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OSPAR Procedure¹ for responding to queries on OSPAR Marine Protected Areas (MPAs) in areas beyond national jurisdiction (ABNJ)

OSPAR Agreement 2022-08²

Introduction

1. The following procedure is to be followed by OSPAR when providing information in response to queries regarding designated OSPAR MPAs that are established in areas beyond national jurisdiction (ABNJ).
2. When dealing with requests for information on OSPAR MPAs in ABNJ the following existing OSPAR documents should, where relevant, be noted:
 - a. [OSPAR Agreement 2008-1](#): OSPAR Code of conduct for responsible marine research in the deep seas and high seas of the OSPAR Maritime Area;
 - b. [OSPAR Agreement 2008-2](#): Guidance for good practice for communicating with stakeholders on the establishment and management of Marine Protected Areas” which highlights the importance of effective communication with stakeholders;
 - c. [OSPAR’s Regulatory Regime for establishing Marine Protected Areas \(MPAs\) in Areas Beyond National Jurisdiction \(ABNJ\) of the OSPAR Maritime Area](#);
 - d. [OSPAR Agreement 2013-13](#): Statement on the Common understanding of the Recommendations on species and habitats; and
 - e. Information on the [OSPAR website on MPAs in ABNJ](#).

Actor proposing or planning a human activity

3. When the OSPAR Secretariat is contacted by an actor proposing or planning a human activity in any of the designated OSPAR ABNJ MPAs, using the template in Annex 1 the OSPAR Secretariat should respond to the actor by providing the following information on the ABNJ MPA(s) concerned:
 - i. hyperlink to the relevant Decision on the designation;
 - ii. hyperlink to the Recommendation on management and highlight all conservation objectives specified for the site;
 - iii. hyperlink to the Background Document on the nomination proforma, highlighting the rationale for the designation of the MPA and the sensitivity of the protected features;

¹ This is a living document. Responsibility for updating the procedure is with the OSPAR Heads of Delegation.

² English only. Adopted at OSPAR(Extra) 2022 (17 November 2022)

- iv. hyperlink to OSPAR's Regulatory Regime for establishing MPAs in areas beyond national jurisdiction within the OSPAR Maritime Area; and
- v. as relevant, hyperlink to the OSPAR code of conduct for responsible marine research in the deep seas and high seas of the OSPAR Maritime Area (Agreement 2008-1).

4. The Secretariat invites the actor to provide further information, if not included in the original contact request, in response to the following questions by OSPAR using the template at Annex 2:

- i. Is the company/actor legally registered in one of the OSPAR Contracting Parties? If so, please provide details to the OSPAR Secretariat.
- ii. What are the reasons for conducting the proposed/planned activity within the MPA?
- iii. Have any alternative locations for the proposed/planned activity been explored by the company/actor?
- iv. What is the foreseen timing and full duration for initiating and carrying out the activity?
- v. What information is available to the actor on the potential sensitivity of any of the features included in the conservation objectives for the site to the proposed/planned activity?
- vi. Is an Environmental Impact Assessment (EIA)³ planned to be undertaken?
- vii. If so, who will carry out that EIA and how will external consultative input on the EIA be accommodated by the actor in order to ensure the specific conservation objectives for the ABNJ MPA can be met?
- viii. Are there any mitigation measures planned in order to ensure the specific conservation objectives for the ABNJ MPA can be met? If so, details should be provided to the OSPAR Secretariat.
- ix. Is there any monitoring (among which environmental monitoring) planned?

The Secretariat should seek responses from the actor as early as possible.

5. The Secretariat notifies the OSPAR Heads of Delegation of the contact request, through a fast-track written procedure. If an activity is under the jurisdiction and control of one or more Contracting Parties the Secretariat shall contact the respective OSPAR HOD(s) and invite said HOD(s) to collect more information and, as relevant, interact with the actor, and as relevant provide an update to other OSPAR Contracting Parties with any relevant information.

6. Once the actor has responded with the information requested in §4, the Secretariat presents the information to the relevant OSPAR subsidiary bodies (e.g. BDC or EIHA, dependent on the actor who has initiated contact and based on the proposed/planned activities), to assess the possible effect such an activity could have on the ABNJ MPA(s) and any associated conservation objectives. The aim of presenting the information to the subsidiary bodies is to discuss and conclude on what action could

³ All recommendations for management of OSPAR MPAs in ABNJ request Contracting Parties to ensure that human activities that may potentially conflict with the MPA's conservation objectives should be subject to an EIA or SEA and appropriate measures taken.

be taken by Contracting Parties and/or by OSPAR, based on the information available about the activity.

7. As relevant, follow-up questions could be asked.

Licensing of activities

8. Where an actor contacts the OSPAR Secretariat to request details on licencing of activities in OSPAR MPAs that occur in ABNJ, the Secretariat will include the following message as an introduction to the questions set out above:

“The OSPAR Commission has no requirements to apply for permits for [insert appropriate human activity e.g. scientific activities] undertaken within the boundary of OSPAR MPAs in the Area Beyond National Jurisdiction. OSPAR does not issue permits. However, OSPAR Contracting Parties may have requirements to apply for permits. Moreover, OSPAR would very much appreciate receiving feedback on the [results obtained/outcome] from the [insert actor/activity] in order to update the knowledge on its ABNJ MPAs. Furthermore, whilst no licences are required, OSPAR would encourage [the actor] to take the protection of [relevant species and/or habitats] into consideration when planning/undertaking the activity”

The OSPAR Commission would therefore be grateful if you could answer the following questions: [questions in paragraph 4 above]

Annex 1: Information provided by OSPAR Secretariat to actor proposing or planning a human activity

Questions to be addressed by OSPAR Secretariat	Information provided by OSPAR Secretariat
Name of actor	
Name of relevant Marine Protected Area(s)	
Hyperlink to the relevant Decision on the designation	
Hyperlink to the Recommendation on management and highlight all conservation objectives specified for the site.	
Hyperlink to the Background Document on the nomination proforma , highlighting the rationale for the designation of the MPA and the sensitivity of the protected features.	
Hyperlink to OSPAR's Regulatory Regime for establishing MPAs in areas beyond national jurisdiction within the OSPAR Maritime Area	OSPAR's Regulatory Regime for establishing MPAs in ABNJ
Where relevant, hyperlink to the OSPAR code of conduct for responsible marine research in the deep seas and high seas of the OSPAR Maritime Area (Agreement 2008-1) .	

Annex 2: Information provided by actor proposing or planning a human activity to OSPAR Secretariat

Questions to be addressed by actor proposing to undertake activity	
Is [name of company/actor] legally registered in one of the OSPAR Contracting Parties ? If so, please provide details to the OSPAR Secretariat.	
What are the reasons for conducting the proposed/planned activity within the MPA?	
Have any alternative locations for the proposed/planned activity been explored?	
What is the foreseen timing and full duration for initiating and carrying out the activity?	
What information is available to the actor on the potential sensitivity of any of the features included in the conservation objectives for the site to the proposed/planned activity?	
Is an Environmental Impact Assessment (EIA) planned to be undertaken?	
If so, who will carry out that EIA and how will	

<p>external consultative input on the EIA be accommodated by the actor to ensure the specific conservation objectives for the ABNJ MPA can be met?</p>	
<p>Are there any mitigation measures planned to ensure the specific conservation objectives for the ABNJ MPA can be met? If so, details should be provided to the OSPAR Secretariat.</p>	
<p>Is there any monitoring (among which environmental monitoring) planned?</p>	