

OSPAR 22/12/1

OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic

Meeting of the OSPAR Commission (OSPAR)

Copenhagen: 20-24 June 2022

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## Summary Record

### Agenda Item 0 – Opening and representation at the Meeting

0.1 The 2022 meeting of the OSPAR Commission was hosted by Denmark in Copenhagen in a hybrid format (in-person and online) on 20-24 June 2022.

0.2 Katrine Nissen, Marine Director, welcomed delegates to Copenhagen. She reflected on the good collaboration within OSPAR with shared experiences and common challenges at national, global, EU level. The global biodiversity and climate crisis highlighted the urgent need for action and to find common solutions. There were a number of important ongoing or upcoming international processes and events – for example, the EU Biodiversity Strategy, the new environmental targets within CBD, the BBNJ instrument where it was hoped that agreement would be achieved later this year, the negotiations on a global agreement on plastics, and the UN Oceans Conference taking place next week in Lisbon.

0.3 Denmark was a member of OSPAR, HELCOM, and the Arctic Council and Ms Nissen pointed out that the international crises sparked by the Covid pandemic and its ongoing after-effects, and the war in Ukraine had, of course, affected regional organisations; it was therefore even more important that OSPAR found a way to work collaboratively to find solutions to global problems.

0.4 Ms Nissen hoped that delegates would enjoy their time in Copenhagen, and she wished the meeting success.

0.5 The Chair of the meeting, Richard Cronin, thanked Ms Nissen for her welcome. He too reflected on the global challenges; within OSPAR there was a unique combination of Contracting Parties and observers who had agreed to work together and were committed to delivering solutions for the North-East Atlantic. Amongst other things, the meeting would examine progress in implementing the ambitious Strategy which had been agreed by Ministers in Cascais in 2021, as well as progress with the development of OSPAR's Quality Status Report (QSR) 2023, and a second Regional Action Plan on marine litter would be launched.

0.6 Mr Cronin thanked Denmark for the excellent hosting and facilities provided and thanked delegates in advance for their hard work over the coming days.

0.7 OSPAR 2022 was chaired by Richard Cronin (Ireland). The meeting was attended by representatives from the following:

- a. Contracting Parties: Belgium, Kingdom of Denmark, the European Union (EU, represented by the European Commission (EC)), Finland, France, Germany, Iceland, Ireland, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, and the United Kingdom of Great Britain and Northern Ireland (United Kingdom);

- b. Intergovernmental Observer Organisations: ASCOBANS, International Council for the Exploration of the Sea (ICES), North-East Atlantic Fisheries Commission (NEAFC);
- c. Non-governmental Observer Organisations: Greenpeace International, IOGP, North Sea Advisory Council.

0.8 The Chairs of OSPAR's thematic Committees (BDC, EIHA, HASEC, OIC, RSC) participated in the meeting, as did the Co-convenor of ICG-QSR.

## Agenda Item 1 – Adoption of the Agenda

OSPAR 22/1/1, OSPAR 22/1/1 Add.1, OSPAR 22/1/2, OSPAR 22/1/3

- 1.1 OSPAR adopted the agenda for the meeting (OSPAR 22/1/1) and its timetable (OSPAR 22/1/1Add.1).
- 1.2 The Chair highlighted that an 'A' list approach to documents was being applied with a view to ensuring that the agenda allowed sufficient time for discussions on open and outstanding issues of strategic importance. 'A' list documents were those considered to not require discussion as they had undergone scrutiny in other OSPAR subsidiary bodies and were considered ready to be agreed and non-controversial. The actions requested for these documents were indicated in the 'A' list of documents (OSPAR 22/1/2).
- 1.3 OSPAR **agreed** the 'A' list of documents as presented; however, Norway did suggest that there would be a need to update A\_OSPAR 22/08/03 Add.1.
- 1.4 The agenda and complete list of documents submitted to the meeting is at **Annex 1**. A list of actions arising from the meeting is at **Annex 2** (to be produced on the basis of the final summary record).

## Restricted items

## Agenda Item 2 – Observers

A\_OSPAR 22/2/1, A\_OSPAR 22/2/2, A\_OSPAR 22/2/3

- 2.1 OSPAR examined (documents A\_OSPAR 22/2/1, A\_OSPAR 22/2/2, A\_OSPAR 22/2/3) applications for observership from Nuclear Transparency Watch (NTW), Global Ghost Gear Initiative (GGGI), and the European Boating Industry (EBI) respectively which had been forwarded from HOD(1) 2022.
- 2.2 OSPAR **agreed** to grant Observership to NTW, GGGI, EBI and **invited the Secretariat to inform these organisations of this decision.**

## Agenda Item 3 – Personnel

OSPAR 22/3/1, A\_OSPAR 22/3/2

- 3.1 The Executive Secretary presented OSPAR 22/3/1 an overview of Secretariat personnel issues. OSPAR:
  - a. noted that Alejandro Iglesias Campos passed his probation in February 2022;
  - b. noted that following the agreement of the OSPAR Commission in Cascais last year, Seán O'Tuathail joined the OSPAR Secretariat as part-time administrative assistant in March 2022;
  - c. noted that Franziska Bils joined the OSPAR Secretariat as Cross-cutting assistant on 1 June 2022;
  - d. noted that Carole Durussel will join the OSPAR Secretariat as Deputy Secretary to support cross-cutting issues and international engagement on 5 September 2022;

- e. noted the change in status of Julien Favier (QSR Coordinator) from employee to independent contractor in April 2022;
- f. noted the happy event of Lena Avellan's pregnancy. OSPAR also agreed to appoint Emily Corcoran as a contractor to cover Lena Avellan's work whilst Lena is on maternity leave (see also §4.9e). OSPAR also **noted** that Lena Avellan's contract was coming to an end in June 2023. Since 2023 was a busy and intense year due to the delivery of the QSR 2023, on which Lena is leading, OSPAR **agreed** that Lena Avellan's contract could be extended to June 2024 under these exceptional circumstances. **Ms Avellan would need to confirm acceptance of this offer by the deadline for documents for HOD(2) 2022 which will be held on 17 November 2022 (3-week deadline: 26 October 2022);**
- g. noted that the Executive Secretary has been keeping the impact of the exit of the United Kingdom from the European Union under review.

Many of the initial, more process-type issues that arose following Brexit seem to have been resolved. The main issue that remained was how expatriates prove their status to live and work in the UK. Guidance and advice provided by the Foreign, Commonwealth and Development Office (FCDO) was contradictory and did not reflect reality. There had been some particularly worrying issues when crossing borders and with the system of exempt vignettes which did not always work. One member of staff was stopped and threatened to have their fingerprints taken which is both distressing and totally unacceptable.

Issues on exempt vignettes were not only experienced by OSPAR but also by other UK-based International Organisations. The Secretariat has worked with other UK-Based International Organisations (UKBIO) to highlight these issues and the IMO, on behalf of all UKBIOs has raised this issue with the FCDO. The response from FCDO was disappointing and did not address the concerns expressed. In response the UKBIO will seek further discussions with the FCDO. This has reinforced the need for the Secretariat to secure independent legal advice on these sorts of issues. The response from the FCDO was shared with the expatriates and in response one member of staff has advised that if they were stopped again at border control, they would take the UK government to court as well as any other organisations who have the legal responsibility and the institutional obligation to defend their rights and safety in the UK. The Executive Secretary thought it was important to bring this issue to the attention of the Commission. As well as continuing to work with other UKBIOs to try and resolve these issues, the Secretariat would proceed with obtaining legal advice on how best to support staff and to find practical solutions that helped staff to work and travel normally and safely in the UK. **Contracting Parties were invited to let the Secretariat know how other countries deal with the issue of expatriate staff.**

### 3.2 In discussion the following views were noted:

- a. Portugal reiterated its offer to host the OSPAR Secretariat, which would address not only issues related to Brexit, it was assumed that there would not be the same issues for UK staff working in Portugal, but also help to reduce costs;
- b. Contracting Parties expressed their concern over this issue, offered to help in any way they could and encouraged the Secretariat to continue in its efforts to resolve the issues experienced by staff; and
- c. one Contracting Party was of the view that this was a serious matter and that the expatriates should be able to undertake their normal working activities, including travelling, without having

to worry about such issues. They would transmit this information to colleagues who might be able to provide advice on the EU/UK agreement.

3.3 In conclusion, OSPAR **agreed**:

- a. that the Secretariat would seek legal advice to help resolve this, continue to work with the UKBIO group and would take the matter up with the FCDO; and
- b. the changes to the Staff Regulations as at Annex 1 of OSPAR 22/3/1 and noted the Home Working Policy at Annex 2 of the same document.

#### **Extension of Dominic Pattinson's contract**

3.4 The Chair recalled that in 2017, the OSPAR Commission agreed to offer a 3-year term to the previous Executive Secretary, Ms Susana Salvador and a subsequent 3-year term to Mr Dominic Pattinson. In 2020, the Commission agreed to extend Mr Pattinson's contract to 3 years and 3 months when Ms Salvador resigned before the end of her term to take up a post as Executive Secretary of ACCOBAMS in Monaco. After Covid and the delivery of the Strategy, the question was raised as to whether Dominic Pattinson's contract should be extended.

3.5 It was not possible to confirm or conclude on an extension of the arrangement from 2017 or otherwise during OSPAR 2022. Bearing in mind that OSPAR had just agreed a procedure for the recruitment of the Executive Secretary, the indicative timeline in the procedure would allow flexibility for further discussion after the summer. A number of options were on the table such as an open competition or further negotiations. Further discussions would take place and a decision taken at the latest in November at the OSPAR(Extra) meeting at the back of the HOD(2) 2022.

#### **Procedure to appoint an Executive Secretary**

3.6 OSPAR **agreed** the procedure relating to the appointment of an Executive Secretary (OSPAR 22/3/2) as at **Annex 3**.

## **Agenda Item 4 – Financial Matters**

OSPAR 22/4/1, OSPAR 22/4/2, OSPAR 22/4/2 Add.1, OSPAR 22/4/2 Add.2, OSPAR 22/4/3, OSPAR 22/4/3 Add.1, OSPAR 22/4/4, OSPAR 22/4/5, A\_OSPAR 22/4/Info.1, A\_OSPAR 22/4/Info.2, OSPAR 22/4/Info.3

#### **Audited statement of accounts for 2021**

4.1 The meeting noted the signed audited statement of accounts for 2021 (A\_OSPAR 22/4/Info.1).

4.2 The Secretariat presented an explanatory memorandum to the 2021 accounts, underlying the audited statement of accounts as required by Financial Regulation E.22 (OSPAR 22/4/1). The auditors' report gave OSPAR's affairs a clean bill of health. A small number of recommendations were made, which the Secretariat has either addressed or responded to. These were mainly about tidying up the accounts, especially historical discrepancies, including for VAT and the need for outstanding annual leave at year end to be recognised as a liability. Staff have already been advised to use up their leave for their well-being and the recognition of leave as liability will be another good reason to do so.

4.3 The Secretariat explained that the surplus of approx. £48,000 was mainly due to underspending of the travel budget. The Chair informed that the transfers to address any over expenditure were agreed by the chair.

4.4 OSPAR **agreed** to discharge the Executive Secretary in respect of his implementation of the General and Special Budgets for 2021 in accordance with Financial Regulation E.27.

## General Fund and Working Capital Fund

4.5 OSPAR noted the current state of the General Fund and the Working Fund capital (A\_OSPAR 21/4/Info.2).

### 2022 contributions from Contracting Parties

4.6 OSPAR noted (OSPAR 22/4/Info.3) the list of outstanding contributions from Contracting Parties. Contracting Parties with outstanding contributions will check on progress of payment.

### 2023 Budget

4.7 OSPAR noted the meeting of HOD(1)2022 had recommended that a flat budget be included in the option be presented to OSPAR 2022 (OSPAR 22/4/2).

4.8 In discussion the following points were noted:

- a. one Contracting Party noticed that only half of the training budget had been used. It was important that OSPAR should provide support for staff, in particular new staff, and investing in training its staff was one way of doing that;
- b. the meeting was informed that the rate of inflation to be taken into account should be aligned to that of the seat of the organisation. The meeting also heard that whilst many organisations were orientating their salaries towards the recommendation of the Co-ordinating Committee on remuneration (CCR), they were not always applying the recommended level;
- c. that OSPAR should continue to seek to close the gap with salaries of the coordinated organisations so that OSPAR remained an attractive workplace for new recruits;
- d. all but 3 Contracting Parties could agree to option 3; and
- e. one Contracting Party commented that OSPAR should be looking at reducing its travel budget given the availability of virtual meetings. The Secretariat explained that the reason for the increase in the travel chapter was that one of the responsibilities of the new staff was international engagement which included a degree of travel. In addition, all travel costs have increased. The Secretariat would continue to monitor these costs.

4.9 In conclusion, OSPAR **agreed**:

- a. a budget for £1,597,196 for 2023 at **Annex 4** and corresponding contributions at **Annex 5**;
- b. to use approx. £10,000 from underspent chapters in 2022 and an additional £14,000 in the data management budget for 2023 towards additional products for HASEC;
- c. that the costs of a workshop on selected NEAES operational objectives be paid for from the 2022 budget;
- d. to fund the side event at the UN Ocean Conference; and
- e. that the costs relating to maternity cover for Lena Avellan would be allocated to the Non-Chapter costs budget in 2022 (transferred from the underspend on staff costs), and the General Fund in 2023 (see § 3.1f).

4.10 In discussion the following views were noted:

- a. one Contracting Party pointed out that Emily Corcoran, who would be covering for Lena Avellan, was employed as a regional coordinator on the Marine Litter Regional Action Plan (ML RAP), which was important work for the OSPAR Commission;

- b. whilst they did not have any objections to the appointment of Ms Corcoran, one Contracting Party would prefer if procedures for recruitment in place within OSPAR were followed. They would prefer both principled and practical solutions;
- c. in response to the comments above, the Secretariat advised that it had proposed Ms Corcoran given her experience and current involvement in QSR related work. It agreed that these particular circumstances should not set a precedent. The Secretariat also advised that the ML RAP contract was with JKG Consultancy and that Ms Corcoran was a sub-contractor. If as a result of taking on this new contract, Ms Corcoran could not meet her obligations under the JKG Consultancy contract, it would be a matter for JKG Consultancy.

4.11 OSPAR **agreed** where necessary that legal advice should be made available on expatriation issues and that costs should be borne by the General Fund (see § 3.1g). OSPAR also **approved** a threshold of £10,000.00 and **agreed** that requests for legal advice should be cleared by HODs. It was noted that the first request would be in relation to clarifying staff members' privileges and immunities and advising on how to demonstrate expatriates' status and right to work in the UK. An indicative quote from a legal firm fell well within the threshold of £10,000.

4.12 OSPAR noted:

- a. that the 2022-24 UN Scale of Assessment is applied to the 2023 contributions;
- b. the increase in national insurance contributions in April 2022, which will affect 2022 expenditure;
- c. the evidence showing the Secretariat's efforts to keep costs down as in Appendix 1 of Document OSPAR 22/4/2; and
- d. that the Medical examination fees and Library sub-budgets have been amalgamated in the Non-chapter costs and Communications sub-budgets respectively (OSPAR 22/4/2 Add.1).

### **Non-binding outline budget**

4.13 The Secretariat presented the outline budget over the period 2024-2025 (OSPAR 22/4/3 and Add.1).

4.14 The Secretariat explained that following an agreement at OSPAR 2017, the budget for the 1<sup>st</sup> year going forward in the outline budget was set at the same level as the agreed budget, the so-called baseline. This was considered to be unrealistic when expenditure had increased and contradictory to OSPAR's request to include accurate forecast expenditure in the outline budget to demonstrate the true cost of implementing OSPAR's work. The Secretariat also highlighted that some Contracting Parties had zero nominal growth policies and others could only agree the budget one year in advance. With this in mind, two options of the online budgets were presented to OSPAR; the first option included the forecast expenditure and the second the baseline.

4.15 In discussion the following views were noted:

- a. many Contracting Parties thought it would be sensible to have an outline budget which was more realistic, and that accurately reflected the forecast expenditure;
- b. one Contracting Party would like to see an outline budget with zero nominal growth. In their view, there were different options to budget for forecast expenditure which did not include the general budget or withdrawing from the general funds, such as voluntary contributions.

4.16 In conclusion, OSPAR **agreed** to keep both options, one with zero nominal growth and one with an accurate assessment of forecast expenditure at **Annex 6** and pick one option next year.



#### 4.17 OSPAR also:

- a. noted that for some Contracting Parties, formal agreement of the budget can only be made one year in advance;
- b. noted the NACES MPA Roadmap Project funded by voluntary contributions, will be undertaken in 2022 and 2023 (OSPAR 22/4/3 Add.1, sheet 'Outline OSPAR');
- c. noted the draft outline budget for ICES for the period 2024 to 2028 (OSPAR 22/4/3 Add.1, sheet 'Outline ICES');
- d. noted the draft special budget for the Quality Status Report (QSR) 2023 over the period 2018 to 2024 (OSPAR 22/4/3 Add.1, sheet 'QSR Draft breakdown expenditure') and **agreed** a budget for £90,5000 for 2023 at **Annex 5**;
- e. **agreed** the transfer of any funds underspent after the finalisation of the QSR Budget in 2023 to the next Intermediate Assessment project;
- f. noted that the contributions forecast for the general budget from 2024-2028 is based on option 1 and are only indicative; and
- g. noted that the estimated OECD inflation rate for the UK for 2023 is 2.4%.

#### **ICES work plan and special budget**

4.18 The Secretariat presented the draft ICES Work Plan 2023 on the basis of costing provided by ICES and guidance from HOD(1)2022 (OSPAR 22/4/4). OSPAR noted the total cost for the two requests to further develop OSPAR's eutrophication and hazardous substances assessment tools and for ongoing data support was DKK 838,084.00.

4.19 The Secretariat informed the meeting that BDC had asked for a placeholder to be made in the ICES work plan to allow, if agreed at OSPAR (extra), for ICES to undertake a peer review of the updated NACES nomination proforma. If agreed, the underspent ICES budget could cover the cost of the work.

4.20 OSPAR **agreed** an ICES budget and work plan at **Annex 7**. The resulting ICES Statement of contributions for DKK1,169,315 is at **Annex 5**.

#### **Prioritisation of Secretariat Resources**

4.21 The Secretariat presented (OSPAR 22/4/5) on advice on priorities and capacity in the Secretariat, highlighting any consequences from de-prioritising work, and/or options to increase resources. The document described three options for balancing needs between marine litter and other priority work, taking account of comments made at HOD(1) 2022. The Secretariat noted that, for example, work on the implementation of the POSH roadmap on collective measures was significantly behind schedule, while new areas needed to be taken on, such as developing a regional action plan on underwater noise.

4.22 In discussion the following comments were noted:

- a. Contracting Parties supported either options 1 or 3 from annex 2 of the paper. Option 1 would continue with the successful approach taken so far on marine litter; option 3 would help to strengthen the Secretariat's capacity on marine litter but without endangering other identified priorities. Several Contracting Parties considered that the aim should be to have a more permanent solution in the Secretariat;
- b. Ireland commented that it continued to be challenging to look across all 12 of the strategic objectives and identify where support was necessary; there could be a fourth option that would look at how the delivery of all NEAES tasks by Contracting Parties could be supported by the

structures established by the Secretariat; it would also be useful to have more information on the time and effort required in order to ensure that the new RAP-ML is implemented;

- c. Germany supported this view and commented that while OSPAR was seen as a front runner on monitoring and assessment, it was important for the focus to shift towards a stronger focus on actions and measures, given the present environmental state of the ocean;
- d. Portugal noted that OSPAR should look for other sources of funds namely EU funds through projects and advanced the possibility use national experts dedicated to OSPAR with per diem payments;
- e. the comments made by Ireland and Germany were well supported by other Contracting Parties. It was important for the identification of resources to be a pre-condition to the adoption of new tasks in the NEAES implementation plan, taking account also of external resources such as EU-funded projects and availability of national experts.
- f. Further comments both on the short-term options and a wider approach to prioritisation were collected in a small drafting group (**Annex 8**).

#### 4.23 OSPAR **agreed**:

- a. to support a prioritisation within the Secretariat of work to develop action plans on biodiversity and underwater noise, and support work on common indicators with regard to good environmental status, while gradually building capacity to support the marine litter action plan. One of the new Deputy Secretary's priorities would be to increase external funding support for marine litter tasks, including on coordination aspects. The present external contract would be extended by another year, subject to availability of voluntary contributions;
- b. to revive the OSPAR Governance Group in order to address wider organisational and resource allocation questions concerning implementation of the NEAES; Governance group to be convened by [N.N];
- c. to invite **the Secretariat to prepare draft terms of reference for the Governance Group, for consideration at HOD(2) 2022, taking account of the points made.**

## Agenda Item 5 – Election of Chair and Vice-chairs

5.1 On the process for the election of Chair and Vice Chairs, some Contracting Parties emphasised the importance of ensuring the transparency of the process and that all Contracting Parties should be consulted. One Contracting Party requested that there should be discussion at HOD on the merits of introducing a rotational system for the appointment of Chairs.

5.2 OSPAR **elected** by acclamation Ane-Marie Løvendahl Eskildsen (Denmark) as Chair until OSPAR 2024.

5.3 OSPAR **elected** by acclamation Maude Jolly (France) as Vice-chair until OSPAR 2024. Vice-chair Jorge Ureta (Spain) had been elected in 2021 as Vice-chair until OSPAR 2023.

5.4 All Contracting Parties thanked the outgoing Chair for his dedication, and for his excellent leadership, inspiration, and humour, noting that he had steered the OSPAR boat through some difficult waters in recent times. Observers echoed these sentiments and in addition thanked the Chair for being so inclusive towards them which was much appreciated.

## Un grand merci Monsieur le Président!

## Substantive issues

### Agenda Item 6 – International Engagement

OSPAR 22/6/1, OSPAR 22/6/2, OSPAR 22/6/3, A\_OSPAR 22/6/4

6.1 The Secretariat presented (OSPAR 22/6/1) an update of the international OSPAR engagement noting that the document had been presented to HOD. The following updates were highlighted:

6.2 As regards the CBD, the results of a meeting between the Executive Secretary and the CBD coordinator of the Marine and Coastal Biodiversity Programme were reported, in which they discussed the advantages of establishing a more formal cooperation between the two institutions through an exchange of letters. It was concluded that this would add little to the excellent cooperation already enjoyed by both institutions and that an exchange of letters was therefore not a priority.

6.3 On Cooperation with UNEP, the Executive Secretary attended the 22nd meeting of the Regional Seas Programme which was a great opportunity to exchange views and strengthen collaboration with the other Regional Seas Secretaries, including those representing the Barcelona, Cartagena, Black Sea and Abidjan Conventions, all of whom considered it a fruitful meeting.

6.4 The Secretariat also travelled to Seville (Spain) to discuss marine litter in MARLICE, a meeting that demonstrated the good understanding between the European RSCs and cooperation on marine litter. Spain was also thanked for its excellent hosting role. It was also reported that the 7th IMDC in Korea would seek to promote OSPAR's work on marine litter RAP, monitoring, indicators and thematic assessment.

6.5 OSPAR is hosting a side event at the [United Nations Ocean Conference](#) with BirdLife International, KIMO International and NEAFC invited as speakers to present case studies of regional scale work to solve global problems. The Executive Secretary would participate in various side and plenary events.

6.6 In discussion:

- a. the Chair encouraged all Contracting Parties to participate in the activities organised by OSPAR at the UN Ocean Conference and other side events of interest to the region;
- b. the Chair of EIHA informed that the second part of CBD COP15 will take place from 5-17 December 2022 in Montreal (Canada), China will continue to act as host;
- c. the European Union reported that it was in the process of producing a document in which it had included references to the importance of regional organisations and their part in addressing global ocean issues. It was hoped that these references would remain in the final text;
- d. Germany thanked the Secretariat for the report and supported the collaboration with the CBD and the fact that there was no need for an exchange of letters of cooperation. Regarding the letter to NEAFC that had been agreed at HOD, it was noted that it would be important to highlight to NEAFC the specific objectives on the collective arrangement in the new Strategy.

6.7 OSPAR **noted** the update provided by the Secretariat on the overview of international cooperation and engagement.

#### **Collective arrangement**

6.8 The Secretariat presented an amended version of the collective arrangement (Agreement 2014-09) (OSPAR 22/6/2 and Add.1) explaining that this had been prepared following the entry into force on 19 April 2022 of OSPAR Decision 2021/1 on the designation of the North Atlantic Current and Evlanov Sea basin MPA; Annex 1b of Agreement 2014-09 had been updated to identify this new area.

6.9 OSPAR **agreed** the amendments to Agreement 2014-09 (OSPAR 22/6/2 Add1) and invited **the Secretariat to notify relevant competent international organisations of the update.**

### **Arctic engagement**

6.10 The Secretariat presented (OSPAR 22/6/3) on how to take forward OSPAR engagement in relation to the Arctic. The document included a report of discussions from a pre-HOD meeting in May and a draft Roadmap setting out the steps which OSPAR could take to achieve its objectives as set out in the Cascais Ministerial statement and NEAES 2030. It was made clear that the Roadmap was a draft and which would require input from Contracting Parties before it could be agreed.

6.11 OSPAR noted the report of the discussions at the pre-HOD meeting as set out in Annex 1 of the document and considered the draft roadmap in Annex 2 of the document. It was also noted that Terms of Reference would be needed for the Working Group and that these could be developed once the Roadmap had been agreed.

6.12 During discussions in plenary the following comments were made:

- a. several Contracting Parties and Observers considered that while welcoming the establishment of a working group and the draft Roadmap they did not consider that the Roadmap was explicit enough nor did it recognise the significant amount of work that had already been undertaken. The Roadmap should explicitly state that the previous work on the 2016 designation proforma should be a starting point for the work of the Working Group. Many of the same Contracting Parties noted the many existing OSPAR commitments, in particular the North-East Atlantic Environment Strategy 2030, as well as other commitments e.g. EU and CBD, on protection of the Arctic and the mandate of OSPAR in this region. These Contracting Parties held the view that in fact the scientific case for the establishment of a high seas MPA in Region I was already available since 2016. They therefore considered that there should be a more explicit reference to the desired outcome, for example the designation of an MPA, in the Roadmap. There was also a view that some elements of the Roadmap could be accelerated. Engagement with others was important but should not detract from delivery of OSPAR's objectives or mandate;
- b. other Contracting Parties welcomed the Roadmap as drafted. Their view was that the Roadmap should not prejudge the outcome. They did not rule out an MPA as a possible outcome but the first step should be to decide on what needs protection, what are the pressures and only then to decide on the measures. Many of the issues facing the Arctic were transboundary. OSPAR would need to consider what measures are within its competence and which lie elsewhere. OSPAR needed a rigorous and evidence-led approach if it wanted to maintain its reputation as a frontrunner amongst RSCs. It recognised that the start of the process could be detailed and that future steps would depend on the outcome of those earlier stages;
- c. Sweden highlighted the important role of the Arctic Council and the Arctic States in marine environmental protection in the Arctic Region, and noted important scientific work in the central arctic ocean;
- d. all Parties acknowledged the importance of engaging with the Arctic Council in an appropriate way and the challenges that this posed in the current situation. However, that should not stop OSPAR from trying to engage and to take advantage of the knowledge and information from Arctic States. Other stakeholders including competent authorities would also need to be involved and consulted. It would be important to provide sufficient time for the proposed workshop to be organised whilst also maintaining momentum;

- e. the UK noted that Central Arctic Ocean Fisheries Agreement (CAOFA) entered into force in 2021 and covered much of the same area as Region I and reflecting on agenda item 6.2 on the Collective Agreement (CA) asked whether there was work to be done to establish whether CAOFA should be part of the CA as the work of the CAOFA could be relevant to the Arctic Roadmap.

6.13 The Chair thanked the Contracting Parties for their comments and support for the Working Group. He reiterated that OSPAR has the competence and access to scientific expertise to take this work forward but that it would be important to work with others to ensure that we did not repeat the mistakes of the past. It would also be important to seek input from indigenous peoples, on socioeconomic information and the opinions of those states who are not OSPAR members but are Arctic countries. There were lessons that could be learnt from the current NACES MPA roadmap.

6.14 Following work by a drafting group and a further round of comments from Contracting Parties, OSPAR **agreed** the Arctic Outcomes Roadmap along with Terms of Reference for the Working Group that is tasked with its delivery as in **Annex 9**.

#### **Global Ocean Accounting Partnership**

6.15 OSPAR noted a proposal for OSPAR's membership of the Global Ocean Accounting Partnership (A\_OSPAR 22/6/4) and **agreed**:

- a. membership by OSPAR of the Global Ocean Accounting Partnership (GOAP); and
- b. that the **Co-convenors of ICG ESA should act as the contact point on behalf of OSPAR**.

## **Agenda Item 7 – Legal issues**

A\_OSPAR 22/7/1, OSPAR 22/7/2, A\_OSPAR 22/7/3

#### **Group of Jurists/Linguists**

7.1 OSPAR noted (A\_OSPAR 22/7/1) an update by the Secretariat on the outcomes of the meetings of the group of Jurists/Linguists (JL) which had met three times in the 2021/2022 intersessional period. Much of the work of JL this year had focused on delivering advice on Deep Seabed Mining in response to the Terms of Reference for advice on this issue which had been agreed at OSPAR 2021. Document OSPAR 22/7/2 dealt with this issue (see §§7.3-7.5).

7.2 OSPAR thanked JL for their work on this issue, and for providing advice on other issues which were summarised in A\_OSPAR 22/7/1.

#### **Deep Seabed Mining**

7.3 The Secretariat presented (OSPAR 22/7/2) JL's advice on Deep Seabed Mining, explaining that the document presented was the outcome of documentation developed by a Task Group, kindly led by Harald Ginzky (Germany), with support of a small drafting group. The draft advice had been considered at a number of JL meetings, culminating in the meeting of JL on 21-22 April 2022. HOD(1) 2022 had considered the advice and agreed to forward it to OSPAR 2022, while requesting Contracting Parties with outstanding concerns to submit their comments to the Secretariat.

7.4 In discussion the following comments were noted:

- a. Contracting Parties thanked JL for their hard work and Germany, in particular, for leading the drafting group;

- b. France and the United Kingdom considered that in view of the substantive nature of their comments it would be necessary to refer the draft advice back to JL for its further consideration. France added that it would be important to ensure that members of JL still had a common understanding of the scope of the question from EIHA;
- c. Portugal commented that the International Seabed Authority (ISA) should be consulted while the JL advice was still in draft form, bearing in the mind the need for a consistent view across those international bodies to which OSPAR Contracting Parties were also Party. Portugal also suggested that if no consultation is ensured the title of JL advice should be changed to 'JL advice on OSPAR possible competence with regard to DSM'. Portugal would not like to approve a document in plenary without the consultation of ISA so a full picture is provided and a decision can be taken on the issue. Portugal also noted its view that according to the draft JL advice OSPAR could develop stricter environmental standards for the OSPAR maritime area;
- d. Contracting Parties generally agreed with the necessity of reverting to JL. Several Parties considered that OSPAR needed to reach a view internally on competence before informing or consulting the ISA. The Chair of EIHA reminded the meeting of the provisions for consultation in the MOU between OSPAR and the ISA;
- e. Germany acknowledged the good cooperation in the drafting group and under JL and highlighted the importance of timely OSPAR positioning on this issue. Germany regretted that some comments had come in at a late stage in the process. Nonetheless, it would be able to offer its assistance again in clarifying and finalising the document in JL;
- f. the Netherlands advised that it would be helpful for JL to receive further assurance from the OSPAR Commission that it had no intention to regulate deep seabed mining in the Area;
- g. Finland stressed the need to align closely to UNCLOS, for example when referring to UNCLOS article 197.
- h. Greenpeace welcomed the statements in section 4 of the draft advice but questioned how OSPAR could react in a situation where a proposed activity was judged to have potentially unacceptable impacts on marine ecosystems when it had no direct regulatory power.

#### 7.5 OSPAR **agreed**:

- a. to invite JL to reconvene in order to consider the comments received on the draft advice, with a view to submitting final advice to HOD(2) 2022;
- b. to invite **Germany to prepare a proposal for review by JL**;
- c. to invite all interested **Contracting Parties to confirm their availability to participate on the selected date (10 October 2022)**.

#### **North Sea Network of Investigators and Prosecutors**

7.6 OSPAR noted the outcome of the work of the North Sea Network of Investigators and Prosecutors (NSN) of the 2022 Meeting (A\_OSPAR 22/7/3). NSN had agreed on tasks to support the 2030 NEAES Implementation plan and to hold a Seminar on maritime pollution enforcement cases from shipping and offshore installations in Q4 2023. The proposed Terms of Reference for NSN were in (A\_OSPAR 22/08/03 Add.03) and reflected that NSN would report to CoG.

# Agenda Item 8 – Coordination of OSPAR Activities and Committees issues

## Coordination Group

- 8.1 OSPAR noted (A\_OSPAR 22/08/Info.1) the summary report from the Coordination Group.
- 8.2 OSPAR noted the data report (A\_OSPAR 22/08/01rev1) which provided an overview of the status of data reporting and an update on the Rules of Procedure concerning Data Release Arrangements (A\_OSPAR 22/08/01Add1).
- 8.3 OSPAR agreed the OSPAR Maritime Area dataset for publication as a reference file for assessments and the updated Rules of Procedure concerning data release arrangements.
- 8.4 The Secretariat presented progress on developing the Quality Status Report QSR 2023 (OSPAR 22/08/02). Delivery of assessments has been progressing over the past years, and 70% of the assessments had been delivered. EIHA, OIC and RSC had completed all their assessments on schedule with several assessments presented for publication to OSPAR 2022. BDC, HASEC and CoG had experienced delays in delivery, with the final indicator assessments and thematic assessments to be delivered by the end of 2022. During this period all Committees would also be involved in developing cumulative effect outputs to be presented in the biodiversity thematic assessments. The structure of the synthesis report had been developed and initial drafts of key messages based on completed thematic assessments were presented for steer from OSPAR (OSPAR 22/08/02 Add1). The delivery of the QSR 2023 would be a major milestone and an important achievement for OSPAR, proposals for organising a launch event either at OSPAR 2023 or as a separate even in autumn 2023 were presented (OSPAR 22/08/02 Add2). Commitment, and dedication was required from a large group of experts and delegates to deliver the QSR 2023 and it was noted that these efforts would be recognised through lists of contributors and author-based citations for some assessments (OSPAR 22/08/02 Add3). The Secretariat would be working over the summer and autumn period to publish all agreed assessments in OAP.
- 8.5 In discussion on the overall progress the following views were noted:
- a. the Chair of BDC recalled that BDC(2)2022 had been scheduled and that there was confidence in delivery of all biodiversity assessments by the end of 2022;
  - b. the Chair of HASEC recalled that the input assessment had been changed into an 'other assessment' and the other thematic assessments were being developed. Expert work happening in parallel to OSPAR 2022 was delivering assessment methods on eutrophication.
- 8.6 In discussion on the synthesis report the following views were noted:
- a. several Contracting Parties thanked the science writer, ICG-QSR and the Secretariat for providing an early view of the key messages of the synthesis report and recognised the importance of policy engagement in this work;
  - b. several Contracting Parties proposed that further drafting of the key messages should make them shorter, snappier and less technical than in the initial drafting. The key messages of IA2017 were seen as a useful model;
  - c. several Contracting Parties underlined the importance of key messages being factually correct, the messaging being aligned with the Cascais Ministerial Declaration and NEAES 2030 and that there should not be an attempt to angle the language to make the messages appear more positive than what the actual status reflects. The key messages should express a reasonable

reflection of status and progress on measures to address the status including whether the efforts have thus far been positive or negative and provide motivation for future measures;

- d. the Netherlands suggested that knowledge gaps should be reflected if the gap prevented measures to be taken, but that knowledge gaps should not be mentioned in all key messages;
- e. Ireland would submit further comments in writing on stylistic aspects and structuring of the key messages;
- f. Germany proposed that further drafting should invite leads for the underlying assessments, particularly at Thematic Assessment level, to review key messages before they were opened to commenting for other Contracting Parties, and that it would be helpful for experts to receive notifications of new versions of the synthesis report and other drafts on the QSR SharePoint and deadlines for commenting.

8.7 In discussion on the QSR 2023 launch event the following views were noted:

- a. most Contracting Parties preferred organising a separate launch event for the QSR 2023, either as an OSPAR event or back-to-back with an event organised by another body. Some Contracting Parties supported a launch at OSPAR 2023 as a good default option, however expressed flexibility in exploring a separate launch event and requested that more details on modalities, financing and planning would be presented;
- b. several Contracting Parties were of the view that it would be important to reach a global audience through the launch of the QSR 2023 and that this effort would be important also in order to recognise the efforts of the hundreds of OSPAR experts who had made great efforts in delivering the QSR assessments;
- c. Spain informed that, as they would be holding the EU presidency in the second semester 2023, it could be explored whether the event they were planning on Ocean Governance in autumn in Madrid, could be a useful opportunity for the QSR 2023 launch event. Other Contracting Parties expressed interest in the suggestion and requested further details;
- d. the Chair of EIHA proposed that a launch event should be of a hybrid nature and streamed to enable a global audience to take note of the information; and
- e. the Secretariat clarified that there had been a pause in the Friday Newsletters, and that the newsletters would recommence once the newly agreed assessments had been prepared for publication in OAP, probably in July/August.

8.8 OSPAR **agreed**:

- a. to thank all Committees for their work on QSR 2023 assessments, the OSPAR Commission recognised the quality of the assessments and that they form the basis for taking measures to improve the status of the marine environment and are important for all OSPAR work;
- b. that the key messages should be drafted to be understandable for a general audience, short and factually correct, and aligned with messages from the Cascais Declaration and NEAES 2030;
- c. to invite **Contracting Parties to submit written comments on the key messages as soon as possible to the Secretariat, and to engage fully in the ICG-QSR meetings in October, January and April** to draft the key messages and other sections of the synthesis report;
- d. to invite **the Secretariat and ICG-QSR to further develop for consideration by HOD(2)2022 details on the modalities, financing and planning for a separate QSR 2023 launch event in**



**autumn 2023**, including identifying relevant events for which a back-to-back event could be organised, recognising that agreement of the QSR 2023 would take place at OSPAR 2023 and would at that time be announced through a press-release;

- e. that if metadata for contributors had not been filled in after a request from the Secretariat, then assessments would be presented without this information in OAP.

8.9 The Secretariat presented actions requested by CoG (OSPAR 22/08/03) including an overview of common indicators and integration methods (A\_OSPAR 22/08/03 Add1), the International Alliance to combat Ocean Acidification (OSPAR 22/08/03 Add2) and the Terms of Reference for the North Sea Network of Investigators and Prosecutors (A\_OSPAR 22/08/03 Add3). There was an ongoing action under CoG for Contracting Parties to identify leads for Tasks under the Implementation Plan.

8.10 The Secretariat clarified that CoG requested the information presented in OSPAR 22/08/03 Add2 to decide whether the Secretariat should become a member of the OA Alliance to improve the deliverability of the ICG-OA objectives, by building on and maximising the shared knowledge of the countries and organisations that were part of the Alliance, including six OSPAR Contracting Parties.

8.11 OSPAR noted the information on the International Alliance to combat Ocean Acidification (OSPAR 22/08/info07; OSPAR 22/08/info08; OSPAR 22/08/info07; OSPAR 22/08/info08; OSPAR 22/08/info09; OSPAR 22/08/info10).

8.12 In discussion the following views were noted:

- a. several Contracting Parties supported OSPAR, and not the Secretariat, becoming an affiliate member of the International Alliance to combat Ocean Acidification. It was proposed that ICG-OA could be given this task and the mapping of NEAES 2030 objectives onto the priorities of the Alliance and to communicate this as an action plan;
- b. Ireland stated that they would aim to use as much of the OSPAR QSR 2023 assessments for EU MSFD reporting purposes, however noted that they would also use national data for MSFD reporting for example on the topic of biodiversity;
- c. Germany recognised that the EU MSFD criteria had been added to the list of common indicators and suggested that it would also be useful to have the information organised based on these criteria with a traffic light indication of the state of development. The addendums describing integration methods and threshold values were suggested as being too technical for being presented to OSPAR.

8.13 OSPAR **agreed**:

- a. to maintain the overview of common indicators, thresholds and integration methods (OSPAR 22/08/03Add1rev2) as a living document with regular updates for CoG;
- b. that OSPAR should become an affiliated member of the International Alliance to combat Ocean Acidification and ICG-OA would follow up the Alliance's activities and periodically report to CoG;
- c. the Terms of Reference for the North Sea Network of Investigators and Prosecutors as in **Annex 10**.

### **Biodiversity Committee**

8.14 OSPAR noted (A\_OSPAR 22/08/info.02) the summary report on BDC work for the meeting cycle 2020/2021 as presented by the Chair of BDC.

8.15 The Chair of BDC presented (OSPAR 22/08/04rev1) Biodiversity Committee inviting actions by OSPAR. A protocol for the integrated assessment of fish combining OSPAR assessments of sensitive fish species with assessments of commercial fish stocks was presented by Sweden and Denmark. Adjustments to address the remaining study reservation for the marine mammal by-catch indicator was noted. A discussion base for ABNJ MPA roles and responsibilities (OSPAR 22/08/04.Add1) was presented.

8.16 In discussion the following points were noted:

- a. Sweden and Denmark confirmed they had secured resources to carry out the calculations for the commercial fish species to implement the proposed protocol to enable delivery of the fish thematic assessment BDC(2)2022;
- b. it was clarified that the proposed six-year averaging approach would address some concerns which had been raised with an approach using a single reference year where the selected year might not be representative;
- c. Norway requested a written procedure to agree the protocol, not expecting any problem with the approval;
- d. Denmark welcomed that the updated text of common indicator M6 marine mammal by-catch recognised knowledge gaps and future discussion on the input values for modelling the threshold and requested that this would also be reflected in the thematic assessment on marine mammals;

8.17 In discussion on the roles and responsibilities related to managing ABNJ MPAs the following points were noted:

- a. all Contracting Parties recognised the management of ABNJ MPAs as a very important issue that required a serious discussion. There was a need to clarify the OSPAR vision for ABNJ MPA management as well as the roles and responsibilities in managing the sites in the short-, medium- and long-term, recognising the possible conclusion to the UN BBNJ negotiations in coming month;
- b. many Contracting Parties suggested the procedure of the Secretariat responding to queries would be appropriate to finalise as an OSPAR Agreement to add clarity and transparency to the process. Some Contracting Parties suggested the description of the procedure could be an internal document to provide guidance, however they also expressed flexibility in the format of the document. Finalising the description of the procedure as an OSPAR Agreement was concluded on with the understanding that the document could be further elaborated on or amended in the future and should be considered as a living document;
- c. several Contracting Parties reiterated the view that the OSPAR Secretariat should not be considered as an ABNJ MPA management body. However, the Secretariat was seen to have an important role in provision of information, answering questions and requests, managing and organising information related to the ABNJ MPAs given that the Secretariat was in daily operation and could respond in a timely manner to queries;
- d. for the procedure of the Secretariat responding to queries; France proposed adding a statement to §6 that internal assessment of impacts from activities by OSPAR would only be a recommendation rather than a joint decision on licensing of activities; Denmark proposed an addition to §8 that while OSPAR as an organisation does not require permits, actors would be encouraged to take protection of species and habitats into account when planning their work, the Netherlands proposed to add clarifying text that any such requests were only binding on

OSPAR Contracting Parties. Spain proposed adding a further paragraph stating that this would not prejudice permits or authorisations that could be necessary by any other organisation or authorities. Several Contracting Parties expressed support for the additions. Sweden proposed the Secretariat's role should be described in neutral terms based on the Rules of Procedure in the document. Sweden stated that they had further drafting comments;

- e. the UK stated that if the JNCC PADD was used as a basis for future work on impact matrices, this should be included in future updates of the document describing the procedure for responding to queries;
- f. Germany proposed referring to other competent authorities in responses to actors and that the authorities to be referred to and in which cases could be agreed through the Collective Arrangement, hoping to see an expansion of the Collective Arrangement in the future;
- g. Belgium stated that it was important that no requests or queries on ABNJ MPA management would be left unanswered, as OSPAR was seen to have a lead role on the issue globally and the work contributed to capacity building in other regions;
- h. France underlined the importance of the timeliness aspect, noting that actors which do not receive responses shortly after a request has been made may go ahead with activities without taking OSPAR information into account;
- i. Ireland stated that the work should also be informed by ongoing discussions around OSPAR's competence and obligations to effectively protect the marine environment of the North-East Atlantic, around the BBNJ Agreement negotiations, and engagement with external bodies – via the Collective Arrangement for example, and also wider developments around EIA/SEA in the area beyond national jurisdiction, including NEAES objective S5.O3 and its delivery target for 2024;
- j. ideas for medium- to long-term management approaches to be further developed and discussed were: management of ABNJ MPAs would ideally be taken forward through a dedicated office with budgeted personnel to take management actions, spread the value of OSPAR ABNJ MPAs and to engage in communications on management actions with other competent organisations and authorities; a platform could be established to interface to global processes; a group that can address technical queries should be established which would feed into the Secretariat responding to queries; MPA management plans could be developed; the timeliness and speed at which responses and reactions can be provided needs to be considered; the role of BDC, ICG-MPA and EIHA in responding to technical queries should be considered; the governance group could consider the issue of the structural organisation of management; Contracting Parties could “adopt” an MPA and lead on management actions for that MPA;
- k. Portugal provided an example of recent activity where they had undertaken management action as a competent managing body by engaging in discussions with the UK that had a planned activity for rocket launching which could result in debris falling into waters of the Portuguese continental shelf and the Josephine MPA. After engagement with the UK, route adjustments had been made to avoid debris falling in the MPA. Portugal informed that they made all this information publicly available, and if any Contracting Party or Observer had identified particular information that would be important to share Portugal would include this in future communications with the UK;
- l. NEAFC highlighted that the current documentation on management of ABNJ MPAs did not include many references to other competent authorities in ABNJ, and as there had always been

an emphasis on OSPAR ABNJ MPAs achieving their conservation objectives through collective action this aspect should be addressed. Collective Arrangement meetings were a good forum for dialogue, but recognising the needed timely response to management issues, there was also a need for more direct and live interaction with other competent bodies. NEAFC had good experience of managing their fisheries closure areas in practice with authorities like ICCAT where there had been a need to clarify licensing and other issues;

- m. Greenpeace underlined the importance of public facing information on management of MPAs in the future as time passes since the first establishment of the ABNJ MPAs. Civil society will demand information on how issues are being resolved and proof of effective management. On the specific issue raised by Portugal, Greenpeace international had raised the issue of rocket launches over a number of years from London Convention and London Protocol and had brought together information to stimulate discussion, seeing the increased number of launches and how the ocean is used as a disposal site. Greenpeace would provide an update of the information to the London Protocol in 2023 and welcomed all information that could be shared.

#### 8.18 OSPAR **agreed:**

- a. the protocol for commercial fish species integration through a silent written procedure until 8 July;
- b. **to welcome that Denmark lifted its study reservation on FC1 Recovery of sensitive fish species and FW3 Size composition of fish communities, and lifted its study reservation in principle on the threshold for common indicator M6 Marine Mammal bycatch, recognising that a procedural reservation was still in place until the parliamentary consultation has been concluded;**
- c. **to invite Contracting Parties that made text proposals (§8.16c) to submit comments by 8 July on draft Agreement establishing a procedure for Secretariat responding to queries on ABNJ MPAs, after which an updated version would be circulated for additional comments by 31 August, which would be submitted to JL for legal scrutiny before submission to HOD(2)2022;**
- d. **to invite HOD(2)2022 to take stock of UN BBNJ negotiations as a basis for further discussions in OSPAR on the appropriate approach to management of OSPAR ABNJ MPAs in the medium and long term** recalling the discussion at OSPAR 2022;
- e. **to invite the Secretariat to continue informing HOD of queries and requests received in relation to ABNJ MPA to inform the type of management action and work that would be needed.**

8.19 The lead countries EU, Germany, Norway and Sweden provided a verbal update on the progress with the Roadmap for further development of the North Atlantic Current and Evlanov Sea basin Marine Protected Area (OSPAR Agreement 2021-08). The expert workshop had been held 13 June 2022 which had been well attended. The contractors would update the nomination proforma based on the new scientific information that was identified during the workshop. The updated nomination proforma would be made available for comments 28 July – 12 August before its submission in good time before BDC(extra).

#### **Environmental Impact of Human Activities Committee**

8.20 OSPAR noted (A\_OSPAR 22/08/info.03) the summary report of EIHA work in the meeting cycle 2021/2022 as presented by the Chair of EIHA.

8.21 The Chair of EIHA presented document (OSPAR 22/8/5) on actions arising from EIHA, inviting OSPAR to adopt the second OSPAR Regional Action Plan on Marine Litter (RAP-ML2) at Add.1 and provide guidance to the task group on deep seabed mining on a review of the MoU between OSPAR and the ISA. The Chair

thanked vice-chair Jonas Pålsson (Sweden) for stepping in to chair the spring meeting of EIHA at very short notice.

8.22 In relation to the RAP-ML2, the Chair of EIHA thanked the lead countries and Secretariat for their considerable efforts in developing the RAP within a relatively short space of time. A publication-ready version was ready for release and launch during the UN Ocean Conference 2022 taking place in Lisbon the following week.

8.23 In discussion the following points were noted:

- a. several Contracting Parties noted that reaching agreement to the first RAP in 2014 had been very challenging; development of the RAP-ML2 had benefited from an open and participatory approach, which would be a good model to consider for preparing other action plans such as on underwater noise; the Secretariat was encouraged to provide additional information on the evaluation of the 2014 RAP and development of the second RAP on the OSPAR website for communication purposes;
- b. Germany noted that, compared to the 2014 RAP, the RAP-ML2 contained fewer actions overall and no national actions, which should not be taken to mean that marine litter as an issue had reduced in importance; Germany stressed the importance of the communications component and proposed that the title of the RAP-ML2 Agreement should make clear the time period covered by the action plan;
- c. the Chair of EIHA and Secretariat explained that while the key themes had not changed, the selected collective actions were designed to be more focused and add value to other processes; Contracting Parties had decided not to include a list of recommended national actions, since marine litter was generally a high priority and lessons learnt from national experience could still be taken up as collective actions; furthermore, the RAP-ML2 was an adaptive plan and could include further actions during the plan period.

8.24 OSPAR **agreed**:

- a. to adopt the RAP-ML2 with acclamation, including reference in the title to the period of coverage;
- b. to invite **the Secretariat to publish information on the OSPAR website on the development of the RAP-ML2 for communication purposes**;
- c. to convey the thanks of the OSPAR Commission to the experts who had worked on the preparation of the new plan.

8.25 In relation to deep seabed mining (DSM), the Chair of EIHA noted that the amended NEAES task template on the preparation on DSM papers also referred to the task group working on a review of the effective use of the MoU with the ISA during the next period. The initial preference in the group was to focus discussions on how the present MoU could be fully utilised. The template also included an updated timeline for the proposed actions.

8.26 In discussion the following points were noted:

- a. it was commendable that EIHA was being pro-active on DSM, which was a significant issue for OSPAR. The review of effective use of the MoU should be a relatively light touch “desk study”, in liaison with the Secretariat, looking at what had been done within the present MoU, and what more could be done, following a step-wise approach;

- b. the task group should take account of policy developments since the adoption of the MoU in 2010, such as the EU Council Conclusions on the Biodiversity Strategy stating the Council's position on applying the precautionary principle to DSM;
- c. the MoU should be used as a vehicle for communication with the ISA if, for example, OSPAR intended to adopt more stringent measures, taking account of advice received from JL; however, the priority for the task group should be on the drafting of the regulations on exploitation and the regional environmental management plans within the ISA. It would be premature for the task group to discuss having more stringent measures under OSPAR;
- d. Greenpeace commented that OSPAR Contracting Parties had a role in helping to steer the development of products from within the ISA. In relation to the MoU, the key question was whether the current wording had so far prevented OSPAR from taking necessary action. Re-opening the MoU itself would not necessarily result in an improved outcome. It should not therefore be a priority to re-open it.

8.27 OSPAR **agreed**:

- a. the task group should take a step-wise approach starting with its desk study on the effective use of the present MOU in order to identify potential areas for improvement as well as its full potential use
- b. not re-open the wording of the MOU at this stage;
- c. the task group should take account of relevant policy developments since the MoU was signed;
- d. to encourage **Contracting Parties to engage with the task group as well as participating directly within the ISA.**

**Hazardous Substances and Eutrophication Committee**

8.28 OSPAR took note of (A\_OSPAR 22/8/Info.4) the Report of the meeting of the Hazardous Substances and Eutrophication Committee (HASEC) presented by the Chair of HASEC.

8.29 The Chair of HASEC reported that Contracting Parties were invited to consider volunteering for the roles of HASEC Vice-Chairs, INPUT Vice-Chairs, ICG-Eut Co-Convenors, ICG-MaRE Convenors and ICG-EQS Convenors, but no candidates came forward. HASEC 2023 would be held in Scotland, UK from 20-24 March 2023 and HASEC HOD (1) would be held from 6-7 October 2022 online.

8.30 The Chair of HASEC presented the revision of the Common Procedure for the Identification of the Eutrophication Status (COMP4) of the OSPAR Maritime Area (OSPAR 22/08/06 Add.1 Rev.1) and its Annexes (OSPAR 22/08/06 Add.2 Rev.2) inviting OSPAR to consider its adoption and publication.

8.31 The Secretariat reported on recent exchanges with Ireland, which was in the process of confirming corrections made to values in areas under its jurisdiction following the TG-COMP (3) 2022 meeting, and together with Ireland and Portugal, reviewing inconsistencies between the list of assessment areas and those shown on the maps illustrating the COMP4.

8.32 In discussion the following views were noted:

- a. Contracting Parties thanked all experts involved in the preparation of this revision of the COMP and the consensus reached;
- b. Portugal supported the adoption of the COMP taking into account the changes and clarifications proposed by the Portuguese experts and the finalisation of the maps illustrating the annexes;

- c. Denmark highlighted the importance of the revision of the COMP agreement for the achievement of the 2030 NEAES operational objectives and as an integral part of the QSR 2023. It also reflected on the tight process that had not left any time for national consultation and it could therefore not support a final adoption of the COMP Agreement and the annexes at this point. However, it was suggested the adoption "in principle" of both the COMP and the annexes, to allow the ICG-Eut experts to move forward with the finalisation of the indicator and thematic assessments on eutrophication for the QSR, which should be ready by the end of the summer. It also suggested the possibility of a written procedure after the OSPAR meeting for national consultations. Denmark considered the threshold values to be interim values and further work would be needed to establish nutrient reduction scenarios;
- d. Sweden referred to the late revisions that came in Annex 6 during the meeting, and following Denmark's suggestion, could adopt COMP and its annexes, and to accept "in principle" Annex 6 with the list of threshold values, pending a written procedure to allow for national consultations on the revised thresholds in assessment area shared with Denmark; Sweden would also use these consultations to prepare its input to the HASEC workshop on the NEAES operational objectives in the Autumn;
- e. Germany thanked the Chair of HASEC and all experts involved and welcomed the important achievement made by TG COMP and ICG-EUT on threshold values and the COMP. Germany was concerned about the late submission to OSPAR which had been unnecessary. For comparison and reasons of transparency Germany requested to see an inclusion of the weighted ensemble scenario result in the annex to the COMP, for all Contracting Parties and assessment areas that underwent changes. While Germany agreed the threshold values for the COMP and the upcoming QSR they requested these to be considered as interim values only as more work needs to be done in this respect for the development of nutrient reduction scenarios;
- f. the Chair of HASEC confirmed that ICG-Eut had discussed the use of exceptions and the use of other types of parameters to define thresholds values, which would allow for an agreement that would facilitate the inclusion of these values in the run of COMPEAT;
- g. Denmark and Germany referred to the inconvenience caused by the organisation by ICG-Eut of the TG-COMP meeting late and in parallel to OSPAR 2022 that would consider the adoption of the COMP and the threshold values. This scheduling did not allow further discussion or consultations at national level in support of its adoption;
- h. France, Spain and the United Kingdom supported the adoption of the COMP agreement. France also requested additional time for national consultations to understand the detail of the latest changes introduced by TG-COMP and the revisions made by other Contracting Parties;
- i. the Netherlands reported that national consultations had already taken place in their country and that they have the approval of two Ministries. The importance of threshold values in the Netherlands was stressed, as their agreement and adoption mean that additional measures might have to be taken and the impact on the different directives being implemented. The need for potential additional measures was underlined both at national level and in neighbouring countries, and in the joint work that different countries must do in international river basins, in the case of the Netherlands, together with Belgium, France and Germany. Similarly, several Contracting Parties conducted national consultations, with the information provided by ICG-EMO in December 2021, attending the request by HASEC HOD (2) 2021, in preparation for the ICG-Eut 2022 meeting;

- j. the Chair of OSPAR, following the suggestions received from Denmark, Sweden and France, proposed a written procedure for the necessary national consultations of two months, until 24 August 2022, in order to ensure that the eutrophication products for the QSR are in their final draft version by 6 September. The compliance of the agreed deadlines would allow the review of the eutrophication assessments for the QSR by all Contracting Parties before submission to CoG(2) 2022, via HASEC HOD 2022 and ICG-QSR(3) 2022 in October 2022;
- k. the Secretariat highlighted the importance of reporting as early as possible on any disagreements that may arise in national consultations, to avoid receiving changes or discrepancies on the last day, limiting reaction in line with the dates already agreed for the finalisation of the QSR eutrophication products;
- l. the Chair noted that not having the appropriate number of chairs, vice-chairs and leads was the higher risk for OSPAR. It was important that the existing chairs, vice-chairs and leads shared their workloads for a better understanding of the overall situation. The Chair encouraged Contracting Parties to recognise their work at national level.

8.33 In conclusion, OSPAR **agreed**:

- a. to adopt “in principle” the revision of the Common Procedure for the Identification of the Eutrophication Status of the OSPAR Maritime Area and its annexes (OSPAR 22/08/06 Add.1-2) pending a written procedure to allow for national consultations on late revisions until 24 August 2022. Contracting Parties were urged to communicate any difficulties as early as possible and not to wait until the deadline;
- b. the publication of the fourth application of the Common Procedure for the Identification of the Eutrophication Status of the OSPAR Maritime Area and its annexes after 24 August 2022;
- c. to urge **Contracting Parties to nominate national delegates for the roles of HASEC Vice-Chairs, INPUT Vice-Chairs, ICG-Eut Co-Convenors, ICG-MaRE Co-Convenors and ICG-EQS Co-Convenors prior to HASEC HOD (1) 2022.**

### Offshore Industry Committee

8.34 The Chair of OIC referred to (A\_OSPAR 22/8/Info.5) the report from the Offshore Industry Committee and highlighted the main issues discussed at OIC 2022 and the progress made. The Committee had agreed on the OIC Overall Assessment and Offshore Industry Thematic Assessment, the QSR deliverables prepared by the OIC-ICG-QSR. The Chair of OIC thanked Norway for leading the work and the other ICG members. New tasks under the 2030 Strategy were adopted by OIC with identified leads and co-leads. The Chair of OIC anticipated that new tasks would be needed to deal with evolving activities such as carbon dioxide storage. OIC welcomed HOD’s initiated task to develop a harmonised Comparative Assessment methodology to support the assessment as required under Annex 2 of OSPAR Decision 98/3, as an important piece of work, particularly with the number of offshore installations due to be decommissioned in the next 10 to 20 years.

8.35 In discussion on decommissioning issues the following points were raised:

- a. Germany welcomed the decommissioning of the upper parts of the Brae Bravo platform jacket after the Special Consultative Meeting held in November 2021; as they had suggested to split the programme from the lower parts. Germany requested further information on the intended next steps for the further decommissioning of the Brae Bravo steel jacket platform and for the three concrete gravity based (CGB) Brent platforms including the remaining oil residues;
- b. The United Kingdom confirmed that the decision on the approval of the upper jacket of Brae Bravo is not a change in policy position, it has been undertaken in the same way as separating



the decommissioning on Topside removal, and does not prejudice the decision on the derogation of the Brae Bravo footings which is separate to this decision. As highlighted in emails to the Contracting Parties the UK is currently considering the decision on the derogation of the Brae Bravo footings and will be providing details on conditions in the near future. Although no information was available on the CGB Brent platforms at the meeting, the United Kingdom would respond to any queries in writing

8.36 OSPAR noted the information on the Offshore Industry Committee and the Chair encouraged **Contracting Parties to maintain a good level of consultation and dialogue and timely exchanges of information to ensure a responsible approach to the energy legacy that decommissioning represented.**

#### **Radioactive Substances Committee**

8.37 The Chair of RSC referred to (A\_OSPAR 22/8/Info.6) the report of the Radioactive Substances Committee. RSC had held two meetings in Spring 2022. The first one was held online and focused on the finalisation of the Fifth Periodic Evaluation of progress towards the objective of the OSPAR Radioactive Substances Strategy and the Radioactive Substances Thematic Assessment. The second meeting was held in Brussels and identified tasks supporting RSC's operational objectives. Adam Stackhouse (United Kingdom) was elected as new Chair and Carol Robinson (Norway) and Anki Hagg (Sweden) as Vice-Chairs for the 2022-2023 working cycle.

8.38 The Chair of RSC presented (A\_OSPAR 22/8/7) actions from the Radioactive Substances Committee. OSPAR was invited to adopt draft Recommendation 2022/01 amending OSPAR Recommendation 2018/01 on radioactive Discharges as in Add.01. It was explained that amendments had been proposed to clarify the reporting period.

8.39 OSPAR welcomed Adam Stackhouse (United Kingdom) as the new Chair of RSC. On behalf of the Committee, Adam Stackhouse thanked Justin Gwynn for his dedication and commitment. Justin had played a key role in RSC and had been sure to involve and inspire all delegates enhancing their understanding of how RSC contributed to the work of OSPAR. The Chair of OSPAR added that as well as being OSPAR's longest serving Committee chair, Justin Gwynn was also a fantastic mind and a pleasure to spend time with. OSPAR had benefited greatly from his professionalism, knowledge, and his ability to remain focused and calm under pressure.

8.40 Justin Gwynn responded that it had been an honour and a privilege to chair RSC. The meetings of the Commission had been educational to him from both environmental and political perspectives.

8.41 OSPAR applauded Justin Gwynn and **adopted** Recommendation 2022/01 amending OSPAR Recommendation 2018/01 on Radioactive Discharges as in **Annex 11**.

#### **Implementation Plan**

8.42 The Secretariat presented (OSPAR 22/8/8) the NEAES 2022 Implementation Plan. OSPAR was invited to note the progress reporting within the Plan against tasks agreed in 2021 and consider proposals for new and amended tasks (annexes 1 and 2).

8.43 In discussion the following comments were noted:

- a. the CoG workshop on selected operational objectives from the NEAES would be held on 22-23 September in Madrid; an invitation letter and outline structure would be sent out shortly; the workshop organising group proposed that a report from the workshop would be submitted to CoG(2) 2022; the report would advise on the development of additional tasks for inclusion in the NEAES. OSPAR **agreed** to approve the 2022 version of the NEAES Implementation Plan.

## List of Agreements, publications and other outputs

8.44 OSPAR **agreed** to publish the items listed in A\_OSPAR 22/08/10, subject to written procedure for some products (**Annex 12**).

## Terms of Reference for Coordination Group and Committees

8.45 OSPAR **adopted** the Terms of Reference for the Coordination Group and Committees (presented in A\_OSPAR 22/08/09) as at **Annex 13**.

## Agenda Item 9 – Communication activities

9.1 The Secretariat presented OSPAR 22/09/01 Communications Activities and OSPAR 22/09/02-Rev.1 Draft annual report text for 2021/2022.

9.2 In discussion the Netherlands asked that EU funded projects be better reflected in the communication plan and in the annual report. These were important for OSPAR and contributed greatly towards the Quality Status Report 2023.

9.3 In conclusion, OSPAR **agreed** the Communication Plan 2021/22 (**Annex 14**) and **agreed** to send comments on the draft annual report text to the Secretariat ([lucy.ritchie@ospar.org](mailto:lucy.ritchie@ospar.org)) by 8 July 2022.

## Agenda Item 10 – Meeting Schedule and arrangements

10.1 The Secretariat presented the draft meeting schedule for the period from September 2022 – June 2023 (OSPAR 22/10/1 Rev.1).

10.2 In discussion, Norway offered to investigate hosting OSPAR 2023. Portugal kindly offered to consider hosting CoG/HOD(1) 2023 in the Azores. The Netherlands kindly offered to host ICG-POSH 2022 and ICG-ML in May/June 2023. Contracting Parties highlighted some clashes with other meetings.

10.3 OSPAR adopted the meeting schedule as at **Annex 15**.

## Agenda Item 11 – Any other business

11.1 Germany informed of the recent meeting of the G7 environment, climate and energy ministers which had agreed on an Ocean Deal. This had brought forward commitments to establish highly and fully protected areas in EEZ, as well as strong statements on BBNJ and CCAMLR positionings, a commitment on ocean financing as well as positioning on deep-sea mining that acknowledged the severe risks of potential deep-sea mining. The G7 countries agreed that a robust knowledge basis on the deep-sea environment and potential impacts was critical for considering their consent in the ISA for any future mining permits. The Ocean Deal was foreseen to become part of the leader's summit outcome, which would be reported upon to the UN Oceans Conference in Lisbon.

11.2 The Chair of OSPAR thanked Wini Broadbelt (Netherlands) for her commitment to the work of OSPAR over several decades, in fact from the start of the negotiation of the OSPAR Convention in 1990. OSPAR owed Wini a great debt of gratitude for her unstinting work as a very dedicated member of the group of Jurists/Linguists.

## Agenda Item 12– Adoption of the Summary Record

12.1 The summary record was adopted as amended.