussions under the EU Marine Strategy Framework and the Water Framework Directives;
- (g) Monitoring of and response to marine litter pollution in respective areas of competence;
- (h) Available shipping traffic information, relevant to assess impacts from noise and human activities on the marine environment including on OSPAR Marine Protected Areas;
- (i) Renewable offshore installations, including pollution incidents and expected developments, including the assessment of cumulative impacts of additional wind farm developments;

² MARPOL: International Convention for the Prevention of Pollution from Ships

- (j) Management of the risks of oil and other chemical pollutants from wrecks, dumped chemical weapons and munitions; and
- (k) Environmental information at a regional level to further develop future risk assessment and response manuals.

2.6 The Participants accept to raise any specific issues they think should be discussed within the scope of this MoU.

3 Secretariat

The OSPAR Commission accepts to continue to share with the Bonn Agreement the services of its Executive Secretary and other Secretariat staff to perform the functions foreseen in this MoU and in the Rules of Procedure and the Financial Rules of the OSPAR Commission and of the Bonn Agreement. These functions include:

- 3.1 Convening Bonn Agreement meetings and meetings of the Working Group on Operational, Technical and Scientific Questions (OTSOPA);
- 3.2 Organising such meetings in cooperation with the Contracting Party holding the presidency of Bonn Agreement meetings and (if different) with the Contracting Party hosting the meeting;
- 3.3 Providing Secretariat services for the Bonn Agreement meetings and meetings of OTSOPA and drawing up, ensuring approval of, and circulating records of those meetings;
- 3.4 Managing the documents of Bonn Agreement meetings and meetings of OTSOPA and any other documents needed for the purposes of the Bonn Agreement in accordance with its Rules of Procedure;
- 3.5 Dealing with observer applications from another State or a non-governmental organisation to attend a Bonn Agreement meeting in accordance with its Rules of Procedure;
- 3.6 Liaising with the North Sea Network of Investigators and Prosecutors (NSN) as a regional platform associated with the OSPAR Commission and closely cooperating with the Bonn Agreement;
- 3.7 Representing the Bonn Agreement at international meetings in accordance with its Rules of Procedure;
- 3.8 'Performing any other tasks that may be entrusted to them by the Bonn Agreement.

4. Status and Nature of the MoU

4.1 The MoU confirms that the Participants, although sibling organisations, remain independent organisations with their own identity and rights and will continue to function separately without having any operational relationship other than sharing the same Secretariat.

5 Use of name and logo

Neither Participant will use the name or logo of the other Participant, or any abbreviation thereof, in connection with its business, or for public dissemination, without the prior expressly written approval of the other Participant in each case.

6 Amendment and termination

This MoU may be amended at any time through mutual written agreement between the Participants and may be terminated by either Participant giving six months' written notice to the other.

7 Legal or financial commitments

Nothing in this MoU gives rise to legal or financial commitments upon the Participants. To the extent any activity may give rise to a legal or financial commitment, a separate arrangement will be concluded subject to the Participants' Financial Regulations and Rules, prior to such activity being carried out.

8 Settlement of disputes

The Participants will settle amicably any dispute arising out of this MoU. Any dispute not settled within sixty (60) days from the date a Participant has notified the other Participant of the dispute and possible measures to rectify it, will be resolved through consultation between the Chair of the OSPAR Commission and the Chair of the Bonn Agreement. Any resolution of such a dispute or disagreement will need to be accepted by both Participants.

9 Duration

This MoU will come into effect upon the last date of signature of the approving officials and continue to have effect unless terminated in accordance with paragraph 6 above.

IN WITNESS WHEREOF, the undersigned being duly authorised thereto have, on behalf of the Parties, signed this Memorandum of Understanding in duplicate at the place and on the date below written.

Signed on behalf of the OSPAR Commission:

Signed on behalf of the Bonn Agreement
Contracting Parties:

Mr Richard Cronin

Mrs. Annika Wahlfried Wikingsson

Chair of the OSPAR Commission

Chair of the Bonn Agreement

Date

Date