Response by the OSPAR Commission to the request pursuant to General Assembly resolution A/73/124 of 11 December 2018, entitled "Oceans and Law of the Sea", for an OSPAR contribution to the seventy-fourth session of the General Assembly

The following is the contribution by OSPAR Commission to the preparation of the report of the Secretary-General of the United Nations, pursuant to General Assembly resolution 73/124, as requested in a letter from Miguel de Serpa Soares, Under Secretary-General in charge of the Office of Legal Affairs, dated 6 May 2019.

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.

OSPAR Commission is a Regional Sea 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 up-dated 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. The Ecosystem Approach is the overarching principle reflected in the 2010-2020 North-East Atlantic Environment Strategy (NEAES), alongside with 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 with 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.

a) Role of OSPAR on ocean science and addressing gaps in knowledge

OSPAR scope of work comprehends data collection, monitoring and scientific evaluation which serve as a basis for the decision-making and regulatory work. 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, the next to be produced in 2023) presenting overall assessments of the marine environment alongside with an evaluation of the effectiveness of measures taken, trends and proposals for new measures. There are interim evaluations, like the Intermediate Assessment launched in 2017. Some OSPAR Committees (OIC and RSC) produce annual assessments of their activities and achievements. All assessments are available to the scientific community and the general public and linked to data and maps.

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 functions as a data hub and manages all datastreams through the online OSPAR Data and Information Management System (ODIMS). The system was further developed to enhance OSPARs capacity to manage an increasing number of datastreams and to make sure that all of the data used by OSPAR are available via an online tool supporting repeatable, accessible and transparent periodic assessments and reports. OSPAR data work is guided by the OSPAR data and information management strategy, the key elements and actions of which are outlined on the OSPAR webpage titled 'data and information', under 'cross-cutting issues'[1].

Since its launching in 2016, ODIMS has successfully ingested over 334 individual datasets including spatial and tabulated data, as well as corresponding supplementary information where required. There are 89 individual submissions supporting the Intermediate Assessment 2017 alone, with 25 interactive maps directly embedded into the OSPAR Assessment Portal (OAP) (https://oap.ospar.org).

b) Ecosystem approach, initiatives and perspectives

The Ecosystem approach is the OSPAR's guiding principle. Part of an ecosystem approach is to assess cumulative effects of multiple human activities in a specified marine area. This assessment is done by addressing the causes, pathways of exposure and consequences of these effects on ecosystem components of the North-East Atlantic.

Cumulative effects assessment cuts across the work of all OSPAR committees and expert groups. OSPAR counts with a specific group of experts developing studies to understand how the indicators and datasets can be combined to better assess cumulative effects from the various human activities impacting the marine environment and has identified an effective methodology.

Climate change and ocean acidification are cross-cutting subjects throughout five thematic OSPAR Strategies. OSPAR started to monitor the level of ocean acidification by studying the spatial and temporal changes in ocean biogeochemistry in its maritime area in order to detect and interpret how ecosystems respond to these perturbations. Monitoring and assessment outputs on ocean acidification are key to develop an understanding and projections of ecosystem behaviour and responses.

The last OSPAR interim assessment launched in 2017 has identified ocean acidification as a key pressure to the North-East Atlantic marine environment. OSPAR decided to create a group of experts who started their work already in 2019, by building on existing information to develop a new measurable indicator to be used for the next holistic assessment in 2023, the next OSPAR Quality Status Report.

As OSPAR is in the process of assessing progress against its decadal objectives, it is also defining future directions for the new Strategy 2020-2030 and it is expected that the objective of contributing to ensure

[1] https://www.ospar.org/work-areas/cross-cutting-issues/data-and-information

resilience in a changing environment will become a strategic objective under new OSPAR Strategy 2020-2030.

b) Implementation of a cross-cutting approach

OSPAR has its own scientific processes and applies an ecosystem and integrated approach to oceans. Through the data collection on the different activities, regular assessments and monitoring activities, OSPAR provides a comprehensive knowledge on the impacts of human activities. This knowledge provides a basis for the identification of priorities for action, which reinforces the key role of OSPAR as a forum for collective commitment and collaborative work.

There is a number of human uses of the ocean, including in ABNJ, which may be subject to OSPAR regulations and binding on its Contracting Parties. OSPAR has a wider remit of work towards the prevention and elimination of pollution and the protection of marine biodiversity and ecosystems, by addressing the impacts from all human activities that may affect the North-East Atlantic. Nonetheless and because measures adopted by OSPAR do not embrace all human activities impacting the marine environment, cross-sectoral cooperation is considered increasingly necessary. This has led OSPAR to work with other organisations with complementary legal competences to manage potential impacts from human activities and engage in exchange of information and collaboration through Memoranda of Understanding.

The collective arrangement was created in 2014 as a platform for cross-sectoral and multilateral dialogue between competent international organisations with a mandate in areas beyond national jurisdiction. OSPAR initially engaged with the North-East Atlantic Fisheries Commission to launch this multilateral tool with the aim of embracing other organisations involved in the regulation or management of human activities in the marine environment.

OSPAR activities 2018-2019

OSPAR's activities in 2018-2019 reflect an ambitious programme of work under the current OSPAR North East Atlantic Environment Strategy (NEAES) 2010-2020. 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.

In 2018 OSPAR engaged in a thorough reflection on its future goals, targets and, in particular developing possible strategic objectives to be reflected in a new OSPAR Strategy for the period after 2020 and the preparation of a Ministerial meeting in 2020. In 2018 and 2019 OSPAR deepened the reflection on the substance of a new Strategy 2020-2030 across its subsidiary bodies. An assessment of progress of OSPAR's work, against its main objectives and thematic goals as defined in the Strategy adopted in 2010, involved all OSPAR Committees and expert groups.

Committees developed their reviews for assessing progress against thematic objectives, including a reflection on the ways to assess the effectiveness of measures. With regard to the definition of future OSPAR ambitions, Committees initiated a reflection on the content of the new NEAES 2020-2030 and mapped their work against UN Sustainable Development Goals as a contribution to the development of the outline of the new NEAES. This work will be of relevance towards the preparation for the next Quality Status Report (QSR) due in 2023 and will be used to align common and SDG indicators with OSPAR strategic objectives, EU MSFD descriptors and criteria. These reviews of the Committees were further refined during 2018 and 2019, following the advice from OSPAR's Coordination Group and guidance and feedback from the Strategy Task Group.

With regard to marine assessments, work has been done to revise the economic analysis of the use of the marine environment. Since the quantitative data only became available after the Intermediate Assessment was launched in 2017, the economic chapter was revised in 2018 for the update of the Intermediate Assessment.

Following the results of a constructive OSPAR Governance workshop in March 2018 on the need to improve OSPAR's Governance, in parallel with the consideration of new environmental objectives for the decade 2020-2030, OSPAR developed a reflection towards enhancing its performance as a Regional Sea Convention and improving its internal governance, including its financial sustainability in face of its ambitious agenda and end products.

Sections below relate to Part XI (Marine Science) of UN Resolution 72/124 of 11 December 2018

Biodiversity Committee (BDC)

The Biodiversity Committee worked to contribute to the evaluation of progress against the objectives in the 2010-2020 North East Atlantic Environment Strategy. The review shows significant progress made in achieving several of the objectives and establishing new measures to protect the North East Atlantic biodiversity, however the status for certain biodiversity elements do still require additional measures to be taken. The Biodiversity Committee contributed to the development of a new strategy to cover the period 2020-2030.

Preparation and planning for the next OSPAR Quality Status Report 2023 (QSR 2023) required substantial input from the Biodiversity Committee. In recent years, OSPAR has developed several new biodiversity common indicators. These indicators identify key parameters which the Contracting Parties to OSPAR collect regular environmental monitoring data on, and by carrying out regionally comparable status assessments based on these common indicators a commonly agreed description of the status of the marine environment can be achieved. Managing the datastreams for these common indicators is an ongoing topic of work. In addition to the common indicator based assessments, the Biodiversity Committee is also preparing to deliver status assessments for the species and habitats included on the OSPAR list for priority action due to the features being listed as threatened and/or declining.

The Biodiversity Committee continued work to implement the collective actions for protecting threatened and/or declining species and habitats. Regional coordination and collaboration is 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 for 2018 was published by OSPAR in 2019. By 1 October 2018, the OSPAR Network of MPAs comprised 496 MPAs, including 7 MPAs collectively designated in the Area Beyond National Jurisdiction of the OSPAR maritime area. The sites have a total surface area of 864,337 km^2 covering 6.4 % of the OSPAR Maritime Area.

Work to further enhance the OSPAR MPA network in the future continued as the Biodiversity Committee considered the 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). OSPAR carried out a 3-month procedure to seek the views of other competent authorities and interested stakeholders on the draft nomination proforma which compiles all relevant background information to support a possible future designation. The scientific case

as described in the nomination proforma also underwent peer review by the International Council for the Exploration of the Seas (ICES). Continued work will focus on finalising the nomination proforma, and initiate the work to support a final designation and develop measures which will contribute towards achieving the conservation objectives of protecting seabirds foraging at the site.

Environmental Impacts of Human Activities Committee (EIHA)

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, litter and noise. Following a request from OSPAR, ICES presented new advice to EIHA in April 2019 on the environmental impacts of wet renewable energy systems. This should enable EIHA to take an informed view on whether it should proceed to develop guidelines and consider how the information could be used in future OSPAR assessments.

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 will aim to finalise a scoping document on the issue during 2019/20. It will also consider whether to update its existing Recommendation on reporting of encounters with munitions.

The Committee is continuing to implement OSPAR's Marine Litter Regional Action Plan, having taken on a Project Coordinator to accelerate implementation. Having published a background document on pre-production pellets early in 2019, an OSPAR task group has been consulting stakeholders on a common way forward on measures to prevent and reduce this source of marine pollution, with a view to developing an OSPAR Recommendation. Further documents were agreed in 2018/19 on key waste items from the fishing industry and aquaculture as well as best available techniques (BAT) and best environmental practices (BEP) in urban wastewater treatment systems, with a focus on reduction and prevention of stormwater related litter (including microparticles) entering the marine environment. A draft Recommendation has been prepared on Sustainability Education Programmes for Fishers and accompanying guidelines, and a non-binding target has been agreed to increase participation in Fishing for Litter schemes. Updated indicator assessments on plastic particles in Fulmar stomachs and on beach litter have been agreed for publication.

On underwater noise, an updated indicator assessment on impulsive noise has been agreed. This updates information provided in the Intermediate Assessment 2017, allowing for an inter-annual comparison to be made for the first time. EIHA will continue to work on the technical specification and assessment for a new common indicator on the risk of impact of impulsive noise as well as work towards submitting a proposal for a common indicator on pressure from continuous noise sources in time for EIHA 2020. Work on an inventory of mitigation measures continues.

Hazardous substances and eutrophication committee (HASEC)

In 2019 the Hazardous substances and eutrophication committee (HASEC) finalised its review of the eutrophication and hazardous substances themes of OSPAR's North-East Atlantic Environment Strategy (NEAES) 2010-2020. HASEC is using this information to refine its draft eutrophication and hazardous substances objectives for the Clean Seas theme of the new NEAES 2020-2030.

HASEC is developing a suite of 11 hazardous substances and eutrophication indicator assessments that will contribute to OSPAR's Quality Status Report (QSR) 2023. The indicators of the Intermediate Assessment 2017 will be expanded to cover more of the OSPAR Maritime Area and there will be two thematic

assessments, for eutrophication and hazardous substances. New assessments are also planned such as ocean acidification, fish disease, integrated biological effects, and PCBs in marine mammal blubber.

The eutrophication experts are preparing for their next thematic assessment, harmonising with the eutrophication indicator assessments, and they are trialling a new online tool that semi-automates the eutrophication assessment process. Meanwhile, the new online hazardous substances assessment application is now launched (https://ocean.ices.dk/oat/) and in future the annual assessments will be presented in this application.

Close collaboration with external organisations is important for HASEC. For example AMAP[2] continues to work closely with the hazardous substances experts and in June 2019 a joint AMAP-OSPAR-ICES[3] workshop took place on harmonisation of trend analyses, funded by the Nordic Council of Ministers. Through AMAP there will be more Region I data for the QSR 2023 and assessment products from the statistical analysis will be available for a variety of uses

Offshore Industry Committee (OIC)

In 2019 the Offshore Industry Committee has finished the assessment of the impacts of disturbance of cuttings piles related to decommissioning for publication. Progress has been made on the assessment of impacts of discharges of oil and chemicals in produced water on the marine environment. The assessment of impacts of decommissioned pipelines on the marine environment and on other users of the sea was finalised at OIC 2019, in order to fulfil OIC's obligations to the NEAES 2010-2020.

This year several recommendations have been amended: Recommendation 2010/3 on a Harmonised Offshore Chemical Notification Format (HOCNF), to monitor the use and discharge of plastic and microplastic substances contained in offshore chemicals; Recommendation 2006/3 on Environmental Goals for the Discharge by the Offshore Industry of Chemicals that Are, or Which Contain Substances Identified as Candidates for Substitution, to take appropriate measures for the phase out or, where it is not possible for technical and safety reasons, to provide detailed justification for continued discharge; and Recommendation 2017/1 on a Harmonised Pre-screening Scheme for Offshore Chemicals, to update the REACH definition and to include checks for applicability of EU Biocidal Products Regulation.

The REACH Inter-sessional Correspondence Group (ICG-REACH) has been reconvened to progress the OSPAR objective of harmonising HMCS and REACH and to consider the issue of CHARM Assessment Factors not being accepted under the REACH.

Work has started to produce guidance for the comparative assessment of decommissioning options under Decision 98/3 and a discussion paper is being drafted by the Contracting Parties.

The Committee defined their operational objectives for the new strategy NEAES 2020-2030.

The 2017 annual report on discharges, spills and emissions from offshore oil and gas installations was finalised for publication, as well as the assessment reports from Contracting Parties.

Radioactive Substances Committee (RSC)

In 2019 the Radioactive Substances Committee has discussed the progress of the Intersessional Correspondence Group to produce and test a method for assessing "additional concentrations in the

[2]Arctic Council's Arctic Monitoring and Assessment Programme
[3] International Council for the Exploration of the Sea

marine environment above historic levels are close to zero' and on modelling of additional concentrations of NORM in seawater from discharges of produced water from the offshore oil and gas sector.

The Radioactive Substances Committee defined their operational objectives for the future strategy NEAES 2020-2030, following the outcomes of the work carried out during the RSC Strategy meetings held in London (September 2018) and in Oslo (January 2019).

The 2017 annual report on discharges of radioactive substances from the nuclear sector (nuclear power stations, nuclear fuel processing plants, nuclear fuel fabrication and enrichment plants, research and development facilities and decommissioning) and the 2017 annual report on discharges of radioactive substances from the non-nuclear sector, were finalised for publication. Work progressed on national implementation of the Best Available Technology (BAT) / Best Environmental Practice (BEP) on Radioactive Discharges under the 7th round of OSPAR Recommendation 2018/01.