

ANNEX V

**ON THE PROTECTION AND CONSERVATION OF THE ECOSYSTEMS AND BIOLOGICAL DIVERSITY OF
THE MARITIME AREA^{5 6}**

ARTICLE 1

For the purposes of this Annex and of Appendix 3 the definitions of “biological diversity”, “ecosystem” and “habitat” are those contained in the Convention on Biological Diversity of 5 June 1992.

ARTICLE 2

In fulfilling their obligation under the Convention to take, individually and jointly, the necessary measures to protect the maritime area against the 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, as well as their obligation under the Convention on Biological Diversity of 5 June 1992 to develop strategies, plans or programmes for the conservation and sustainable use of biological diversity, Contracting Parties shall:

- a. take the necessary measures to protect and conserve the ecosystems and the biological diversity of the maritime area, and to restore, where practicable, marine areas which have been adversely affected; and
- b. cooperate in adopting programmes and measures for those purposes for the control of the human activities identified by the application of the criteria in Appendix 3.

ARTICLE 3

1. For the purposes of this Annex, it shall *inter alia* be the duty of the Commission:
 - a. to draw up programmes and measures for the control of the human activities identified by the application of the criteria in Appendix 3;
 - b. in doing so:
 - (i) to collect and review information on such activities and their effects on ecosystems and biological diversity;

⁵ In accordance with Article 15.5 of the Convention, Annex V and Appendix 3 has entered into force:

- on 30 August 2000 for Finland, Spain, Switzerland, Luxembourg, European Community, United Kingdom and Denmark;
- on 5 October 2000 for Sweden;
- on 18 July 2001 for Iceland;
- on 22 July 2001 for Norway;
- on 24 August 2001 for the Netherlands;
- on 13 January 2002 for Germany;
- on 21 June 2003 for Ireland;
- on 24 November 2004 for France;
- on 28 August 2005 for Belgium;
- on 25 March 2006 for Portugal.

⁶ In a Note Verbale dated 26 July 2005, the Embassy of Great Britain in Paris informed the French Government that the British government wished to extend the ratification of Annex V and Appendix 3 to the Isle of Man.

- (ii) to develop means, consistent with international law, for instituting protective, conservation, restorative or precautionary measures related to specific areas or sites or related to particular species or habitats;
 - (iii) subject to Article 4 of this Annex, to consider aspects of national strategies and guidelines on the sustainable use of components of biological diversity of the maritime area as they affect the various regions and sub-regions of that area;
 - (iv) subject to Article 4 of this Annex, to aim for the application of an integrated ecosystem approach.
- c. also in doing so, to take account of programmes and measures adopted by Contracting Parties for the protection and conservation of ecosystems within waters under their sovereignty or jurisdiction.
2. In the adoption of such programmes and measures, due consideration shall be given to the question whether any particular programme or measure should apply to all, or a specified part, of the maritime area.

ARTICLE 4

1. In accordance with the penultimate recital of the Convention, no programme or measure concerning a question relating to the management of fisheries shall be adopted under this Annex. However where the 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. Where action within the competence of the Commission is desirable to complement or support action by those authorities or bodies, the Commission shall endeavour to cooperate with them.
2. Where the Commission considers that action under this Annex is desirable in relation to a question concerning maritime transport, it shall draw that question to the attention of the International Maritime Organisation. The Contracting Parties who are members of the International Maritime Organisation shall endeavour to cooperate within that Organisation in order to achieve an appropriate response, including in relevant cases that Organisation's agreement to regional or local action, taking account of any guidelines developed by that Organisation on the designation of special areas, the identification of particularly sensitive areas or other matters.