

Protecting the Marine Environment of the North-East Atlantic in Areas Beyond National Jurisdiction: Management Measures under NEAFC and OSPAR

Executive Summary

The purpose of this document is to highlight:

- how complementary measures adopted by the North-East Atlantic Fisheries Commission (NEAFC) and OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) contribute towards the protection and conservation of marine biodiversity and ecosystems in areas beyond national jurisdiction (ABNJ) of the North-East Atlantic;
- the strong potential for strengthened collaboration to ensure a more comprehensive and coherent network of area-based management measures in ABNJ of the North-East Atlantic; and
- that effective protection of the marine environment requires an ecosystem-based approach that recognises its complexity and the inter-connection between the seafloor, water column and sea surface which is not necessarily or always reflected in surface area-based assessments that follow on from target 3 of the Kunming Montreal Global Biodiversity Framework.

The intention is that the issues elaborated in this paper will also be discussed within other relevant management or regulatory bodies, with the aim that, where relevant, they can similarly identify measures within their competence that further enhance the protection of the marine environment provided for by OSPAR and NEAFC.

The cooperation between the two organisations and their complementary measures described in this document will contribute to efforts to implement the Kunming-Montreal Global Biodiversity Framework (GBF) under the UN Convention on Biological Diversity (CBD), and the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement).

This document is likely to continue to evolve as OSPAR and NEAFC's area-based management measures and the links between them evolve. This evolution will include finding further means to build on existing coordination between the two organisations.

Introduction

1. This document describes the area-based management measures in ABNJ adopted by NEAFC and OSPAR. It also describes how those measures collectively contribute towards the protection and conservation of marine biodiversity and ecosystems in the ABNJ of the North-East Atlantic.
2. While NEAFC and OSPAR have different competences, membership, and objectives (see Annex 1), they have the same Maritime Area and shared overarching objective to protect and ensure sustainable use of the marine environment and its resources. Where NEAFC and OSPAR area-based management measures coincide spatially, they demonstrate how complementary measures can contribute towards protection of marine ecosystems and associated ecosystem services.
3. In 2023, NEAFC agreed that its closures to bottom fishing to protect Vulnerable Marine Ecosystems (VMEs) could be reported as other effective area-based conservation measures (OECM) according to the relevant [criteria provided by the CBD](#). Further work is ongoing regarding areas restricted to bottom fishing under the same NEAFC regulations. At the same time, OSPAR was extending the scope of its latest Marine Protected Area (MPA), the North Atlantic Current and Evlanov Sea basin to include the seafloor, in addition to the waters superjacent to it. This document therefore focuses on the overlaps between NEAFC closures for the protection of VMEs from bottom fishing and OSPAR area-based measures in the same high seas areas (ABNJ). These are shown in Figure 1.

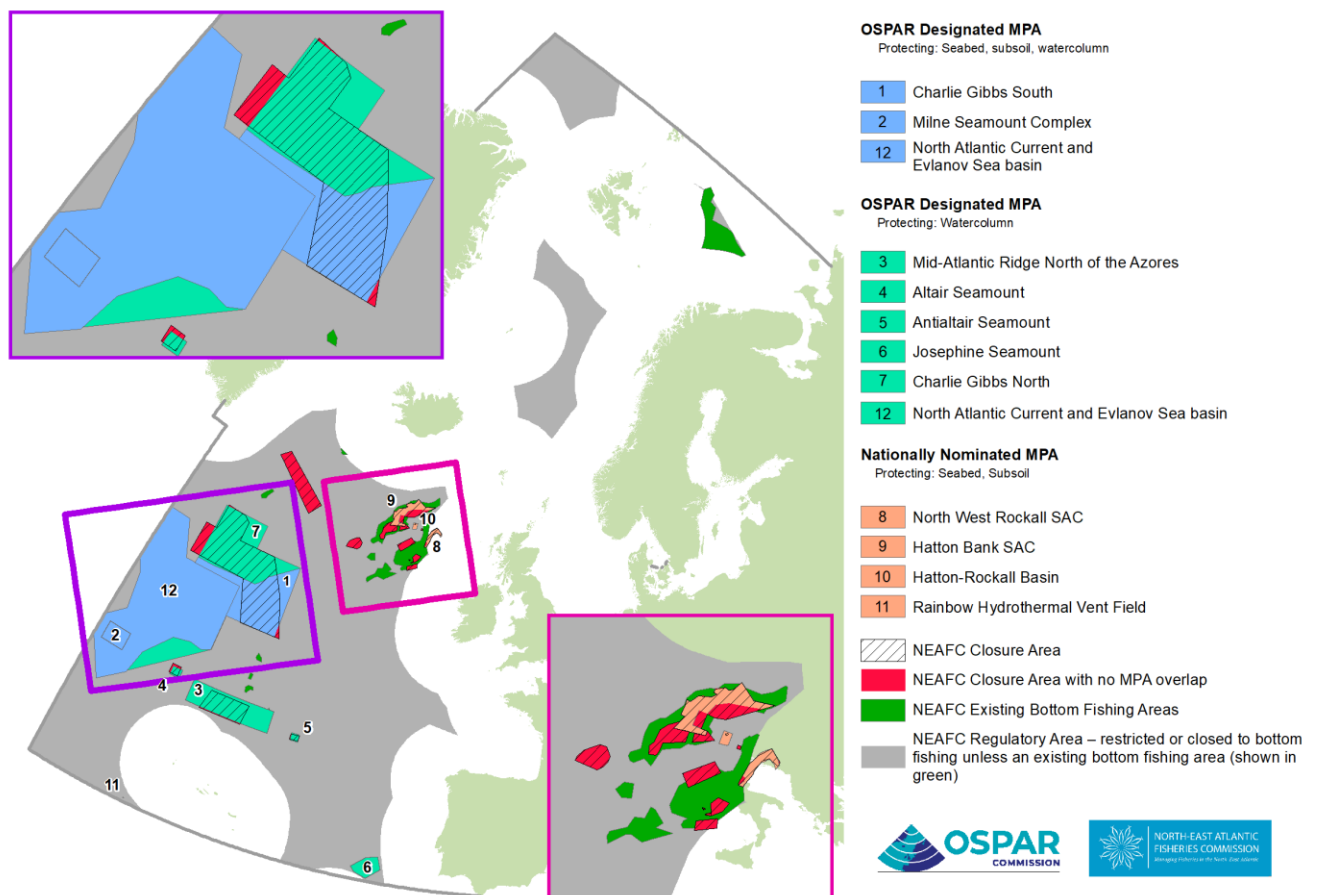


Figure 1: Overlaps between NEAFC measures for the protection of VMEs from bottom fishing and OSPAR area-based measures (including information about the scope of the area-based protections).

4. NEAFC's process to identify OECM based on existing fisheries closures to protect VMEs has shown that the CBD criteria for OECM only allow identification where an area is not overlain by an MPA. This means that even if an MPA is designated to protect features that only occur in the water column, and therefore includes no seabed measures, a NEAFC VME closure that adds protection for the seabed in the same geographical area cannot be identified as an OECM.
5. As set out in its [North-East Atlantic Environment Strategy 2030](#), OSPAR is also in the process of developing guidance on its approach to OECMs. This work will build on existing international practice including examination of approaches developed by NEAFC, the Baltic Marine Environment Protection Commission (HELCOM), the Arctic Council, the Food and Agriculture Organisation (FAO), the International Union for Conservation of Nature (IUCN) and other competent bodies and organisations.
6. An important part of the context for this document is the 30x30 area-based protection target included in the Kunming-Montreal GBF (Target 3) and also in OSPAR's North-East Atlantic Environment Strategy 2030 (operational objective S5.O1). In both cases, the target can be met through the combined designation of MPAs and recognition of OECMs. Both OSPAR and NEAFC plan to identify OECMs, recognising the greater benefit that multiple measures in the same area can provide, while avoiding double counting area coverage with MPAs. Given the need to highlight the complementary actions under OECMs and MPAs, NEAFC and OSPAR believe that it is important to recognise the full extent of the interactions and additions between measures, to provide a more accurate representation of the level of existing area-based protection. This can also encourage further collaboration between competent bodies operating in ABNJ and act as a case study of how the greater cooperation envisaged in BBNJ Agreement can be implemented.
7. In writing this document, the Contracting Parties of OSPAR and NEAFC are aiming to demonstrate the benefits of working collaboratively to implement a series of commitments and obligations of international instruments, as well as some of the issues that arise in their practical application.

NEAFC and OSPAR's Complementary Competences and Objectives

8. NEAFC and OSPAR have long understood that to deliver an ecosystem approach to management of the marine environment, a comprehensive approach involving all relevant actors is required. The significant overlaps between the two organisations in relation to their Contracting Parties, their identical maritime areas, and their complementary objectives and competences on conserving and managing the marine environment have been an important basis for their cooperation and collaboration. Both organisations also receive independent scientific advice from the International Council for the Exploration of the Sea (ICES).
9. To underpin this close collaboration, the two organisations signed a Memorandum of Understanding ([MoU](#)) in 2008, and subsequently, the Collective Arrangement, in 2014 ([OSPAR Agreement 2014-09](#)). The foremost objective of this Collective Arrangement is to facilitate cooperation and coordination on area-based management between legally competent bodies, promoting the exchange of information on each other's activities and achievements and taking into consideration all conservation and management measures taken in relation to the North-East Atlantic. In addition, it provides an opportunity to discuss

subjects of common interest and concern, such as data, ecosystem management, sensitive or threatened species and global ocean governance.

10. The close cooperation between the two organisations helps to deliver policy coherence and enables common Contracting Parties to better align their national activities under the respective Conventions. It supports the delivery of an ecosystem approach to the management of human activities, and the development of measures that contribute to the long-term conservation and optimum utilisation of fishery resources, providing sustainable economic, environmental, and social benefits.
11. In the context of area-based management, NEAFC and OSPAR recognise that they do not have exclusive legal competence on human activities impacting on the marine environment of the North-East Atlantic and are not the only bodies with legal competence relevant to the ABNJ in the North-East Atlantic.
12. To date, the Collective Arrangement has been adopted only by NEAFC and OSPAR. Secretariats of other competent bodies attend the meetings co-convened under this Arrangement, including those of the International Seabed Authority (ISA), the International Maritime Organization (IMO) and the International Commission for the Conservation of Atlantic Tunas (ICCAT).
13. While acknowledging that there will be impacts on the environment from other human activities, this document focuses on the interaction between area-based measures implemented by OSPAR and NEAFC. Ongoing cooperation and exchange of information continues with the other competent bodies.

Marine Areas Beyond National Jurisdiction in the North-East Atlantic

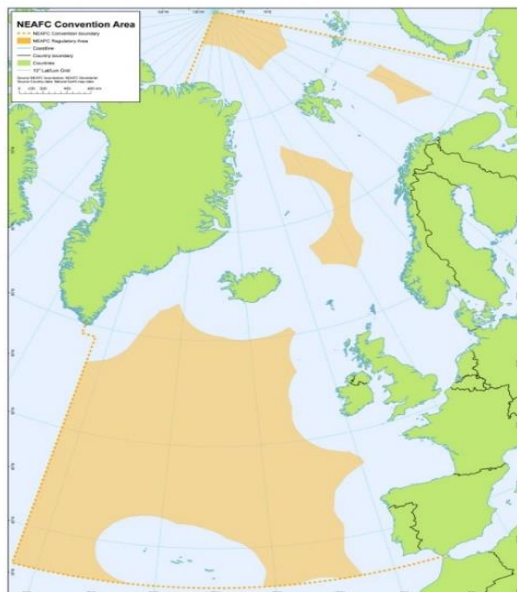


Figure 2: Map of the NEAFC Maritime Area showing the 4 high seas areas that make up the NEAFC Regulatory Area.

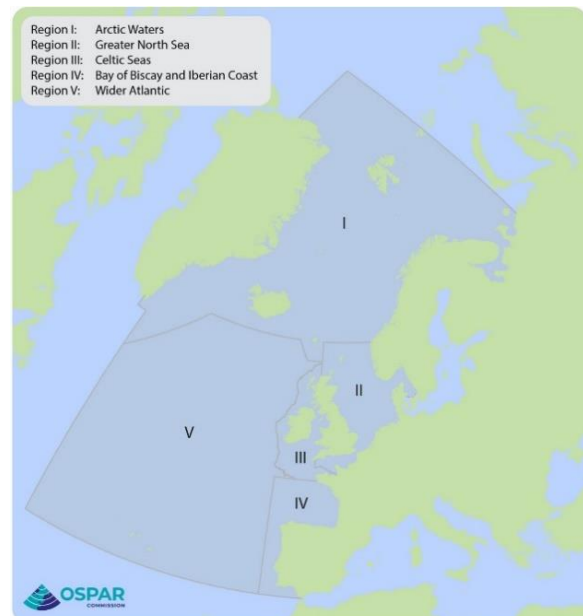


Figure 3: Map of the OSPAR Maritime Area and the different OSPAR Regions ascribed within it.

14. The NEAFC and OSPAR Maritime Areas encompass the North-East Atlantic – a highly productive and biologically rich area covering approximately 13.5 million km² of marine and

coastal ecosystems. The joint Maritime Area of NEAFC and OSPAR include the marine areas beyond national jurisdiction of the eastern part of the North Atlantic Ocean to the east of the meridian corresponding to the southern tip of Greenland, east to the Barents Sea, and north of the latitude of Gibraltar (Figure 2 and Figure 3). OSPAR's Maritime Area also encompasses the national jurisdiction of its Contracting Parties.

15. The main pressures on the ABNJ of the North-East Atlantic as identified by ICES include the selective extraction of marine species, including non-target species, abrasion from bottom fishing, marine litter, the introduction of contaminating compounds through marine and atmospheric currents, and underwater noise.¹ New or increasing activities, such as mineral and hydrocarbon extraction, mesopelagic fisheries or offshore renewable energy could bring additional pressures to this region in the future.² Added stress from climate change and ocean acidification will aggravate the impacts of these activities and pressures and may further weaken ecosystem resilience.³
16. The OSPAR 2023 [Quality Status Report \(QSR 2023\)](#) shows that the fisheries management regulations of the relevant coastal States and Regional Fisheries Management Organisations have successfully limited the harvesting of some commercial fish stocks to sustainable levels, but many stocks are still being harvested unsustainably.⁴ With the exception of some skates and rays, most of the OSPAR listed threatened and/or declining fish species are assessed as having poor status.⁵ By-catch, and the need to better integrate ecosystem function into fisheries management, remain additional concerns. The overarching message of the QSR 2023 is that collective trends point to declining biodiversity and continued habitat degradation across many parts of the OSPAR Maritime Area.

Area-based Measures in the ABNJ of the North-East Atlantic

NEAFC's area-based measures in ABNJ in the context of an Ecosystem Based Approach

17. NEAFC has various area-based management measures in place in its Regulatory Area, including:
 - a. area-based protection of juvenile haddock from bottom contact fisheries (except longlines);
 - b. area-based fisheries measures to protect spawning grounds of blue ling;
 - c. area-based measures for the recovery of redfish stocks in the Irminger Sea;
 - d. bottom fishing bans to protect vulnerable marine ecosystems (VME); and
 - e. prohibitions on the use of gillnets, entangling nets, and trammel nets.

¹ ICES Ecosystem Overviews – Oceanic Northeast Atlantic Ecoregion, published 12 December 2019: <https://doi.org/10.17895/ices.advice.5754>.

² ICES Ecosystem Overviews – Oceanic Northeast Atlantic Ecoregion, published 12 December 2019: <https://doi.org/10.17895/ices.advice.5754>.

³ OSPAR, 2023. Quality Status Report 2023: Synthesis Report. In: OSPAR, 2023: Quality Status Report 2023. OSPAR Commission, London. Available at: <https://oap.ospar.org/en/ospar-assessments/quality-status-reports/qsr-2023/synthesis-report/key-messages/>.

⁴ OSPAR, 2023. Quality Status Report 2023: Synthesis Report. In: OSPAR, 2023: Quality Status Report 2023. OSPAR Commission, London. Available at: <https://oap.ospar.org/en/ospar-assessments/quality-status-reports/qsr-2023/synthesis-report/key-messages/>.

⁵ OSPAR, 2023. Fish Thematic Assessment. In: OSPAR, 2023: Quality Status Report 2023. OSPAR Commission, London. Available at: <https://oap.ospar.org/en/ospar-assessments/quality-status-reports/qsr-2023/thematic-assessments/fish/>.

18. Of the above measures, apart from the protections for VME which are solely focused on biodiversity (e.g. sponges and corals), most are focused on management and recovery of the fish stocks in these areas (i.e. they are not yet assessed for ancillary biodiversity benefits). Bottom trawl and long-line fishery closures to protect VMEs were first established in NEAFC from 2005 onwards. These consist of two types of measure: closed areas and restricted areas. Like the closed areas, the restricted areas ban bottom fishing, however they can allow for exploratory fishing to start, subject to strict criteria such as a pre-assessment, authorisation by the Commission, and a 2-year exploratory phase with observers on vessels and independent scientific advice from ICES. The fishery can only continue after this period if no relevant adverse impacts are indicated.
19. These VME protection measures should be seen in the context of NEAFC's implementation of an ecosystem approach, of which NEAFC was an early adopter; conservation elements were included in the amendment of the Convention in 2006. The developments under NEAFC over the years have also led to an ecosystem-based focus related to fisheries restrictions to benefit specific ecosystems or particularly vulnerable deep-sea stocks and sharks. In delivering its objectives, NEAFC relies on ICES for independent scientific advice. ICES has integrated ecosystem aspects in its fisheries advice for many years to support ecosystem-based decision-making and the effective application of an ecosystem approach in the management of fisheries.
20. There remain major challenges in translating an understanding of wider ecosystem changes and other pressures (including their cumulative effects) into practical and specific advice on the total allowable catch of a particular stock or mix of stocks. NEAFC is currently aiming to enhance its implementation of an ecosystem approach and, to do so, is using an ICES ecosystem approach assessment framework, based on UN FAO guidance. NEAFC has also asked ICES to help it develop more explicit NEAFC ecosystem and biodiversity objectives as part of its implementation of an ecosystem approach.
21. Deep sea stocks are generally recognised as needing careful fisheries management in view of low productivity in some cases and often unique environments. In 2016 and 2018, NEAFC developed an approach to deep-sea fisheries conservation and management which treated individual species/stocks differently according to the level of information available on them. This was based on a precautionary approach, which included ensuring that data poor fisheries only expand gradually and that any new or expanding fisheries provide relevant data to assess sustainability, based on best available scientific information.
22. In considering the impacts of fisheries on the wider ecosystem in the Regulatory Area, NEAFC has also provided protection to certain fish species. NEAFC's current regulations include binding Recommendations prohibiting directed fisheries at basking shark, porbeagle, deep sea sharks, rays, and chimaeras. NEAFC pelagic fisheries – the bulk of current activity – are generally considered fisheries with low by-catch of other species. Nevertheless, NEAFC has requested scientific advice on bird and fish bycatch to inform its management.
23. In the early 2000s, NEAFC's attention moved from measures directed at conserving target and by-caught deep sea fish species to measures addressing the effects of bottom fisheries on other components of the marine ecosystem, in particular to prevent significant adverse impacts on VMEs from bottom fishing gears. The basis of the approach was scientific advice

from ICES to NEAFC on probable and actual locations of VMEs. The measures currently in force ensure that the only areas where bottom fisheries can legally take place in the Regulatory Area, apart from the potential for exploratory fisheries under strict restrictions, are in areas that are established bottom fishing areas. These are where the best available scientific advice has suggested that VMEs do not, or are unlikely to, occur. As the possible fishing areas where VMEs are known or likely to occur have either been closed to bottom fishing or lie in restricted bottom fishing areas, fishing vessels are not expected to encounter VMEs. The areas open to commercial bottom fishing (only around 2% of the total Regulatory Area) are therefore those areas where there are unlikely to be significant adverse impacts by bottom fishing on VMEs. These areas are subject to various measures, including reporting duties and encounter protocols. In developing its advice, ICES includes data on VMEs from all of its member States, including video evidence on the existence of VMEs.

24. NEAFC Recommendation 19:2014 includes binding regulations on the closure of areas to bottom fishing, move-on rules, definition of existing and restricted bottom fisheries areas, exploratory fishing protocols and lists of VME indicator species. The Recommendation sets out a process of annual advice from ICES on the evidence for VMEs, including the possibility of advice on revision of the closed areas. Apart from the annual ICES advice process, the VME Recommendation also includes a requirement to renew the closed areas every 5 years. The last time this review and renewal occurred was in 2022 with all closures therefore renewed until 31 December 2027. The effectiveness of the Recommendation is reviewed every 5 years, the next review being in 2024.
25. The NEAFC Scheme of Control and Enforcement includes reporting requirements for Contracting Parties on any bottom fishing activities in the Regulatory Area. In addition, the Secretariat is required to report on apparent bottom fishing activity to any relevant Contracting Party and to the Annual Meeting. Any apparent contravention of the Regulations banning bottom fishing by a vessel is investigated by the relevant Contracting Party. The progress of infractions, including the actions resulting from a court case, are reported in NEAFC's public annual compliance reports.

OSPAR's area-based measures in ABNJ

26. OSPAR has twelve MPAs in ABNJ of the OSPAR Maritime Area (see Figure 1). Of these, eight have been collectively designated by OSPAR Contracting Parties and four have been designated nationally by OSPAR Contracting Parties. The scope of application varies: three collectively designated OSPAR MPAs (Milne Seamount Complex MPA, the Charlie Gibbs South MPA, and North Atlantic Current and Evlanov Sea Basin MPA) protect both the water column and seabed; the other five collectively designated OSPAR MPAs protect the water column only (Altair High Seas MPA, the Antialtair High Seas MPA, the Josephine Seamount High Seas MPA, the Mid-Atlantic Ridge North of the Azores High Seas MPA and Charlie-Gibbs North High Seas MPA). Portugal has committed to protect the underlying seabed of the first four of these MPAs.⁶ The remaining nationally designated MPAs protect the seabed.

⁶ OSPAR 2022. Report and assessment of the status of the OSPAR network of Marine Protected Areas in 2022, Publication Number: 876/2022. Available at: https://oap-cloudfront.ospar.org/media/filer_public/1f/e8/1fe862c8-e750-4c05-b814-7ca73d3f9933/p00876_mpa_status_report_assessment_2021_vers002.pdf.

27. The first step in the OSPAR process for the potential designation of an MPA is the preparation of a nomination proforma by OSPAR Contracting Parties, including supporting scientific evidence from OSPAR observer organisations and academic institutions, as appropriate. OSPAR has recognised the importance of taking an ecosystem approach and has been using it in its work since 1998. The purpose of the nomination proforma is to gather the necessary ecological information as well as practical considerations about a possible marine area that could be designated, including their size, potential for restoration, degree of acceptance, potential success of management measures, potential damage to the area by human activities, and scientific value.
28. OSPAR manages the collectively designated MPAs in the ABNJ through OSPAR Recommendations, which outline the measures and actions to be taken, either separately or collectively, by Contracting Parties to OSPAR. OSPAR can adopt measures and actions to regulate activities that fall within its regulatory competence, for example measures relating to scientific research, cable-laying, dumping, construction of installations and artificial islands, and deep-sea tourism.
29. The measures and actions included in the respective Recommendations are developed based on the information collated in the nomination proforma. These measures recommended by the OSPAR Commission relate to:
 - a. **Raising awareness** of the MPA and its conservation objectives with relevant stakeholders. Activities include the creation of a website for the Charlie-Gibbs ABNJ MPA, integration of OSPAR MPAs in ABNJ into the navigational systems of relevant organisations (e.g. military), and informing relevant sectors of the MPA designations (e.g. ship operators, offshore contractors, fishers), with a request that activities are carried out in accordance with the relevant OSPAR Recommendations.
 - b. **Building and sharing knowledge** of the biodiversity and ecosystems in the MPA. Activities include maintaining a publicly available database of OSPAR's MPAs (mpa.ospar.org), analysis of fishing activities in MPAs in ABNJ based on Vessel Monitoring System (VMS) data (where available) and Automatic Identification System (AIS) data, and monitoring movement of cargo vessels through the MPAs;
 - c. **Marine Science:** Promoting the 'OSPAR Code of Conduct for responsible marine Research in the deep seas and high seas of the OSPAR area', supporting scientific research projects, and identifying monitoring mechanisms and activities and mitigating actions that promote the achievement of the conservation objectives of the MPA;
 - d. **New Developments:** Notification of human activities that may conflict with the conservation objectives of the MPA and ensuring, where appropriate, that any such activities are subject to an Environmental Impact Assessment (EIA) and/or Strategic Environmental Assessment (SEA), and that appropriate measures are taken. Use of best scientific advice when planning new activities; and
 - e. **Third Parties:** engaging with third parties and relevant competent bodies to promote delivery of the conservation objectives of the MPA.

30. OSPAR Recommendation 2003/3,⁷ amended by Recommendation 2010/2, requires OSPAR Contracting Parties to report annually to the OSPAR Commission on any OSPAR MPAs that they have selected (or deselected) and on any corresponding management plans adopted or substantially amended in that year. The Recommendation sets out that ‘the OSPAR Network of Marine Protected Areas’ comprises those areas which have been, and remain, reported by a Contracting Party together with any other area in the maritime area outside the jurisdiction of the Contracting Parties, which has been included as a component of the network by the OSPAR Commission.
31. Every two years, an OSPAR MPA Status Assessment is published, which considers the extent of the OSPAR MPA network (including those in ABNJ), its ecological coherence, how well the network is managed, and monitors progress towards the CBD and OSPAR target to have protected at least 30% of the OSPAR Maritime Area by 2030. Annually, an MPA Assessment Sheet is published, containing summary information to monitor progress towards the CBD target, including progress in spatial coverage, ecological coherence and management.
32. OSPAR is also looking into options for establishing a mechanism to encourage an Environmental Impact Assessment (EIA) and/or Strategic Environmental Assessment (SEA) to be undertaken on human activities that may conflict with the conservation objectives of OSPAR MPAs in ABNJ.

Monitoring of measures

NEAFC Monitoring Control and Surveillance and Enforcement of its measures

33. NEAFC’s binding recommendations are backed up by a comprehensive Scheme of Control and Enforcement (the Scheme). This includes measures to ensure all fishing vessels have suitable vessel position reporting equipment, and also report catches of regulated species while in the Regulatory Area. By means of inspections at sea, as well as via Port State Control, NEAFC regulations can be enforced using the monitoring and catch information generated under the Scheme. Additionally, the NEAFC Secretariat is tasked with sending alerts to Contracting Parties should any vessel enter the Regulatory Area outside existing fishing areas and exhibit behaviour that may be consistent with bottom fishing. The Scheme is updated and improved each year.
34. The annual NEAFC compliance reports show how well the vessels of Contracting Parties are complying with NEAFC regulations, including those on bottom fisheries and VMEs. The latest improvement to the monitoring and enforcement is an ongoing move from the current system of fish catch reporting to a reporting system based on electronic logbooks kept by the vessels. This will improve the accuracy and timeliness of data exchanged between Contracting Parties and the NEAFC Secretariat. One aspect of particular importance is to have up to date and accurate knowledge of which fishing gear has been used on a particular fishing operation. This will help avoid false positive notifications of bottom fisheries outside existing fishing areas, and indeed target enforcement if any such activity were to take place. Even without the expected changes being implemented on haul-by-haul gear identification, the Secretariat has implemented analysis to identify likely gear use from catch reports. By these means NEAFC is

⁷ [OSPAR Recommendation 2003/3](#) (OSPAR 03/17/1, Annex 9), amended by [OSPAR Recommendation 2010/2](#) (OSPAR 10/23/1, Annex 7).

able to conclude that substantiated infractions to the bottom fishing regulations total 14 incidents over 10 years. This is the monitoring of pressure rather than impact.

35. In terms of monitoring of the VMEs themselves, NEAFC does not carry this out. In developing its advice, ICES includes data on VMEs from all of its member States, including video evidence on the existence of VMEs. See section 3 above for more detail.

OSPAR monitoring and enforcement of its measures in its MPAs

36. OSPAR requires Contracting Parties to submit annual implementation reports on the management actions that have been taken in the ABNJ MPAs. As set out above, many of the actions relate to sharing information about the protected area within national administrations. More specifically, this should include measures such as displaying MPAs on navigational charts or advising any actor planning activities within the site about the specific conservation objectives of the site, in order to avoid impacting them negatively. The management actions, as set out in the MPA specific Recommendations, can differ, for example if the MPA measure protects only the water column or if it also includes the seabed/seafloor. However, as no single body or organisation has full competency to regulate all human activities in ABNJ, the successful protection of the ecosystems within the MPAs requires implementation of additional management measures and actions by other competent bodies in order for the conservation objectives of the MPAs to be fully achieved.⁸
37. OSPAR can only adopt measures and actions to regulate activities that fall within its regulatory mandate, therefore comprehensive management of OSPAR's ABNJ MPAs requires cooperation with bodies that have legal competence for the management of human activities in ABNJ which have or may have an impact on biodiversity and the marine environment (e.g. fishing, shipping, and deep-seabed mining). To evaluate whether the conservation objectives of OSPAR MPAs are being achieved, the broadening of long-term monitoring programmes could be considered.

Overlapping and Complementary area-based measures in the North-East Atlantic

38. As noted in the introduction, the first stated CBD criterion for recognition of an OECM is based on the precondition that the OECM is not currently recognized or reported as a protected area or part of a protected area. It is defined as 'a geographically defined area other than a protected area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in-situ conservation of biodiversity with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values' ([CBD Decision 14/8](#)). Therefore, it only allows recognition where an area is not overlain by an MPA.
39. Based on this criterion NEAFC has identified that, whereas its measures for protection of VMEs cover 7% of the high seas areas of the North-East Atlantic, only 2% of the total area can be reported as OECM under the CBD provisions. This is because 5% of NEAFC's regulatory area, in which fisheries measures to protect VMEs are already in place, overlaps with one or more OSPAR MPAs.

⁸ See: <https://oap.ospar.org/en/ospar-assessments/committee-assessments/biodiversity-committee/status-ospar-network-marine-protected-areas/assessment-sheets-mpa/mpa-status-2022/>.

40. This document therefore aims to articulate better the interactions between, and benefits of, the measures implemented by these two organisations. A further 90% of the high seas of the North-East Atlantic have NEAFC restrictions to bottom fishing (that have so far not had any bottom fishing activity), some parts of which overlap OSPAR MPAs. These restrictions may provide adequate protection to any benthic habitats and organisms identified by OSPAR in the proformas relating to the MPAs in question. From this point of view, the protective effects of NEAFC current management measures for stocks, which cover large areas also can be taken into account into wider sustainability considerations.
41. Where OSPAR and NEAFC area-based measures overlap, there is an enhanced protection, given their different competences. Where relevant, protection would become even stronger if additional bodies with other legal competences were to implement complementary measures of significant biodiversity benefit in the same ABNJ.
42. OSPAR and NEAFC want to bring out in this document that the marine environment can often reflect measures focused on different parts of the marine ecosystem; e.g. pelagic and benthic habitats separated by large distances but also potentially connected through movements of water and biodiversity. The identification of the areas of overlap describes measures that are a mix of those focused on the area of the seafloor, but also those with a water column dimension. These measures need to be able to respond to changes in human activity, natural changes, and an evolving understanding of the ecosystem approach to management. Thus, while CBD GBF Target 3 (i.e. 30 x 30) is expressed as a percentage of cover of area protected against total surface area of the planet, the effectiveness of protection in the marine environment can be improved through the interaction of management measures and competences in delivering comprehensive protection.
43. The overall umbrella for the actions set out in this document is UNCLOS, to which all NEAFC and OSPAR Contracting Parties are Parties.
44. The UN Fish Stocks Agreement is relevant as it sets out the ecosystem approach to the management of fisheries applied by NEAFC and its scientific advisor (ICES). Further obligations are set out under the UN General Assembly resolutions on bottom fishing, which are a key driver for the protections to VMEs implemented by NEAFC.
45. The Kunming-Montreal GBF and BBNJ Agreement add further impetus to the existing cooperation between NEAFC and OSPAR on protection of biodiversity in the areas set out in this document. NEAFC is already exploring how its measures in restricted bottom fishing areas protect wider biodiversity. Both organisations are also looking to enhance their implementation of an ecosystem approach.
46. One area that needs attention is how existing protections established by NEAFC and OSPAR might be recognised by other competent bodies operating in the same areas, if both deem it appropriate to do so. For instance, how could the IMO more formally recognise these protections and implement measures if any are required? For example, how could the ISA recognise any protections to the seabed and water column in its processes to establish Areas of Particular Environmental Interest? The Collective Arrangement offers one possible route of exchange of information on area-based measures with such bodies. OSPAR and NEAFC are actively exploring, including within their discussions under the Collective Arrangement, how

to enhance such cooperation with other sectoral bodies. While the BBNJ Agreement is not yet in force, the evolving framework and mechanisms under that instrument should also offer opportunities for enhanced consultation and coordination.

47. At the Collective Arrangement meeting of June 2023,⁹ NEAFC and OSPAR Contracting Parties suggested that NEAFC and OSPAR could work jointly to harmonise their work and develop joint nominations to ensure the collective objective of a coherent network of MPAs and OECMs in the North-East Atlantic. There is a unique opportunity for NEAFC, OSPAR and other competent bodies with a management mandate in the North-East Atlantic to pioneer this collaborative work and to deliver the international targets set under the Convention on Biological Diversity and the UN Sustainable Development Goals. This document represents further progress on a joint OSPAR-NEAFC understanding on this issue made at the most recent Collective Arrangement meeting of February 2024.
48. Though the general approach to identify MPAs in OSPAR and OECMs in NEAFC is different, there is a strong potential for strengthened collaboration to ensure a more comprehensive and coherent network of area-based management measures in the North-East Atlantic:
 - a. OSPAR can determine the conservation objectives and measures that are needed to protect biodiversity in certain areas (MPAs). It can draw relevant issues to the attention of NEAFC to identify and implement appropriate fisheries measures where necessary to deliver these conservation objectives; and
 - a. NEAFC can set out fisheries measures which deliver conservation benefits, in particular area-based fisheries measures (OECM). OSPAR can complement NEAFC's OECM by providing measures under its competence in the same areas and in providing relevant biodiversity and environmental data to NEAFC's scientific advisor, ICES.

Combined, these actions can help enhance NEAFC's and OSPAR's shared objectives to protect the marine environment.

⁹ See: <https://www.ospar.org/meetings/archive/collective-arrangement-1>.

The North-East Atlantic Fisheries Commission and the OSPAR Commission: Competent Organisations for the Management of the North-East Atlantic

North-East Atlantic Fisheries Commission (NEAFC)

1. NEAFC is a regional fisheries management organisation (RFMO) established in accordance with Article 118 of the United Nations Convention on the Law of the Sea (UNCLOS) to promote cooperation of States in the long-term conservation and optimum utilisation of fishery resources in the high seas, with the objective of providing sustainable economic, environmental, and social benefits to its six Contracting Parties.¹⁰ To this end, NEAFC adopts legally binding conservation and management measures for various fish stocks except highly migratory species such as tuna, which are managed by the International Commission for Conservation of Atlantic Tunas (ICCAT). NEAFC also adopts control measures to ensure that the conservation and management measures adopted are properly implemented, as well as measures to protect other parts of the marine ecosystem from potential negative impacts by fishing activities. Under UNCLOS, fisheries are not allowed to be carried out in the high seas of the North-East Atlantic except where under the mandate of NEAFC or ICCAT.
2. Management of areas under the national jurisdiction of NEAFC Contracting Parties is conditional on the relevant coastal State proposing and supporting such measures. When agreeing fisheries measures, the NEAFC Convention specifies that the decisions:
 - a. are based on the best (independent) scientific evidence available;
 - b. apply the precautionary approach;
 - c. take account of the impact of fisheries on other species and marine ecosystems and minimise harmful impacts on living marine resources and marine ecosystems; and
 - d. take account of the need to conserve marine biological diversity.

OSPAR Commission

3. The OSPAR Convention is responsible for the protection of the marine environment of the North-East Atlantic. The OSPAR Commission is the decision-making body, which implements the OSPAR Convention. OSPAR brings together 15 governments¹¹ and the European Union to deliver coordinated action to monitor, assess and develop measures to address pressures impacting the health of the North-East Atlantic. Through OSPAR, Contracting Parties collaborate to take action to secure the vision of a clean, healthy, and biologically diverse North-East Atlantic, which is productive, used sustainably and resilient to climate change and ocean acidification. To this end OSPAR adopts legally binding decisions, as well as recommendations and agreements. OSPAR's work is guided by the ecosystem approach to management of human activities in the marine environment.

¹⁰ Denmark in respect of the Faroe Islands and Greenland, the European Union, Iceland, Norway, the Russian Federation and the United Kingdom.

¹¹ Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom.

4. OSPAR Contracting Parties must take the necessary measures to protect and conserve marine ecosystems and marine biodiversity within the OSPAR Maritime Area, restore, when practicable, marine areas that have been adversely affected, and cooperate in adopting programmes and measures to control human activities. OSPAR has a [mandate](#) to designate MPAs in ABNJ of its Maritime Area and, to manage human activities within its competence in MPAs in ABNJ, and to recommend actions to OSPAR Contracting Parties. For activities for which the management is outside OSPAR's competence, such as fisheries, OSPAR can highlight the issues to the relevant competent bodies. OSPAR has collectively designated eight MPAs in ABNJ through OSPAR Decisions, for which collective management actions have been agreed through the adoption of OSPAR Recommendations.
5. At its 2021 Ministerial Meeting, OSPAR Ministers committed to further cooperate with other competent bodies, including through the [Collective Arrangement](#), and to expand OSPAR's network of MPAs and OECMs to cover at least 30% of OSPAR's Maritime Area by 2030, with a view to achieving a high level of protection over time.