

OSPAR Decision 2010/1 on the Establishment of the Milne Seamount Complex Marine Protected Area

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 the adoption of OSPAR Recommendation 2003/3 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 protection of the biodiversity and ecosystems in the maritime area beyond national jurisdiction of the Contracting Parties is further recognised in the OSPAR Biodiversity and Ecosystems Strategy,

RECALLING that the OSPAR Commission agreed in 2009 that the Milne Seamount Complex is approved in principle as a potential Marine Protected Area in Areas Beyond National Jurisdiction (ABNJ) as a component of the OSPAR Network of Marine Protected Areas,

RECOGNISING that the OSPAR Commission endorsed in 2009 conservation objectives for the Milne Seamount Complex, as set out in OSPAR Recommendation 2010/12 on the Management of the Milne Seamount Complex Marine Protected Area,

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/63/111 of February 2009* 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 the development of representative networks of any such marine protected areas by 2012,¹

RECOGNISING further that the establishment of this MPA does not prejudice the sovereign rights and obligations of coastal States to the continental shelf, including their inherent right to delineate outer limits of the continental shelf in accordance with UNCLOS,

RECOGNISING further that a range of human activities occurring, or potentially occurring, in the Milne Seamount Complex area 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), North Atlantic Marine Mammal Commission (NAMMCO), and International Whaling Commission (IWC)), shipping (International Maritime Organization (IMO)), and extraction of mineral resources (International Seabed Authority (ISA)).

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic DECIDE:

1. Definitions

1.1 For the purpose of this Decision:

“*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.

“*Milne Seamount Complex*” refers to an area beyond national jurisdiction situated to the west of the Mid-Atlantic Ridge including the Milne Seamount, that rises to within 1000m of the surface and that is associated with several other seamounts, e.g. the Williams peak.

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

2. Purpose and Scope

2.1 The purpose of this Decision is to establish the Milne Seamount Complex Marine Protected Area with the goal of protecting and conserving the biodiversity and ecosystems of the seabed and the superjacent waters of the site in accordance with the conservation objectives set out in OSPAR Recommendation 2010/12 on the Management of the Milne Seamount Complex Marine Protected Area.

2.2 This Decision shall apply without prejudice to the rights and obligations of coastal States, other States and international organisations in accordance with UNCLOS and customary international law.

¹ UNGA Resolution A/RES/63/111 Oceans and the law of the sea adopted on 5 December 2008 (A/RES/63/111 of 12 February 2009), Para 134.

3. Establishment of the Milne Seamount Complex Marine Protected Area

3.1 The Milne Seamount Complex Marine Protected Area in an area of approximately 21 000 km² bounded by the following coordinates is established as a component of the OSPAR Network of Marine Protected Areas:

Latitude N	Longitude W
45,30 °	41,22 °
45,30 °	39,10 °
44,18 °	39,10 °
44,19 °	41,22 °

3.2. The boundaries of the Marine Protected Area in this Decision may be reviewed by the OSPAR Commission.

4. Entry into Force

4.1 This Decision enters into force on 12 April 2011.



OSPAR 10/23/1-E, Annex 36

OSPAR Decision 2010/2 on the establishment of the Charlie-Gibbs South Marine Protected Area

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 the adoption of OSPAR Recommendation 2003/3 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 protection of the biodiversity and ecosystems in the maritime area beyond national jurisdiction of the Contracting Parties is further recognised in the OSPAR Biodiversity and Ecosystems Strategy,

RECALLING that the OSPAR Commission agreed in 2008 that there is a comprehensive scientific case for establishing a Marine Protected Area for the Charlie-Gibbs Fracture Zone (CGFZ), which has been set out in OSPAR publication 2010/523,

RECALLING that the OSPAR Commission endorsed in 2009 conservation objectives for the CGFZ, as set out in OSPAR publication 2010/523,

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/63/111 of February 2009* 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 the development of representative networks of any such marine protected areas by 2012,¹

RECOGNISING further that the establishment of this MPA does not prejudice the sovereign rights and obligations of coastal States to the continental shelf, including their inherent right to delineate outer limits of the continental shelf in accordance with UNCLOS,

RECOGNISING further that a range of human activities occurring, or potentially occurring, in the CGFZ 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), North Atlantic Marine Mammal Commission (NAMMCO), and International Whaling Commission (IWC)), shipping (International Maritime Organization (IMO)), and extraction of mineral resources (International Seabed Authority (ISA)),

WELCOMING the 2009 NEAFC Recommendation to close the area of the Middle Mid-Atlantic Ridge that largely corresponds to the area of the CGFZ to bottom fisheries until 2015.

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic DECIDE:

1. Definitions

1.1 For the purpose of this Decision:

“*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.

“*Charlie-Gibbs Fracture Zone (CGFZ)*” refers to a major topographical feature, at around 52°N, that divides the Mid-Atlantic Ridge (MAR) into a northern and southern section. The CGFZ is a system of two main parallel deep rift valleys running perpendicular to the main Ridge axis.

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

2. Purpose and Scope

2.1 The purpose of this Decision is to establish the Charlie-Gibbs South Marine Protected Area with the goal of protecting and conserving the biodiversity and ecosystems of the seabed and the superjacent waters of the site in accordance with the conservation objectives set out in OSPAR Recommendation 2010/13 on the Management of the Charlie-Gibbs South Marine Protected Area.

2.2 This Decision shall apply without prejudice to the rights and obligations of coastal States, other States and international organisations in accordance with UNCLOS and customary international law.

¹ UNGA Resolution A/RES/63/111 Oceans and the law of the sea adopted on 5 December 2008 (A/RES/63/111 of 12 February 2009), Para 134.

3. Establishment of the Charlie-Gibbs South Marine Protected Area

3.1 The Charlie-Gibbs South Marine Protected Area in an area of 145,420 km² bounded by the following coordinates² is established as a component of the OSPAR Network of Marine Protected Areas:

Latitude N	Longitude W
49,00 °	32,00 °
51,00 °	32,00 °
51,00 °	37,00 °
51,40 °	37,00 °
51,40 °	35,34 °
51,50 °	30,70 °
51,64 °	30,44 °
51,91 °	30,02 °
52,20 °	29,77 °
53,50 °	27,00 °
49,00 °	27,00 °
49,00 °	32,00 °

3.2 The boundaries of the Marine Protected Area in this Decision may be reviewed by the OSPAR Commission.

4. Entry into Force

4.1 This Decision enters into force on 12 April 2011.

² All coordinates are in decimal degrees on the WGS84 datum.

OSPAR Decision 2010/3 on the Establishment of the Altair Seamount High Seas Marine Protected Area

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 the adoption of OSPAR Recommendation 2003/3 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 protection of the biodiversity and ecosystems in the maritime area beyond national jurisdiction of the Contracting Parties is further recognised in the OSPAR Biodiversity and Ecosystems Strategy,

RECALLING that the OSPAR Commission agreed in 2009 that the Altair Seamount is approved in principle as a potential Marine Protected Area (MPA) in Areas Beyond National Jurisdiction (ABNJ) as a component of the OSPAR Network of Marine Protected Areas,

RECOGNISING that the OSPAR Commission endorsed in 2009 conservation objectives for the Altair Seamount, as set out in OSPAR Recommendation 2010/14 on the Management of the Altair Seamount High Seas Marine Protected Area,

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/63/111 of February 2009* 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 the development of representative networks of any such marine protected areas by 2012,¹

ACKNOWLEDGING that on 11 May 2009 the Portuguese Republic has presented to the Commission on the Limits of the Continental Shelf (CLCS), its submission regarding the establishment of the outer limits of the Portuguese continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, in accordance with Article 76 of, and Annex II to, the United Nations Convention of the Law of the Sea and that this submission by the Portuguese Republic encompasses the seabed in the area of the Altair Seamount,

NOTING and WELCOMING that the Portuguese Republic has reported to the OSPAR Commission on the selection of the seabed of the Altair Seamount as a component of the OSPAR network of Marine Protected Areas and will establish the programmes, measures and agreements which are necessary for the achievement of the conservation vision and conservation objectives regarding the seabed of the Altair Seamount and WELCOMING the request of the Portuguese Republic to the OSPAR Commission to take corresponding measures for the waters superjacent to the Altair Seamount,

RECOGNISING that the OSPAR Commission can take corresponding measures in order to achieve the conservation vision and conservation objectives for the high seas superjacent to the seabed subject to the submission of the Portuguese Republic to the CLCS in the area of the Altair Seamount,

RECOGNISING that the establishment of MPAs encompassing the seabed and superjacent waters of the Altair Seamount by the Portuguese Republic and the OSPAR Commission respectively, is essential for maintaining the integrity of the ecosystems of the Altair Seamount by providing for coherence, compatibility and complementarity of the management measures to be taken beyond and within national jurisdiction,

RECOGNISING further that the establishment of this MPA does not create any precedent regarding the establishment by the OSPAR Commission of other MPAs in water superjacent to areas of the seabed subject to submission to CLCS or prejudice the sovereign rights and obligations of coastal States to the continental shelf. The establishment of such MPAs will be decided on a case by case basis,

RECOGNISING that a range of human activities occurring, or potentially occurring, in the Altair Seamount area 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), North Atlantic Marine Mammal Commission (NAMMCO), International Whaling Commission (IWC)), and shipping (International Maritime Organization (IMO)),

RECALLING Article 4 of Annex V of the OSPAR Convention and the relevant United Nations General Assembly Resolutions, in particular 61/105, which set out the conditions for bottom fisheries on the high seas therefore apply to the waters superjacent to the Altair Seamount and WELCOMING the 2009 Recommendation of the North-East Atlantic Fisheries Commission to close the area of the Altair Seamount to bottom fisheries until 2015.

¹ UNGA Resolution A/RES/63/111 Oceans and the law of the sea adopted on 5 December 2008 (A/RES/63/111 of 12 February 2009), Para 134

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic DECIDE:

1. Definitions

1.1 For the purpose of this Decision:

“*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.

“*Altair Seamount*” refers to the Altair Seamount located to the north-west of the Azores close to the Mid-Atlantic Ridge whose seabed is encompassed by a Portuguese submission to the Commission on the Limits of the Continental Shelf (CLCS), in accordance with Article 76 of, and Annex II to, the Convention of the Law of the Sea, and which includes the high seas superjacent to the seabed subject to that submission.

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

2. Purpose and Scope

2.1 The purpose of this Decision is to establish the Altair Seamount High Seas Marine Protected Area with the goal of protecting and conserving the biodiversity and ecosystems of the water superjacent to the Altair Seamount, in coordination with, and complementary to, protective measures taken by the Portuguese Republic for the seabed, and in accordance with the joint conservation objectives set out in OSPAR Recommendation 2010/14 on the Management of the Altair Seamount High Seas MPA.

2.2 This Decision shall apply without prejudice to the rights and obligations of coastal States, other States and international organisations in accordance with UNCLOS and customary international law.

3. Establishment of the Altair Seamount High Seas Marine Protected Area

3.1 The Altair Seamount High Seas Marine Protected Area in an area of approximately 4409 km² of the high seas bounded by the following coordinates² is established as a component of the OSPAR Network of Marine Protected Areas:

Latitude N	Longitude W
44.86°	34.46°
44.86°	33.54°
44.32°	33.54°

² All coordinates are in decimal degrees on the WGS84 datum.

44.32	34.46°
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- 3.2. The boundaries of the Marine Protected Area in this Decision may be reviewed by the OSPAR Commission, taking into account progress made in establishing the outer limits of the extended continental shelf of Portugal in accordance with Article 76 of, and Annex II to, UNCLOS.

4. Entry into Force

- 4.1 This Decision enters into force on 12 April 2011.



OSPAR Decision 2010/4 on the Establishment of the Antialtair Seamount High Seas Marine Protected Area

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 the adoption of OSPAR Recommendation 2003/3 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 protection of the biodiversity and ecosystems in the maritime area beyond national jurisdiction of the Contracting Parties is further recognised in the OSPAR Biodiversity and Ecosystems Strategy,

RECALLING that the OSPAR Commission agreed in 2009 that the Antialtair Seamount is approved in principle as a potential Marine Protected Area (MPA) in Areas Beyond National Jurisdiction (ABNJ) as a component of the OSPAR Network of Marine Protected Areas,

RECOGNISING that the OSPAR Commission endorsed in 2009 conservation objectives for the Antialtair Seamount, as set out in OSPAR Recommendation 2010/15 on the Management of the Antialtair Seamount High Seas Marine Protected Area,

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/63/111 of February 2009* 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 the development of representative networks of any such marine protected areas by 2012,¹

ACKNOWLEDGING that on 11 May 2009 the Portuguese Republic has presented to the Commission on the Limits of the Continental Shelf (CLCS), its submission regarding the establishment of the outer limits of the Portuguese continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, in accordance with Article 76 of, and Annex II to, the United Nations Convention of the Law of the Sea and that this submission by Portugal encompasses the seabed in the area of the Antialtair Seamount.

NOTING and WELCOMING that the Portuguese Republic has reported to the OSPAR Commission on the selection of the seabed of the Antialtair Seamount as a component of the OSPAR network of Marine Protected Areas and will establish the programmes, measures and agreements which are necessary for the achievement of the conservation vision and conservation objectives regarding the seabed of the Antialtair Seamount and WELCOMING the request of the Portuguese Republic to the OSPAR Commission to take corresponding measures for the waters superjacent to the Antialtair Seamount,

RECOGNISING that the OSPAR Commission can take corresponding measures in order to achieve the conservation vision and conservation objectives for the high seas superjacent to the seabed subject to the submission of the Portuguese Republic to the CLCS in the area of the Antialtair Seamount,

RECOGNISING that the establishment of MPAs encompassing the seabed and superjacent waters of the Antialtair Seamount by the Portuguese Republic and the OSPAR Commission respectively, is essential for maintaining the integrity of the ecosystems of the Antialtair Seamount by providing for coherence, compatibility and complementarity of the management measures to be taken beyond and within national jurisdiction,

RECOGNISING further that the establishment of this MPA does not create any precedent regarding the establishment by the OSPAR Commission of other MPAs in waters superjacent to areas of the seabed subject to submission to CLCS or prejudice the sovereign rights and obligations of coastal States to the continental shelf. The establishment of such MPAs will be decided on a case by case basis.

RECOGNISING that a range of human activities occurring, or potentially occurring, in the Antialtair Seamount area 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), North Atlantic Marine Mammal Commission (NAMMCO), International Whaling Commission (IWC), and shipping (International Maritime Organization (IMO)).

RECALLING Article 4 of Annex V of the OSPAR Convention and the relevant United Nations General Assembly Resolutions, in particular 61/105, which set out the conditions for bottom fisheries on the high seas and therefore apply to the waters superjacent to the Antialtair seamount and WELCOMING the 2009 Recommendation of the North-East Atlantic Fisheries Commission to close the area of the Antialtair Seamount to bottom fisheries until 2015.

¹ UNGA Resolution A/RES/63/111 Oceans and the law of the sea adopted on 5 December 2008 (A/RES/63/111 of 12 February 2009), Para 134

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic DECIDE:

1. Definitions

1.1 For the purpose of this Decision:

“*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.

“*Antialtair Seamount*” refers to the area of the Antialtair Seamount located to the north-east of the Azores close to the Mid-Atlantic Ridge whose seabed is encompassed by a submission from the Portuguese Republic to the Commission on the Limits of the Continental Shelf (CLCS), in accordance with Article 76 of, and Annex II to, the Convention of the Law of the Sea and which includes the high seas superjacent to the seabed subject to that submission.

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

2. Purpose and Scope

2.1 The purpose of this Decision is to establish the Antialtair Seamount High Seas Marine Protected Area with the goal of protecting and conserving the biodiversity and ecosystems of the water superjacent to the Antialtair Seamount, in coordination with, and complementary to, protective measures taken by Portugal for the seabed, and in accordance with the joint conservation objectives set out in OSPAR Recommendation 2010/15 on the Management of the Antialtair Seamount High Seas Marine Protected Area

2.2 This Decision shall apply without prejudice to the rights and obligations of coastal States, other States and international organisations in accordance with UNCLOS and customary international law.

3. Establishment of the Antialtair Seamount High Seas Marine Protected Area

3.1 The Antialtair Seamount High Seas Marine Protected Area in an area of approximately 2208 km² of the high seas bounded by the following coordinates is established as a component of the OSPAR Network of Marine Protected Areas:

Latitude N	Longitude W
43.82°	22.78°
43.82°	22.10°
43.36°	22.10°
43.36°	22.78°

- 3.2. The boundaries of the Marine Protected Area in this Decision may be reviewed by the OSPAR Commission, taking into account progress made in establishing the outer limits of the extended continental shelf of Portugal in accordance with Article 76 of, and Annex II to, UNCLOS.

4. Entry into Force

- 4.1 This Decision enters into force on 12 April 2011.

OSPAR Decision 2010/5 on the Establishment of the Josephine Seamount High Seas Marine Protected Area

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 the adoption of OSPAR Recommendation 2003/3 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 protection of the biodiversity and ecosystems in the maritime area beyond national jurisdiction of the Contracting Parties is further recognised in the OSPAR Biodiversity and Ecosystems Strategy,

RECALLING that the OSPAR Commission agreed in 2009 that the Josephine Seamount is approved in principle as a potential Marine Protected Area (MPA) in Areas Beyond National Jurisdiction (ABNJ) as a component of the OSPAR Network of Marine Protected Areas,

RECOGNISING that the OSPAR Commission endorsed in 2009 conservation objectives for the Josephine Seamount, as set out in OSPAR Recommendation 2010/16 on the Management of the Josephine Seamount High Seas Marine Protected Area.

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/63/111 of February 2009* 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 the development of representative networks of any such marine protected areas by 2012,¹

ACKNOWLEDGING that on 11 May 2009 the Portuguese Republic has presented to the Commission on the Limits of the Continental Shelf (CLCS), its submission regarding the establishment of the outer limits of the Portuguese continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, in accordance with Article 76 of, and Annex II to, the United Nations Convention of the Law of the Sea and that this submission by Portugal encompasses the seabed in the area of the Josephine Seamount,

NOTING and WELCOMING that the Portuguese Republic has reported to the OSPAR Commission on the selection of the Josephine seamount as a component of the OSPAR network of Marine Protected Areas and will establish the programmes, measures and agreements which are necessary for the achievement of the conservation vision and conservation objectives regarding the seabed of the Josephine Seamount and WELCOMING the request of the Portuguese Republic to the OSPAR Commission to take corresponding measures for the waters superjacent to the Josephine Seamount,

RECOGNISING that the OSPAR Commission can take corresponding measures in order to achieve the conservation vision and conservation objectives for the high seas superjacent to the seabed subject to the submission of the Portuguese Republic in the area of the Josephine Seamount,

RECOGNISING that the establishment of MPAs encompassing the seabed and superjacent waters of the Josephine Seamount by the Portuguese Republic and the OSPAR Commission respectively, is essential for maintaining the integrity of the ecosystems of the Josephine Seamount by providing for coherence, compatibility and complementarity of the management measures to be taken beyond and within national jurisdiction,

RECOGNISING further that the establishment of this MPA does not create any precedent regarding the establishment by the OSPAR Commission of other MPAs in water superjacent to areas of the seabed subject to submission to CLCS or prejudice the sovereign rights and obligations of coastal States to the continental shelf. The establishment of such MPAs will be decided on a case by case basis,

RECOGNISING that a range of human activities occurring, or potentially occurring, in the Josephine Seamount area 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), North Atlantic Marine Mammal Commission (NAMMCO), International Whaling Commission (IWC)), and shipping (International Maritime Organization (IMO)),

RECALLING Article 4 of Annex V of the OSPAR Convention and the relevant United Nations General Assembly Resolutions, in particular 61/105, which set out the conditions for bottom fisheries on the high seas and therefore apply to the waters superjacent to the Josephine Seamount.

¹ UNGA Resolution A/RES/63/111 Oceans and the law of the sea adopted on 5 December 2008 (A/RES/63/111 of 12 February 2009), Para 134

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic DECIDE:

1. Definitions

1.1 For the purpose of this Decision:

“*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.

“*Josephine Seamount*” refers to the Josephine Seamount located to the east of the Mid-Atlantic Ridge, between Madeira and mainland Portugal, which rises to within 170 m of the surface and is associated with several other seamounts. The seabed in this area is encompassed by a submission from the Portuguese Republic to the Commission on the Limits of the Continental Shelf (CLCS), in accordance with Article 76 of, and Annex II to, the Convention of the Law of the Sea, and which includes the high seas superjacent to the seabed subject to that submission.

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

2. Purpose and Scope

2.1 The purpose of this Decision is to establish the Josephine Seamount High Seas Marine Protected Area with the goal of protecting and conserving the biodiversity and ecosystems of the water superjacent to the Josephine Seamount, in coordination with, and complementary to, protective measures taken by the Portuguese Republic for the seabed, and in accordance with the joint conservation objectives set out in OSPAR Recommendation 2010/16 on the Management of the Josephine Seamount High Seas Marine Protected Area

2.2 This Decision shall apply without prejudice to the rights and obligations of coastal States, other States and international organisations in accordance with UNCLOS and customary international law.

3. Establishment of the Josephine Seamount High Seas Marine Protected Area

3.1 The Josephine Seamount High Seas Marine Protected Area in an area of approximately 19,370 km² of the high seas bounded by the following coordinates² is established as a component of the OSPAR Network of Marine Protected Areas:

² All coordinates are in decimal degrees on the WGS84 datum.

Latitude N	Longitude W
37.46 °	14.65 °
37.63 °	13.75 °
36.86 °	13.42 °
36.18 °	14.45 °
36.76 °	15.72 °
36.45 °	15.39 °

3.2. The boundaries of the Marine Protected Area in this Decision may be reviewed by the OSPAR Commission, taking into account progress made in establishing the outer limits of the extended continental shelf of Portugal in accordance with Article 76 of, and Annex II to, UNCLOS.

4. Entry into Force

4.1 This Decision enters into force on 12 April 2011.

OSPAR Decision 2010/6 on the Establishment of the MAR North of the Azores High Seas Marine Protected Area

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 the adoption of OSPAR Recommendation 2003/3 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 protection of the biodiversity and ecosystems in the maritime area beyond national jurisdiction of the Contracting Parties is further recognised in the OSPAR Biodiversity and Ecosystems Strategy,

RECALLING that the OSPAR Commission agreed in 2009 that the MAR North of the Azores is approved in principle as a potential Marine Protected Area (MPA) in Areas Beyond National Jurisdiction (ABNJ) as a component of the OSPAR Network of Marine Protected Areas,

RECOGNISING that the OSPAR Commission endorsed in 2009 conservation objectives for the MAR North of the Azores, as set out in OSPAR Recommendation 2010/17 on the Management of the MAR North of the Azores High Seas Marine Protected Area,

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/63/111 of February 2009* 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 the development of representative networks of any such marine protected areas by 2012,¹

ACKNOWLEDGING that on 11 May 2009 the Portuguese Republic has presented to the Commission on the Limits of the Continental Shelf (CLCS), its submission regarding the establishment of the outer limits of the Portuguese continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, in accordance with Article 76 of, and Annex II to, the United Nations Convention of the Law of the Sea and that this submission by Portugal encompasses the seabed in an area of the Mid-Atlantic Ridge north of the Azores,

NOTING and WELCOMING that the Portuguese Republic has reported to the OSPAR Commission on the selection of the seabed of the MAR North of the Azores as a component of the OSPAR Network of Marine Protected Areas and will establish the programmes, measures and agreements which are necessary for the achievement of the conservation vision and conservation objectives regarding the seabed of the MAR North of the Azores and WELCOMING the request of the Portuguese Republic to the OSPAR Commission to take corresponding measures for the waters superjacent to the MAR North of the Azores area,

RECOGNISING that the OSPAR Commission can take corresponding measures in order to achieve the conservation vision and conservation objectives for the high seas superjacent to the seabed subject to the submission of the Portuguese Republic to the CLCS in the area of the MAR North of the Azores,

RECOGNISING that the establishment of MPAs encompassing the seabed and superjacent waters of the MAR North of the Azores by the Portuguese Republic and the OSPAR Commission respectively, is essential for maintaining the integrity of the ecosystems of the MAR North of the Azores by providing for coherence, compatibility and complementarity of the management measures to be taken beyond and within national jurisdiction,

RECOGNISING further that the establishment of this MPA does not create any precedent regarding the establishment by the OSPAR Commission of other MPAs in waters superjacent to areas of the seabed subject to submission to CLCS or prejudice the sovereign rights and obligations of coastal States to the continental shelf. The establishment of such MPAs will be decided on a case by case basis.

RECOGNISING that a range of human activities occurring, or potentially occurring, in the MAR North of the Azores area 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), North Atlantic Marine Mammal Commission (NAMMCO), International Whaling Commission (IWC)), and shipping (International Maritime Organization (IMO)).

RECALLING Article 4 of Annex V to the OSPAR Convention and the relevant United Nations General Assembly Resolutions, in particular 61/105, which set out the conditions for bottom fisheries on the high seas and therefore apply to the waters superjacent to the MAR North of the Azores and WELCOMING the 2009 Recommendation of the North-East Atlantic Fisheries Commission to close the area of the MAR North of the Azores to bottom fisheries until 2015.

¹ Permanent footnote: UNGA Resolution A/RES/63/111 Oceans and the law of the sea adopted on 5 December 2008 (A/RES/63/111 of 12 February 2009), Para 134

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic DECIDE:

1. Definitions

1.1 For the purpose of this Decision:

“*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.

“*Mid-Atlantic Ridge North of the Azores (MAR North)*” refers to an area located in Mid-Atlantic Ridge north of the Azores whose seabed is encompassed by a Portuguese submission to the Commission on the Limits of the Continental Shelf (CLCS), in accordance with Article 76 of, and Annex II to, the Convention of the Law of the Sea, and which includes the high seas superjacent to the seabed subject to that submission.

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

2. Purpose and Scope

2.1 The purpose of this Decision is to establish the MAR North of the Azores High Seas Marine Protected Area with the goal of protecting and conserving the biodiversity and ecosystems of the water superjacent to the MAR north of the Azores, in coordination with, and complementary to, protective measures taken by Portugal for the seabed, and in accordance with the joint conservation objectives set out in OSPAR Recommendation 2010/17 on the Management of the MAR North of the Azores High Seas Marine Protected Area.

2.2 This Decision shall apply without prejudice to the rights and obligations of coastal States, other States and international organisations in accordance with UNCLOS and customary international law.

3. Establishment of the MAR North of the Azores High Seas Marine Protected Area

3.1 The Mid-Atlantic Ridge North of the Azores High Seas Marine Protected Area in an area of approximately 93568 km² of the high seas bounded by the following coordinates² is established as a component of the OSPAR Network of Marine Protected Areas:

Latitude N	Longitude W
43.30°	24.80°
43.30°	32.30°
44.70°	32.30°
44.70°	24.80°

² All coordinates are in decimal degrees on the WGS84 datum.

3.2. The boundaries of the Marine Protected Area in this Decision may be reviewed by the OSPAR Commission, taking into account progress made in establishing the outer limits of the extended continental shelf of Portugal in accordance with Article 76 of, and Annex II to, UNCLOS.

4. Entry into Force

4.1 This Decision enters into force on 12 April 2011.



Source: OSPAR 12/22/1, Annex 6

OSPAR Decision 2012/1 on the establishment of the Charlie-Gibbs North High Seas Marine Protected Area

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 the adoption of OSPAR Recommendation 2003/3 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 protection of the biodiversity and ecosystems in the maritime area beyond national jurisdiction of the Contracting Parties is further recognised in the OSPAR Biodiversity and Ecosystems Strategy,

RECALLING that the OSPAR Commission agreed in 2008 that a comprehensive scientific case was made for establishing a Marine Protected Area for the Charlie-Gibbs Fracture Zone (CGFZ), which has been set out in OSPAR publication 2010/523,

RECALLING that the OSPAR Commission endorsed in 2009 conservation objectives for the CGFZ, as set out in OSPAR publication 2010/523,

RECALLING further that the OSPAR Ministerial Meeting in 2010 adopted measures to establish and manage the southern part of the originally proposed

Décision 2012/1 sur la création de l'aire marine protégée Charlie Gibbs septentrionale haute mer

Préambule

RAPPELANT l'alinéa (1) de l'article 2 de la Convention pour la protection du milieu marin de l'Atlantique du nord-est (dite « Convention OSPAR »),

RAPPELANT l'Annexe V à la Convention OSPAR sur la protection et la conservation des écosystèmes et de la diversité biologique de la zone maritime, et en particulier son article 3(1)(b)(ii), selon lequel la Commission OSPAR a pour mission d'élaborer des moyens, conformes au droit international, visant à instaurer des mesures de protection, de conservation, de restauration ou de précaution dans des zones ou lieux spécifiques, ou visant des espèces ou des habitats particuliers,

RAPPELANT l'adoption de la Recommandation OSPAR 2003/3, lors de la réunion ministérielle conjointe OSPAR/HELCOM qui s'est tenue à Brème en 2003, recommandation qui fait appel aux Parties contractantes de créer le réseau OSPAR d'aires marines protégées et de s'assurer que ce réseau soit écologiquement cohérent et bien géré d'ici 2010,

RAPPELANT que la Stratégie OSPAR biodiversité et écosystèmes reconnaît également qu'il est nécessaire de protéger la biodiversité et les écosystèmes dans la zone maritime se trouvant en dehors de la juridiction des Parties contractantes,

RAPPELANT que la Commission OSPAR a convenu, en 2008, qu'il existe des justifications scientifiques détaillées en faveur de la création d'une aire marine protégée pour la zone de fracture Charlie-Gibbs (ZFCG,) qui ont été énoncées dans la publication OSPAR 2010/523,

RAPPELANT qu'en 2009 OSPAR a entériné des objectifs de conservation pour la ZFCG, tels qu'énoncés dans la publication OSPAR 2010/523,

RAPPELANT de plus que la réunion ministérielle OSPAR de 2010, a adopté des mesures afin de créer et de gérer la partie méridionale de la AMP de la zone

Charlie-Gibbs Fracture Zone MPA, as set out in OSPAR Decision 2010/2 on the Establishment of the Charlie-Gibbs South Marine Protected Area and OSPAR Recommendation 2010/13 on the Management of the Charlie-Gibbs South Marine Protected Area,

RECALLING that the OSPAR Ministerial Meeting in 2010 reaffirmed the value of the ecological features of the northern part of the area and, therefore, committed to continue to work within the framework of the OSPAR Commission to resolve by 2012 any outstanding issues with regard to the waters of the high seas of the northern part of the originally proposed Charlie-Gibbs Fracture Zone MPA,

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/63/111 of February 2009* 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 United Nations Convention on the Law of the Sea, (UNCLOS), and based on the best scientific information available, and the development of representative networks of any such marine protected areas by 2012,¹

de fracture Charlie-Gibbs proposée à l'origine, telles que déterminées dans la Décision OSPAR 2010/2 sur la création de l'aire marine protégée Charlie-Gibbs méridionale et la Recommandation OSPAR 2010/13 sur la gestion de l'aire marine protégée Charlie-Gibbs méridionale,

RAPPELANT que la réunion ministérielle OSPAR de 2010 a réaffirmé la valeur des caractéristiques écologiques de la partie septentrionale de la zone et s'est donc engagée à poursuivre les travaux dans le cadre de travail de la Commission OSPAR afin de résoudre, en 2012 au plus tard, toute question en suspens portant sur les eaux de haute mer de la partie septentrionale de la AMP de la zone de fracture Charlie-Gibbs proposée à l'origine,

RAPPELANT l'engagement pris dans le rapport du Sommet Mondial sur le Développement Durable (Johannesburg, septembre 2002), à savoir de promouvoir la conservation et la gestion des océans par des actions à tous les niveaux, en tenant dûment compte des instruments internationaux pertinents visant à créer et à faciliter l'utilisation de divers approches et outils, dont l'approche écosystémique, la suppression des pratiques de pêche destructives, la création d'aires marines protégées dans des conditions conformes au droit international et fondées sur des informations scientifiques, y compris, d'ici 2012, de réseaux représentatifs ainsi que de saisons de fermeture/zones fermées pour assurer la protection des frayères et des périodes de développement des juvéniles, le bon aménagement des zones du littoral et la planification des bassins versants ainsi que l'intégration, aux secteurs clefs, de la gestion des zones marines et côtières,

RAPPELANT la résolution de l'Assemblée générale des Nations Unies (AGNU) *A/RES/63/111 de février 2009* réaffirmant la nécessité pour les Etats de poursuivre et d'intensifier leurs efforts, directement ou par l'intermédiaire des organismes internationaux compétents, pour développer et faciliter l'utilisation de diverses approches et de divers outils afin de préserver et de gérer les écosystèmes marins vulnérables, dont notamment l'éventuelle création d'aires marines protégées, en cohérence avec le droit international, comme le reflète la Convention des Nations Unies sur le droit de la mer (UNCLOS (CNUMD)), et basée sur les meilleures informations scientifiques disponibles, et le développement de

¹ UNGA Resolution A/RES/63/111 Oceans and the law of the sea adopted on 5 December 2008 (A/RES/63/111 of 12 February 2009), Para 134.

ACKNOWLEDGING that on 29 April 2009 Iceland made a submission to the Commission on the Limits of the Continental Shelf (CLCS) regarding the outer limits of the continental shelf of Iceland beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, in accordance with Article 76 of, and Annex II to, UNCLOS, and that this submission by Iceland encompasses parts of the seabed subjacent to the Charlie-Gibbs North High Seas Marine Protected Area,

RECALLING that according to article 77(3) of UNCLOS, as reaffirmed by the United Nations General Assembly resolution 66/231 on oceans and the law of the sea, the rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation, i.e. they are inherent rights,

RECALLING further that according to article 78 (1) of UNCLOS, the rights of the coastal State over the continental shelf do not affect the legal status of the superjacent waters or of the air space above those waters,

RECOGNISING that a range of human activities occurring, or potentially occurring, in the Charlie-Gibbs North High Seas Marine Protected Area are regulated in the respective frameworks of other competent authorities. These include exploitation of living marine resources (North-East Atlantic Fisheries Commission (NEAFC), International Commission for the Conservation of Atlantic Tunas (ICCAT), North Atlantic Salmon Conservation Organization (NASCO), North Atlantic Marine Mammal Commission (NAMMCO), and International Whaling Commission (IWC) and shipping (International Maritime Organization (IMO)),

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic DECIDE:

1. Definitions

1.1 For the purpose of this Decision:

“*Marine Protected Area (MPA)*” means an area within the maritime area for which protective, conservation, restorative or precautionary measures, consistent with

réseaux représentatifs de ces aires marines protégées d’ici 2012,²

RECONNAISSANT que le 29 avril 2009 l’Islande a fait une soumission à la Commission des limites du plateau continental (CLPC) sur les limites extérieures du plateau continental de l’Islande au-delà de 200 milles marins des lignes de base à partir desquelles est mesurée la largeur de la mer conformément à l’article 76 et à l’annexe II de la CNUDM et que cette communication de l’Islande comprend des parties du fond marin sousjacentes à l’aire marine protégée Charlie Gibbs septentrionale haute mer,

RAPPELANT que, selon l’article 77(3) de la CNUDM, comme le réaffirme la résolution 66/231 de l’Assemblée générale des Nations Unies sur les océans et le droit de la mer, les droits de l’Etat côtier sont indépendants de l’occupation effective ou fictive aussi bien que de toute proclamation expresse, c’est-à-dire qu’il s’agit de droits inhérents,

RAPPELANT de plus que conformément à l’article 78 (1) de la CNUDM, les droits de l’Etat côtier sur le plateau continental n’affectent pas le régime juridique des eaux surjacentes ou de l’espace aérien situé au-dessus de ces eaux,

RECONNAISSANT que toute une gamme d’activités humaines ayant lieu ou ayant potentiellement lieu dans l’aire marine protégée Charlie-Gibbs septentrionale haute mer sont réglementées dans les cadres respectifs d’autres autorités compétentes. Ces dernières incluent l’exploitation des ressources marines vivantes (Commission des pêcheries de l’Atlantique du Nord-Est (CPANE), Commission internationale pour la conservation des thonidés de l’Atlantique (CICTA), Organisation pour la conservation du saumon de l’Atlantique Nord (OCSAN), Commission pour les mammifères marins de l’Atlantique Nord, et Commission baleinière internationale (CBI)) et la navigation (Organisation maritime internationale (OMI)),

Les Parties contractantes à la Convention pour la protection du milieu marin de l’Atlantique du Nord-est DECIDENT:

1. Définitions

1.1 Aux fins de la présente décision:

“*aire marine protégée (AMP)*” désigne une zone située dans les limites de la zone maritime, dans laquelle des mesures de protection, de conservation, de

² UNGA Résolution A/RES/63/111 Océans et le droit de la mer adoptée le 5 décembre 2008 (A/RES/63/111 du 12 février 2009), Para 134.

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.

“Charlie-Gibbs Fracture Zone (CGFZ)” refers to a major topographical feature, at around 52°N, that divides the Mid-Atlantic Ridge (MAR) into a northern and southern section. The CGFZ is a system of two main parallel deep rift valleys running perpendicular to the main Ridge axis. The seabed of the northern part of this area is encompassed by a submission of Iceland to the Commission on the Limits of the Continental Shelf (CLCS), in accordance with Article 76 of, and Annex II to, the United Nations Convention of the Law of the Sea.

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

2. Purpose and Scope

2.1 The purpose of this Decision is to establish the Charlie-Gibbs North High Seas Marine Protected Area with the goal of protecting and conserving the biodiversity and ecosystems of the waters superjacent to the seabed of the site in accordance with the conservation objectives set out in OSPAR Recommendation 2012/1 on the Management of the Charlie-Gibbs North High Seas Marine Protected Area.

2.2. This Decision does not in any way prejudice the sovereign rights and obligations of the coastal State over the continental shelf in accordance with UNCLOS. In particular, the Decision does not restrict in any way the exercise of the coastal State of its sovereign rights over the continental shelf in accordance with UNCLOS, including the exploration and exploitation of the natural resources of the continental shelf.

2.3 This Decision shall apply without prejudice to the rights and obligations of States and international organisations in accordance with UNCLOS and customary international law.

3. Establishment of the Charlie-Gibbs North High Seas Marine Protected Area

restauration ou de précaution, ont été prises dans le respect du droit international, dans le but de protéger et de conserver les espèces, les habitats, les écosystèmes ou les processus écologiques du milieu marin.

“réseau OSPAR d’aires marines protégées” désigne les zones qui ont été et restent notifiées par les Parties contractantes, parallèlement à toute autre zone dans la zone maritime au-delà de la juridiction nationale des Parties contractantes qui a été intégrée comme composante du réseau par la Commission OSPAR.

“zone de fracture Charlie-Gibbs (ZFCG)” fait référence à un phénomène topographique important, située à proximité du 52^e parallèle nord, qui divise la dorsale médio-atlantique (MAR) en deux parties - la section septentrionale et la section méridionale. La ZFCG est un système qui se compose de deux vallées principales parallèles, profondes et perpendiculaires à l’axe de la dorsale principale. Le fond marin de la partie septentrionale de cette zone est inclus dans la soumission de l’Islande auprès de la Commission des limites du plateau continental (CLPC) conformément à l’article 76 et à l’annexe II de la Convention des Nations Unies sur le droit de la mer.

“CNUDM” désigne la Convention des Nations Unies sur le droit de la mer.

2. Objectif et champ d’application

2.1 La présente décision a pour objectif de créer l’aire marine protégée Charlie-Gibbs septentrionale haute mer afin de protéger et de conserver la biodiversité et les écosystèmes des eaux surjacentes au fond marin du site, conformément aux objectifs de conservation qui figurent dans la Recommandation 2012/1 sur la gestion de l’aire marine protégée Charlie-Gibbs septentrionale haute mer.

2.2 La présente décision est sans préjudice des droits souverains et des obligations de l’Etat côtier sur le plateau continental conformément à la CNUDM. En particulier, elle n’empêche pas de quelque manière que ce soit l’Etat côtier d’exercer ses droits souverains sur le plateau continental conformément à la CNUDM, notamment l’exploration et l’exploitation des ressources naturelles du plateau continental.

2.3 La présente décision s’appliquera sans préjudice des droits et obligations des Etats et organisations internationales conformément à la CNUDM et au droit international coutumier.

3. Création de l’aire marine protégée Charlie-Gibbs septentrionale haute mer

3.1 The Charlie-Gibbs North High Seas Marine Protected Area is an area of high seas of approximately 177,700 km² bounded by the following coordinates³ and is established as a component of the OSPAR Network of Marine Protected Areas:

3.1 L'aire marine protégée Charlie-Gibbs septentrionale haute mer est une zone de la haute mer d'environ 177 700 km² délimitée par les coordonnées suivantes⁴ et est créée en tant que composante du réseau OSPAR d'aires marines protégées:

Latitude N	Longitude W
55,00 °	37,00 °
55,00 °	32,00 °
53,50 °	32,00 °
53,50 °	27,00 °
52,20 °	29,77 °
51,91 °	30,02 °
51,64 °	30,44 °
51,50 °	30,70 °
51,40 °	35,34 °
51,40 °	37,00 °
55,00 °	37,00 °

3.2 The boundaries of the Marine Protected Area in this Decision may be reviewed by the OSPAR Commission.

3.2 Les limites de l'aire marine protégée dans la présente Décision pourront être révisées par la Commission OSPAR.

4. Entry into Force

4. Entrée en vigueur

4.1 This Decision enters into force on 14 January 2013.

4.1 La présente Décision entre en vigueur le 14 janvier 2013.

³ All coordinates are in decimal degrees on the WGS84 datum.

⁴ Toutes les coordonnées sont exprimées en degrés décimaux dans le système géodésique. WGS84

OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic
Meeting of the OSPAR Commission
Portugal: 27 September – 1 October 2021

OSPAR Decision 2021/1 on the establishment of the *North Atlantic Current and Evlanov Sea basin Marine Protected Area*

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 imposes a duty on 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 the adoption of OSPAR Recommendation 2003/3 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 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 Seamount 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 organisations, 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 further that a range of human activities occurring, or potentially occurring, at the North Atlantic Current and Evlanov Sea basin Marine Protected Area are regulated in the respective frameworks of other competent authorities. These activities 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), and International Whaling Commission (IWC), shipping (International Maritime Organization (IMO)), and exploration and exploitation of deep-seabed mineral resources (International Seabed Authority (ISA)).

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic DECIDE:

1. Definitions

1.1 For the purpose of this Decision:

“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) of approximately 595,196 km² within the boundaries given in §3.1. The North Atlantic Current and Evlanov Sea basin area is approximately bounded in the north by the Charlie-Gibbs Fracture Zone, in 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.

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

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

2. Purpose and Scope

2.1 The purpose of this Decision is to establish the North Atlantic Current and Evlanov Sea basin MPA with the goal of protecting and conserving seabirds and the ecosystems of the waters superjacent to the seabed including their biodiversity and processes that support those populations in accordance with the conservation objectives set out in OSPAR Recommendation 2021/1 on the Management of the North Atlantic Current and Evlanov Sea basin MPA.

2.2 By 2023, the OSPAR Commission will examine the case for broadening the conservation objectives of the North Atlantic Current and Evlanov Sea basin MPA as set out in Annex 1 of OSPAR Recommendation 2021/1 and the scope of this Decision on the delineation of the MPA in accordance with the Roadmap for further development of the North Atlantic Current and Evlanov Sea basin MPA in OSPAR Agreement 2021-08.

2.3 This Decision shall apply without prejudice to the rights and obligations of coastal States, other States and international organisations in accordance with UNCLOS.

3. Establishment of the North Atlantic Current and Evlanov Sea basin MPA

3.1 The North Atlantic Current and Evlanov Sea basin MPA is an area of 595,196 km² bounded by the following coordinates² and is established as a component of the OSPAR Network of Marine Protected Areas:

Point	Longitude	Latitude
1	-39.681	53.122
2	-37.979	50.996
3	-31.998	50.994
4	-31.999	46.765
5	-39.916	41.911
6	-42.000	44.180
7	-42.000	45.492
8	-40.506	46.504
9	-41.173	48.762
10	-42.001	49.588
11	-42.000	53.118
12	-39.681	53.122

3.2 The boundaries of the marine protected area in this Decision may be reviewed by the OSPAR Commission.

4. Entry into Force

4.1 This Decision enters into force on 19 April 2022, 200 days from the date of its adoption.

² All coordinates are in decimal degrees on the WGS84 datum.