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Annex V and Appendix 3
to the
Convention for the Protection of the Marine
Environment of the North-East Atlantic
(OSPAR Convention)

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ANNEX V AND APPENDIX 3 TO THE CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC

Preamble

Recalling the welcome in the Final Declaration of the Ministerial Meeting of the Oslo and Paris Commissions, 21-22 September 1992, for the possibility under the 1992 OSPAR Convention of addressing matters relating to the protection of the marine environment other than those relating to the prevention and elimination of pollution, and for the possibility of taking any necessary measures on these matters by the adoption of new Annexes to that Convention in the future;

Recalling the Recitals of the 1992 OSPAR Convention*;

Recalling Article 16 and 18 of that Convention, which provide the procedure for the proposal, adoption and entry into force of new Annexes and of new Appendixes to that Convention;

Recalling the United Nations Convention on the Law of the Sea†, in particular the provisions relating to navigation and the exploitation of natural resources;

Recalling the provisions of other global and regional agreements on the protection and conservation of marine ecosystems and biological diversity;

Recalling the importance of coordination and harmonisation of work in different forums for the protection of marine species and their habitats;

Recalling the significant differences which exist between:

- a. the ecological conditions of the maritime area;
- b. the impacts of human activities affecting these conditions;

in the different regions and sub-regions covered by the 1992 OSPAR Convention;

Recalling the fact that certain Contracting Parties are not coastal states bordering the maritime area;

* Irish Treaty Series N° 7 of 1998

† Irish Treaty Series N° 1 of 1998

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

ADOPT Annex V and Appendix 3 to the Convention

AND FURTHER DECIDE THAT:

- (a) programmes or measures under this new Annex shall avoid duplicating action which is already prescribed by other international conventions and the subject of appropriate measures agreed by other international organisations; and
- (b) before a programme or measure is adopted under this new Annex, consideration shall be given to whether action could be taken more appropriately under some other international convention or arrangement.

ANNEX V

THE PROTECTION AND CONSERVATION OF THE ECOSYSTEMS AND BIOLOGICAL DIVERSITY OF THE MARITIME AREA

Article 1

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

Article 2

In fulfilling their obligation under the Convention to take, individually and jointly, the necessary measures to protect the maritime area against the adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected, as well as their obligation under the Convention on Biological Diversity of 5 June 1992 to develop strategies, plans or programmes for the conservation and sustainable use of biological diversity, Contracting Parties shall:

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

Article 3

1. For the purposes of this Annex, it shall *inter alia* be the duty of the Commission:

- (a) to draw up programmes and measures for the control of the human activities identified by the application of the criteria in Appendix 3;
- (b) in doing so:

‡ Irish Treaty Series N° 2 of 1997

- (i) to collect and review information on such activities and their effects on ecosystems and biological diversity;
 - (ii) to develop means, consistent with international law, for instituting protective, conservation, restorative or precautionary measures related to specific areas or sites or related to particular species or habitats;
 - (iii) subject to Article 4 of this Annex, to consider aspects of national strategies and guidelines on the sustainable use of components of biological diversity of the maritime area as they affect the various regions and sub-regions of that area;
 - (iv) subject to Article 4 of this Annex, to aim for the application of an integrated ecosystem approach.
- (c) also in doing so, to take account of programmes and measures adopted by Contracting Parties for the protection and conservation of ecosystems within waters under their sovereignty or jurisdiction.

2. In the adoption of such programmes and measures, due consideration shall be given to the question whether any particular programme or measure should apply to all, or a specified part, of the maritime area.

[Article 4](#)

1. In accordance with the penultimate recital of the Convention, no programme or measure concerning a question relating to the management of fisheries shall be adopted under this Annex. However where the Commission considers that action is desirable in relation to such a question, it shall draw that question to the attention of the authority or international body competent for that question. Where action within the competence of the Commission is desirable to complement or support action by those authorities or bodies, the Commission shall endeavour to cooperate with them.

2. Where the Commission considers that action under this Annex is desirable in relation to a question concerning maritime transport, it shall draw that question to the attention of the International Maritime Organisation. The Contracting Parties who are members of the International Maritime Organisation shall endeavour to cooperate within that Organisation in order to achieve an appropriate response, including in relevant cases that Organisation's agreement to regional or local action, taking account of any guidelines developed by that Organisation on the

designation of special areas, the identification of particularly sensitive areas or other matters.

APPENDIX 3

CRITERIA FOR IDENTIFYING HUMAN ACTIVITIES FOR THE PURPOSE OF ANNEX V

1. The criteria to be used, taking into account regional differences, for identifying human activities for the purposes of Annex V are:
 - (a) the extent, intensity and duration of the human activity under consideration;
 - (b) actual and potential adverse effects of the human activity on specific species, communities and habitats;
 - (c) actual and potential adverse effects of the human activity on specific ecological processes;
 - (d) irreversibility or durability of these effects.
2. These criteria are not necessarily exhaustive or of equal importance for the consideration of a particular activity.