

Response by the OSPAR Commission to the request pursuant to General Assembly resolution 75/239 of 31 December 2020, entitled “Oceans and Law of the Sea”, for an OSPAR contribution to the seventy-sixth session of the General Assembly

The following is the contribution by the OSPAR Commission to the preparation of the report of the Secretary-General of the United Nations, pursuant to General Assembly resolution 75/239, as requested in a letter from Miguel de Serpa Soares, Under Secretary-General in charge of the Office of Legal Affairs, dated 13 January 2021.

Introduction

The OSPAR Convention is the legal instrument guiding international cooperation on the protection of the marine environment of the North-East Atlantic (NEA).

The activities and work under the Convention are managed by the OSPAR Commission, which is composed of fifteen Governments and the European Commission, on behalf of the European Union.

The OSPAR Commission is a Regional Seas Convention which aims to cooperate towards the protection of the NEA marine environment and the sustainable use of its resources. OSPAR started with the Oslo and Paris Conventions of 1972 and 1974 respectively, aiming at combatting dumping at sea, and 2 years later it integrated land-based sources of pollution and offshore industry. Both Conventions were later unified and updated to become the 1992 OSPAR Convention, which was then extended, in 1998, to cover biodiversity and ecosystems and non-polluting human activities that may adversely affect the sea.

OSPAR’s main objective is to prevent and eliminate pollution and protect the marine environment from the adverse effects of human activities, while promoting the sustainable use of its goods and services, and when practicable to restore marine areas that have been adversely affected. The Ecosystem Approach is the overarching principle reflected in the 2010-2020 North-East Atlantic Environment Strategy (NEAES), alongside the Precautionary Principle and polluter-pays principle. OSPAR’s vision is of a “clean, healthy and biologically diverse North-East Atlantic Ocean, used sustainably” and Contracting Parties apply Best Available Techniques and Best Environmental Practices in their activities.

OSPAR’s guiding principles underpin the sustainable use of the marine environment, which requires a sound coordination amongst Contracting Parties, but also with other international organisations, using science-based evidence wherever possible. In that regard, the Memoranda of Understanding that OSPAR signed with other organisations (International Maritime Organisation, International Seabed Authority, *inter alia*) are of utmost relevance, alongside the Collective Arrangement adopted in 2014 with North-East Atlantic Fisheries Commission (NEAFC), the regional fisheries management organisation competent for regulating fisheries in the same geographical area.

For Contracting Parties that are Member States of the European Union, OSPAR provides a regional context for coordinated implementation of the EU Marine Strategy Framework Directive (MSFD).

OSPAR includes Arctic waters in its area and can therefore contribute to the protection of the unique and increasingly threatened Arctic marine environment.

OSPAR activities 2020-2021

OSPAR’s activities in 2020-2021 continued to be impacted by the COVID-19 pandemic. Our Ministerial Meeting was postponed until the autumn of 2021. Nevertheless, work continued on implementation of the current OSPAR North-East Atlantic Environment Strategy (NEAES) 2010-2020 and the development of the

new OSPAR NEAES 2030. OSPAR continues to take forward activities to support Contracting Parties' national, regional and global ambitions with regard to the protection and conservation of the marine environment. A comprehensive review of progress on delivering the NEAES 2010-2020 has been completed and will be published following the OSPAR Ministerial Meeting planned for the 1 October 2021.

The new NEAES 2030 will place a strong emphasis on addressing the three challenges of pollution, biodiversity loss and climate change and to enhance regional cooperation to ensure a sustainably used and healthy North-East Atlantic.

The sections below relate to Part IX (Marine environment and marine resources) of UN Resolution 75/239 of 31 December 2020)

Environmental impacts of human activities (EIHA) committee

The EIHA Committee continues to update its reporting data on various human activities affecting the marine environment in the OSPAR Maritime Area, including offshore wind, dredging and disposal, aggregates extraction, munitions, marine litter and noise.

EIHA is continuing to improve its understanding of the regulation of Deep Sea Mining and the interface with obligations under the OSPAR Convention. The Committee has agreed a technical document on the issue, to be published after OSPAR 2021, and will further develop a paper on OSPAR measures applicable/relevant to DSM. It is also considering an update its existing Recommendation on reporting of encounters with munitions and agreed to establish a correspondence group on offshore renewable energy, taking account of the projected major increase in the development of this sector.

The EIHA Committee has agreed a review of the effectiveness of OSPAR's Marine Litter Regional Action Plan, which was due to be reviewed in 2021. Most of the actions in the RAP-ML have now been completed and are reported on the OSPAR website. The evaluation report and a new Recommendation and guidelines on reducing losses of plastic pellets through the promotion of certification schemes will be submitted to OSPAR 2021. The EIHA Committee is now working on the development of an updated Marine Litter Regional Action Plan that will set out actions needed to tackle the ongoing problem of marine litter. The aim is to adopt the plan in 2022.

On underwater noise, the EIHA Committee has adopted a new indicator on the risk of impact of impulsive noise which will contribute to our understanding of this important pressure and the measures needed to address it. Work on assessments of both ambient and impulsive noise for inclusion in the QSR 2023 is also taking place. Work on an inventory of mitigation measures continues.

Hazardous substances and eutrophication committee (HASEC)

The Committee continues to closely monitor and assess hazardous substances and eutrophication in the OSPAR maritime area. Currently, the Committee's focus is on the preparation for the periodic Quality Status Report (QSR) 2023. There is ongoing development of OSPAR's monitoring programmes for hazardous substances, riverine inputs and direct discharges and atmospheric emissions and deposition, to keep them up to date. For example, developing methods to monitor contaminants of emerging concern. A new project has begun, to deliver biodiversity assessments (pelagic habitats, benthic habitats, food webs and marine birds), focusing on coherence between state (biodiversity) and pressure (eutrophication) indicators and assessments.

The eutrophication experts are working with modellers to considerably revise OSPAR's Common Procedure for the identification of eutrophication, ready for adoption and application in 2021. In parallel they are developing an online, semi-automated assessment tool that will improve harmonisation and coherence of

regional eutrophication assessments. Similarly, OSPAR experts are making progress towards a hazardous substances thematic assessment using an online tool and this will also contribute to the QSR.

HASEC is reviewing and rationalising OSPAR's List of Chemicals for Priority Action and List of Substances of Possible Concern. The work will be informed by the outcomes of a project on identifying contaminants of emerging concern and threat in the marine environment, but this has been delayed in light of restrictions to field and laboratory work because of the COVID-19 pandemic.

Close collaboration with external organisations, for example with other Regional Seas Conventions and the Arctic Council's Arctic Monitoring and Assessment Programme, remains strong and is important to mutually benefit from sharing data, knowledge and expertise on hazardous substances and eutrophication.

Offshore industry committee (OIC)

OIC continues to closely monitor and assess discharges, spills and emissions data from offshore oil and gas installations. An assessment report for 2009-2019 and an update to the offshore installations inventory which will be published after the OSPAR Commission 2021 meeting. The OIC is preparing an overall assessment on the impacts of the offshore oil and gas industry on the marine environment in the last decade which will feed into the Quality Status Report (QSR) 2023.

OIC continues to work on aligning OSPAR's Harmonised Mandatory Control System with the REACH regulations and reviewing the OSPAR List of Substances/Preparations Used and Discharged Offshore which are Considered to Pose Little or No Risk to the Environment (PLONOR).

OIC is also considering the advancement of decommissioning technologies for removal of offshore installations to deal with those derogation categories listed in OSPAR Decision 98/3 on the Disposal of Disused Offshore Installations. A consultation process under Decision 98/3 is ongoing in relation to the UK's intention to issue a permit for leaving in-situ the footings of the Brae Bravo steel jacket.

At OIC Contracting Parties provide updates on the Carbon Capture Storage (CCS) projects being progressed in the OSPAR maritime area.

OIC has updated OSPAR Recommendation 2003/5 to Promote the Use and Implementation of Environmental Management Systems by the Offshore Industry.

Radioactive substances committee (RSC)

The Committee continues to closely monitor and assess discharges and concentrations of radionuclides from the nuclear and non-nuclear sector and the 2019 annual reports on discharges will be published after OSPAR 2021.

RSC has started its 8th round of reporting on the national implementation of the Best Available Technology (BAT) on Radioactive Discharges under OSPAR Recommendation 18/1.

For the Quality Status Report 2023, the RSC is preparing its Fifth Periodic Evaluation (5PE) to assess progress towards the objective in the Radioactive Substances Strategy based on its work for assessing concentrations above historic levels that are close to zero and on the modelling of additional concentrations of NORM (naturally occurring radioactive material) in seawater from discharges of produced water from the offshore oil and gas sector.

Close collaboration with the International Atomic Energy Agency (IAEA) is key to share best practices on international regulations and standards, data and proficiency tests.

The sections below relate to Part X (Marine biodiversity) of UN Resolution 75/239 of 31 December 2020)

Biodiversity Committee (BDC)

The Biodiversity Committee continued work to implement the collective actions for protecting threatened and/or declining species and habitats. Regional coordination and collaboration are required to effectively protect these features, and this work is organised in OSPAR through the implementation of the 'Roadmap for the implementation of collective actions within the Recommendations for the protection and conservation of OSPAR listed Species and Habitats'. Implementation work during the last year included development of communication materials.

The Report on the Status of the OSPAR Network of Marine Protected Areas (MPAs) for 2020 was published by OSPAR in 2021. By 1 October 2020, the OSPAR Network of MPAs comprised 552 MPAs, including 7 MPAs collectively designated in the Area Beyond National Jurisdiction of the OSPAR maritime area. The sites cover 6.5 % of the OSPAR Maritime Area.

Work to further enhance the OSPAR MPA network in the future continued as the Biodiversity Committee considered a further developed proposal for an MPA to be collectively designated in the Area Beyond National Jurisdiction of the OSPAR Maritime Area to protect seabirds, referred to as the 'North Atlantic Current and Evlanov Seamount MPA' (NACES MPA). The technical document, the 'nomination proforma', for the proposal has been finalised by the Biodiversity Committee. OSPAR Commission will take further steps to develop the policy documents required for a designation of the site, with a view to finalising the designation in time for the OSPAR Ministerial Meeting in 2021.

The sections below relate to Part XI (Marine science) of UN Resolution 75/239 of 31 December 2020)

Role of OSPAR on ocean science and addressing gaps in knowledge

OSPAR's work includes data collection, monitoring and scientific evaluation, which serve as a basis for its decision-making and regulatory processes. OSPAR streamlines its scientific priorities through the establishment of a science agenda which identifies knowledge gaps through the application of a set of criteria to determine the need for effective measures, including reducing adverse impacts on the marine environment.

OSPAR scientists and policy makers collaborate to assess the marine environment on the basis of measurable indicators, leading to OSPAR producing its own assessments of the marine environment. These products are holistic, like the Quality Status Report, the last launched in 2010 and the next to be produced in 2023, presenting overall assessments of the marine environment alongside an evaluation of the effectiveness of measures taken, trends and proposals for new measures. There are interim evaluations, like the Intermediate Assessment launched in 2017¹. Some OSPAR Committees produce annual assessments of their activities and achievements. All assessments are available to the scientific community and the general public through the OSPAR Assessment Portal².

OSPAR functions as a data hub and manages all datastreams through the online OSPAR Data and Information Management System. The system is periodically developed to enhance OSPAR's capacity to manage an increasing number of datastreams and to make sure that all of the data used by OSPAR are available via the online tool, supporting repeatable, accessible and transparent periodic assessments and reports.

¹ <https://oap.ospar.org/en/ospar-assessments/intermediate-assessment-2017/>

² <https://oap.ospar.org/en/>

The sections below relate to Part XII (Assessment of the State of the Marine Environment, including socio economic aspects) of UN Resolution 75/239 of 31 December 2020)

In accordance with article 6 of the OSPAR Convention, OSPAR is currently undertaking an assessment of the quality status of the marine environment in the North-East Atlantic, which is planned to be delivered in 2023. This assessment is known as the Quality Status Report 2023 (QSR 2023).

The objective of QSR 2023 is to assess the environmental status of the North-East Atlantic against the objectives of the North East Atlantic Environmental Strategy 2010-2020 (NEAES 2020), evaluate any updated or additional objectives from NEAES 2020-2030, and identify the priority elements for actions to achieve OSPAR's vision for a clean, healthy, biologically diverse sea, used sustainably. In addition, QSR 2023 may be used by Contracting Parties that are also EU Member States to support their reporting obligations under the Marine Strategy Framework Directive.

The QSR 2023 process will be guided by the ecosystem approach as an overarching concept. It will notably assess the impact of human activities upon biota and humans through the implementation on a regional scale of a cumulative impact assessment framework known in the literature as the DAPSIR (Drivers, Activities, Pressures, State, Impacts, Responses) framework. One of the benefits of this approach is to provide more insight on the links between human activities and marine ecosystem services, a fundamental step towards an effective ecosystem-based management of the marine environment that includes socio-economic aspects. QSR 2023 will also dedicate a specific chapter to the impacts of climate change and ocean acidification on the marine environment in the region.

The QSR will include various socio-economic components, including an evaluation of future socio-economic scenarios (fulfilling the "drivers" component of DAPSIR), summary reports on key human activities affecting the marine environment and an evaluation of potential impacts on the provision of ecosystem services. Looking beyond the QSR, OSPAR has initiated work on establishing a natural capital accounting system, making use of existing frameworks in order to recognise, assess and consistently account for human activities and their consequences in the implementation of ecosystem-based management.

The sections below relate to Part XIII (Regional cooperation) and Part XV (Coordination and cooperation) of UN Resolution 75/239 of 31 December 2020)

OSPAR continues cooperate both bilaterally and multi-laterally with other Intergovernmental Organisations and competent bodies to improve the protection of the North-East Atlantic, in particular with relevant Regional Fisheries Management Organisations (RFMOs), the International Maritime Organisation (IMO), the International Seabed Authority (ISA), the International Atomic Energy Agency (IAEA), and the Arctic Council.

We are looking to strengthen cooperation on common challenges with other regional conventions and agreements including Regional Seas Conventions and Action Plans and to contribute to the implementation of marine-related UNEP strategies, plans and programmes. Later this year we hope to conclude a Memorandum of Understanding with the Caribbean Environment Programme.

Closer to home we continue to cooperate on issues of shared interest with the Helsinki Convention, the Mediterranean Action Plan/Barcelona Convention and the Bucharest Convention.

OSPAR is also looking to conclude a Memorandum of Understanding with the Bonn Agreement later this year to strengthen collaboration and partnership working on their respective activities and to promote cleaner and healthier seas and conserve the marine ecosystem, specifically through the prevention of, and combat against, marine pollution incidents, threats and risks to the marine environment.