Aide memoire and key actions resulting from the fourth meeting under the collective arrangement

Agenda Item 1 and overview of Initial discussions

1.1 The fourth meeting under the collective arrangement was held 7-8 May 2018, Berlin, Germany, at the kind invitation of the Federal Republic of Germany; Federal Ministry of Food and Agriculture (BMEL) and the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU).

1.2 The meeting was attended by the President of NEAFC, Vice-chair of OSPAR, OSPAR Biodiversity Committee Chair and representatives of OSPAR and NEAFC Contracting Parties. The Secretariats of the two organisations were also present; representatives from the Abidjan Convention, the Cartagena Convention, ICCAT, ICES and NAMMCO participated as observers and presented their respective scope of work. David Johnson, SeaScape, gave a presentation as did Carole Drussel and Sebastian Unger of IASS. A list of participants is at Annex 1.

1.3 Apologies were received from Belgium and the Secretariats of the Convention on Biological Diversity (CBD), Food and Agriculture Organisation (FAO), International Seabed Authority (ISA) International Maritime Organisation (IMO), North Atlantic Salmon Conservation Organisation (NASCO), Southern Indian Ocean Fisheries Agreement (SIOFA); United Nations Environment (UNEP) and the Arctic Council.

1.4 The NEAFC President and Vice-chair of OSPAR welcomed the meeting to Berlin, in particular noting that some observers had made a long journey and endeavoured to find time out of their busy agendas to join the meeting. Bruno Hoffstadt, for the Ministry of Food and Agriculture welcomed participants, noting Germany’s support for cross-sectoral cooperation as well as that between regions. The Co-Chairs encouraged the meeting to focus on concrete outputs as well as continuing to deepen the exchange of information.

1.5 Richard Cronin, OSPAR Vice-chair, and Jacques Verborgh, NEAFC President, were elected as co-chairs for the meeting.

1.6 The agenda was adopted as presented (See Annex 2).

Agenda Item 2 - General information on participants to the collective arrangement

2.1 Presentations were made on NEAFC’s and OSPAR’s aims, objectives and current developments.

2.2 Presentations were made from other competent international organisations relating to the North-East Atlantic. These included:

- The Abidjan Convention (The Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region);

- The International Convention for the Conservation of Atlantic Tuna (ICCAT), noting that catches of Bluefin tuna were now increasing in the North East Atlantic;
• The North Atlantic Marine Mammal Conservation Organisation (NAMMCO);
• The Caribbean Environment Programme/Cartagena Convention.

In general the presentations highlighted where the different organisations were making progress in their objectives. In particular cross sectoral and interregional cooperation, including support from national administrations, was highlighted.

2.3 Regarding other international developments:
• NEAFC briefly highlighted ongoing work at FAO under the Common Oceans programme, in particular on sustainable fisheries management and biodiversity conservation of deep-sea living marine resources and ecosystems in the ABNJ.
• The United Kingdom updated participants on progress at the Organisational Meeting (16-18 April 2018), preparing for the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.
• NEAFC updated participants on progress at the second meeting of the Sustainable Oceans Initiative, Global Dialogue hosted by the Republic of Korea and the CBD. The meeting had continued engagement between regional fisheries and environment bodies.
• OSPAR informed on the event held in Cape Town, in November 2017, on building regional partnerships for ocean governance where the collective arrangement has been given as an example of regional and cross-sectoral cooperation between institutional actors.
• OSPAR and the Cartagena Convention explained about their developing cooperation, started under the SDG 14 process. During 2018 cooperation will be initiated through support from the Netherlands and Sweden and will focus on work on MPAs and marine litter, noting also three common contracting parties between the two conventions.

2.4 Regarding relevant national developments:
• Norway explained its process to establish a High Level Panel for Building a Sustainable Ocean Economy under the World Economic Forum. Contracting Parties from Abidjan Convention, Cartagena Convention and OSPAR would be involved. Outputs would be reported at the 2019 Our Oceans Conference and the 2020 UN Oceans Conference.
• Sweden highlighted its recognition of interregional and intersectoral cooperation as means of taking forward the SDGs. Sweden was therefore prioritising its work with OSPAR and NEAFC and the collective arrangement in this regard. This had included funding concrete outputs.
• The United Kingdom updated participants on the recent Commonwealth Heads of Government meeting which had agreed a Blue Charter. The Blue Charter included a list of deliverables on marine issues over two years.

Agenda Item 3 – the collective arrangement

Competent international organisations should inform each other of any new area/area being removed/any change to an area previously notified. Annex 1 should be updated in accordance with such information.

3.1 The OSPAR Secretariat presented an update (Coll Arr 18/3/1) on its Marine Protected Areas, including a draft proposal for the designation of a new MPA in the high seas of the OSPAR Maritime Area ‘North Atlantic Current and Evlanov Seamount High Seas MPA’ (NACES HS MPA). The draft proposal was under an ongoing development process in OSPAR. The conservation objectives of the NACES HS MPA had been agreed to focus on 22 species of seabirds, for which the scientific assessment indicated that the area is important to the species as a foraging ground. In presenting the information it explained that the work on the MPA proposal within OSPAR during the 2018/2019 meeting cycle would aim to finalise the nomination
proforma and initiate drafting of an accompanying OSPAR Recommendation relating to measures and an OSPAR Decision to establish the area. In the continued work on developing the nomination proforma OSPAR invited the relevant competent authorities to contribute to the work by providing relevant information on human activities and threats in the area. The meeting recalled that OSPAR only had competence for managing certain human activities.

3.2 The introduction of the proposal for discussion at the meeting was welcomed. It was noted that discussing establishment of High Seas MPAs among competent authorities at an early stage of the development process was highly relevant to ensure a proper process and gathering best available knowledge. Issues requiring further consideration were identified and initially discussed, including what the actual level of fisheries activity was likely in the area and whether any measures would be ultimately be indicated. ICCAT explained that the situation with regard to its regulated fisheries was in continued flux with the recovery of tuna populations and climate change meaning levels of activity and species targeted was changing in the North East Atlantic. Currently some ICCAT regulated fisheries occur in the area, however so far there had been no indication of seabird interactions in the area. NEAFC Secretariat explained that it did not believe there was any NEAFC regulated pelagic fishing activity in the area, and no bottom fisheries were allowed there currently – unless a request for exploratory fisheries were to be requested. NEAFC representatives expressed the view that a scientific peer review of the nomination proforma would be needed for them to be able to consider any further steps in relation to the proposal. Several parties considered it essential therefore to have an ICES process to endorse the latest information that underlined the scientific case for the proposal. Further discussion on the proposal could enable separation of the issues related to delineation of the area from the issues related to considering what, if any, management measures were advised.

3.3 In concluding the discussion, the current OSPAR process and timeline was noted, the invitation to competent authorities to contribute to the process by providing information on human activities in the area to the OSPAR Secretariat was noted, as was the view from the competent authorities on fisheries of the need for an ICES peer review of the proposal to provide the input required for further consideration in terms of potential impacts of fisheries activities.

3.4 NEAFC provided an update on an amendment to its Vulnerable Marine Ecosystem Closures, as notified NEAFC under Annex 1 of the collective arrangement. The meeting was invited to note the process in 2017 for the amendment, which relied on the provision of scientific advice from ICES on new information on distribution of vulnerable habitats in the NEAFC Convention Area and fisheries activities in these areas. The 2017 NEAFC Annual Meeting had agreed to increased the area of closure of Area L2 (Hatton Rockall Basin; sponge area) under NEAFC’s Recommendation 19: 2014, as well as extending all other VME closures for a further 5 years, to 31 December 2022. The new coordinates for were noted by the meeting.

3.5 NEAFC updated participants on a process reviewing a minor part of the existing data submitted to establish the fisheries footprint in the regulatory area between 1987-2007. NEAFC also outlined the work of the current Working Group on the VME Recommendation 19:2014, in order to clarify its geographical scope in light of Coastal States’ rights on continental shelves under the United Nations Convention of the Law of the Sea.

Update to Annex 2 on the listing of MOUs and other bilateral agreements

3.6 OSPAR updated participants on its revised MOU with the International Maritime Organisation on the promotion of the London Convention and London Protocol at a regional level mainly to prevent marine pollution and to protect marine environment. The MoU focused on sharing experiences and developing guidance on the application of both IMO treaties as well as strengthening technical cooperation. Annex 2 to the collective arrangement will be updated accordingly and the new MoU will be available in both IMO and OSPAR websites. There was no change for NEAFC.
Expansion of the collective arrangement to include other competent organisations/ reflections from observing competent organisations

3.7 It was reiterated that the intention that the collective arrangement had always been to include a wide group of competent international organisations. Thus the aim continued to be to expand it to others, such as the International Seabed Authority (ISA), the International Maritime Organisation (IMO) and the International Commission for the Conservation of Atlantic Tunas (ICCAT). No updates were provided on any formal processes, but the attendance of other Secretariats to the meeting from ICCAT, NAMMCO, Abidjan and Cartagena was welcomed.

Reflections from observing competent organisations and Contracting Parties on expansion of the intermediate assessment/Promotion of the collective arrangement as an example for ocean governance.

3.8 The two Secretariats briefly outlined opportunities in the previous six months where they had highlighted the collective arrangement: the Building International Partnership to Enhance Science Based Ecosystem Approaches in Support of Regional Ocean Governance in the Context of 2030 Agenda for Sustainable Development in Cape Town; an Oceans Governance workshop at the University of Tokyo.

3.9 Germany and the Institute for Advanced Strategic Studies (IASS) presented two projects it was supporting; the first was Strengthening Regional Ocean Governance for the High Seas (STRONG High Seas 2017-2022). This project was working in the South Western Atlantic, including the Abidjan Convention and in the South East Pacific, involving the Permanent Commission for the South Pacific (CPPS). The other programme highlighted by Germany/IASS was the Partnership for Regional Ocean Governance (PROG) which aimed to complement existing cross sectoral processes with forums involving governments, private sector, science and civil society. These would develop ecosystem based biodiversity approaches to provide regional and global decision-makers with improved understanding within relevant regional policy processes.

3.10 NEAFC provided an update on the Sustainable Oceans Initiative, second global dialogue meeting held in Seoul in April 2018. This meeting had illustrated growing cross sectoral engagement with many areas noting progress on a diverse set of projects and programmes. The meeting had also focused on practical planning for the next 2 year period in 4 regional groups.

3.11 OSPAR informed on a session dedicated to “blue growth in our changing northern seas: achieving synergies” under the 9th Monaco Blue Initiative held in Edinburgh in April 2018. It offered an opportunity to progress discussions on emerging problems and perspectives for the Blue Economy, including on the high seas and climate change issues.

3.12 The Cartagena and NEAFC Secretariats provided a brief update on a Jamaica/Norway/IUCN sponsored workshop in Kingston, Jamaica. This had focused on Caribbean regional briefing and preparation for the forthcoming UNCLOS Biodiversity Beyond National Jurisdiction Conference.

Agenda Item 4 – issues under §6 of the collective arrangement

Information on science and use of scientific activities (§6a):

4.1 David Johnson, SeaScape Consultants, provided a presentation on the ATLAS project, in particular the current work on potential climate change and ocean acidification impacts on VMEs and MPAs.

4.2 ICES provided information on its work on climate change, including on a forthcoming symposium in Montreal.

4.3 Sweden briefly updated the participants on work ongoing under the Arctic Council and NEAFC was able to inform participants about the related work under the FAO Common Oceans programme, deep sea ecosystems

4.4 Participants noted that the indications of fairly rapid change underlined the need for a flexible regime with regards to area based management of deep sea ecosystems.
Information on proposed human uses (§6 b)

4.5 No items raised

Cooperation on Environmental Impact Assessments etc (§6c).

4.6 OSPAR briefly updated participants on relevant developments under its Environmental Impacts of Human Activity (EIHA) Committee. The OSPAR Secretariat also informed of a letter of support to the meeting from the International Seabed Authority. The letter included updates on the work of the ISA, in particular its ongoing development of Regional Environmental Management Plans (REMPs) and an invitation to OSPAR and NEAFC to the forthcoming meeting in Szczecin, Poland, 27-29 June, to develop a Framework for REMPs for Polymetallic Sulphide Deposits in Mid-Ocean Ridges. Participants noted the importance of NEAFC and OSPAR perspectives being properly taken into account in the ISA REMP process; a key logic for ISA engagement under the collective arrangement. The meeting noted that OSPAR engagement in the REMP in Poland would be discussed during the OSPAR Heads of Delegation meeting in May.

Consulting on respective objectives (§6d)

4.7 OSPAR updated the meeting on its process for reporting on measures under the MPA programme (Coll Arr 18/4/2) and under the Species and Habitats recommendations (Intersessional Correspondence Group POSH). NEAFC briefly outlined the process set out in its recommendations for reporting encounters with VMEs.

Exchange of data etc. (§6e)

4.8 OSPAR presented a document (Coll Arr 18/04/01) on deep sea sharks as a follow up to the work agreed to be carried out intersessionally since the third meeting under the collective arrangement. The document included 7 possible joint actions between OSPAR and NEAFC aiming to improve the information available on these species.

4.9 NEAFC set out its recommendations on protection of deep sea sharks, rays and chimeras as well as other protected (pelagic) shark species. It also outlined a recent assessment of deep sea fisheries that showed a decline in both effort and catch of such deep sea species over the last 10 to 20 years. NEAFC also underlined the practical difficulties of getting accurate data on shark (by)catch, including with different national practices on recording. NEAFC also explained the current situation with Vessel Monitoring System (VMS) data (no log-book data was held by the Secretariat) with potential improvements over the next years as an Electronic Reporting System was being introduced. NEAFC also noted that much of the apparent infractions of VME closures reported by NGOs and others, based on Automated Identification Systems (AIS) data, turned out to be false positives on closer examination of other data sources.

4.10 ICES presented its work on fisheries advice, sharks and ecosystem overviews. It explained that it was hoping to publish simpler advice on the deep sea species for the next NEAFC Annual Meeting. ICES also explained that it would be considering the issue of comparing the use of AIS versus VMS data at an ICES working group on data in Aberdeen in August 2018.

4.11 In discussion, the Contracting Parties (of both organisations) welcomed the focus collaboration through the collective arrangement on a practical issue such as improving the knowledge base on deep sea sharks. The importance of good data on such species was noted, with the ultimate aim to improve on the current prohibition of targeted fishing to avoiding bycatch, if ICES were able to produce such advice based on the data, and to implement other conservation measures as relevant to improve the status of the species. ICES underlined the need for a dialogue process between data providers, and those developing and receiving the advice to end up with something useful and implementable.

4.12 In conclusion, the meeting requested the Secretariat of OSPAR, with advice from the Secretariat of NEAFC, to draft a joint ICES advice request on deep sea sharks to submit to the October PECMAS meeting (cf. Action 5 and 7 of Coll Arr 18/04/01). Depending on considerations at PECMAS there was potential for a proposal to then be submitted by PECMAS to the NEAFC Annual Meeting. The meeting concluded that the
discussion of the meeting had achieved an action of bringing deep sea sharks for discussion to the agenda
with the aim to share all currently available information (cf. Action 1 Coll Arr 18/04/01).

4.13 In the discussions it was also suggested that under this item future meetings could exchange
information of relevance to the respective roles of the two organisations in the High Seas. This for instance
could include any information NEAFC held on species/habitats of interest to OSPAR or information held by
OSPAR on potential impacts on NEAFC regulated fish/fisheries, such as on pollution, plastics or climate
change.

Superjacent Areas (§6f)

4.14 No issue was raised under this item.

Agenda Item 5 - Communication

5.1 The Secretariats updated the meeting on the approach adopted for online information related to the
collective arrangement. For the present, both NEAFC and OSPAR websites would hold mirrored information
on the collective arrangement. Attendees noted that no separate website would be set up.

5.2 The Secretariats would continue to highlight the collective arrangement in relevant fora, as guided by
their respective Contracting Parties.

Agenda Item 6 - Reporting of this meeting and future arrangements

6.1 This aide membre serves as a report of the meeting and will be made available via OSPAR and NEAFC
websites.

6.2 The participants concluded that the meeting had been successful in achieving its objectives,
welcoming the active engagement of observers from Abidjan Convention, Cartagena Convention, ICCAT,
ICES and NAMMCO, in particular.

The following points were noted with respect to reflections at the meeting:

- OSPAR Secretariat, with advice from NEAFC Secretariat, would draft a document to table at the
  NEAFC Permanent Committee on Management and Science proposing a joint NEAFC-OSPAR
  request to ICES on deep sea sharks (potentially for improving knowledge and for advice related
to reducing bycatch);

- OSPAR would consider the views expressed during the collective arrangement discussion on
  the development of the NACES HS MPA proposal, in particular in relation to information on
  fisheries activity, and cooperation with relevant fisheries management organisations;

- NEAFC would consider the invitation to provide information on fisheries activities relevant to
  the area that OSPAR was considering in relation to developing the NASCES HS MPA;

- OSPAR would discuss participation at ISA REMP meeting in Poland in June at the upcoming
  Heads of Delegation meeting;

- OSPAR/NEAFC should prepare to report back on issues of relevance to each other (in the high
  seas) under the Agenda item 4 at the next collective arrangement meeting;

- NEAFC and OSPAR Secretariat would continue to highlight the collective arrangement at
  relevant fora and to promote regional cooperation;

- The 4th meeting was a concrete example of how important this forum can be towards
  achieving better concerted actions and improving regional and cross-sectoral dialogue.

Arrangements for the next meeting including substantive issues and possible hosting arrangements
Participants noted that there remained a *rationale* to maintain an annual meeting given continuing developments. Sweden’s offer to host the next meeting under the collective arrangement in 2019 was gratefully accepted. It was suggested that in advance of the next meeting, key issues that needed a collective approach could be identified for discussion.

**Agenda Item 7 - Any other business**

7.1 No issue was raised under this item.

**Agenda Item 8 – Closing of the meeting**

8.1 The Co-chairs thanked the Hosts for the excellent facilities, refreshments and evening dinner. Participants were thanked for their active engagement in the meeting and wished a safe journey home.
COLLECTIVE ARRANGEMENT
LONDON, 7-8 May 2018

LIST OF PARTICIPANTS

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Apologies: Belgium, Arctic Council, CCAMLR, FAO, HELCOM, IMO, NASCO, UNEP

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Annex 2

Annotated agenda
Fourth meeting under the collective arrangement

Start of the meeting 13:00 7 May 2018
Close of the meeting 16:00 8 May 2018
Venue: Ministry of Fisheries (BMEL), Berlin, Germany

Agenda Item 1 – Opening of the meeting and procedural issues
1.1 Opening of the meeting and opening statements
   The meeting will be opened by the NEAFC President Mr Jacques Verborgh and the OSPAR Vice Chair Richard Cronin. Opening statements from the co-chairs.
1.2 Introductions (Tour de Table)
1.3 Election of the Chairs
1.4 Adoption of the agenda.

Agenda Item 2 – Updates and information sharing
Interventions and short presentations are welcome to provide updates that would be of relevance and interest to participants of the meeting.
2.1 From NEAFC and OSPAR as partners to the collective arrangement.
   • This will be a summary of OSPAR and NEAFC as organisations, e.g. objectives, activities, ongoing collaboration processes.
2.2 From other competent international organisations relating to the North-East Atlantic;
   This will include written or verbal updates from relevant organisations.
2.3 Regarding other relevant international processes
   • FAO presentation.
   • Information on UN Biodiversity Beyond National Jurisdiction 2018 Conference.
   • Update on the Sustainable Oceans Initiative Global Partnership
   • Update on the Building International Partnership to Enhance Science Based Ecosystem Approaches in support of Regional Ocean Governance meeting.
Update on OSPAR the cooperation with Cartagena Convention

2.4 Regarding relevant national developments
- National representatives from NEAFC and OSPAR invited to speak or provide presentations.

Agenda Item 3 – The collective arrangement

3.1 Information on amendments to Annex 1
a. Competent international organisations should inform each other of any new area that they notify as being covered by this collective arrangement, as well as of any area being removed from being covered by this collective arrangement and any change regarding the border or status of an area previously notified. Annex 1 should be updated in accordance with such information (CA §2)

b. OSPAR update on progress on its programme on Marine Protected Areas.
- NEAFC update on VMEs and fisheries closure areas.

c. Competent international organisations should also inform each other of any amendments to Annex 2

Memoranda of Understanding and other bilateral cooperation arrangements between competent international organisations (CA §4b)
- Points as they arise
- New Memorandum of Understanding between OSPAR and London Convention

3.2 The expansion of the collective arrangement to include other competent organisations

The collective arrangement is not intended as a bilateral arrangement. This sub-item is to allow for a discussion on progress in approaching other international competent organisations.

- NEAFC Secretary and OSPAR Executive Secretary to provide observations on opportunities.
- Other reflections on any global developments.

3.3 Reflections from observing competent organisations

Observing international competent organisations will be provided the opportunity to provide reflections on sub-item 3.2

- Invite any competent organisations to provide further information.

3.4 Promoting the collective arrangement as an example for ocean governance

- Relevant Updates from the Secretariats
- Germany to present a project the collective arrangement as an example of collaboration on ocean governance between RSCs and RFMO.
- Norway to present its current work with IUCN in the Caribbean

Agenda Item 4 – Issues under §6 of the collective arrangement

Using the framework provided by the collective arrangement text, in particular §6a-f, the meeting should consider the types of questions raised to the attention of each of the relevant organisation.

4.1 Information on science and use of scientific advice (§6 a)

Inform each other, as appropriate, of any relevant updated scientific information and environmental
assessments and monitoring data;

- Invited speaker from the ATLAS project to speak about North Atlantic VMEs, EBSAs and MPAs in a changing ocean.
- Other reflections from participants on developments under item 4.1.
- Or could do the ICES item here...

4.2 Information on proposed human uses §6 b)

Notify and inform each other of existing and proposed human uses relating to any area in Annex 1;

- Other reflections from participants on developments under item 4.2.

4.3 Cooperation on Environmental Impact Assessments etc. (§6c)

Cooperate, where appropriate, on environmental impact assessments, strategic environmental assessments and equivalent instruments;

- Updates from participants on developments under item 4.3.

4.4 Consulting on respective objectives (§6d)

Consult annually to review their respective objectives in relation to the areas listed in Annex 1, the status of the areas concerned and existing measures;

- Implementation of actions within the Recommendations for the protection and conservation of OSPAR listed Species and Habitats.
- Implementation reporting of measures for OSPAR MPAs
- Updates from participants on developments.

4.5 Exchange of data etc. (§6e)

Cooperate to obtain a better knowledge of the areas concerned through, where appropriate, developing exchange of data, sharing of databases and collecting data in standardised formats;

- Potential for collaboration on respective conservation measures for deep-sea sharks between OSPAR and NEAF C
- Developments on data in NEAF C.
- Update on work with AIS data.
- Updates from participants on developments.

4.6 Superjacent Areas (§6f)

Consult the coastal State in those cases where the areas listed in Annex 1 are superjacent to areas under national jurisdiction, as appropriate.

- Updates from participants on developments.

4.7 Issues brought forward by observer organisations

Observer organisations will be invited to raise any matter relevant to the competence of NEAF C and OSPAR respectively

Agenda Item 5 – Communication under the collective arrangement

5.1 Communications between the competent international organisations

5.2 Joint external communication by the competent international organisations
Web-page presenting the collective arrangement with mirrored content on OSPAR website and NEAFC website

Agenda Item 6 – Reporting and future arrangements

6.1 The process for reporting

The meeting will agree on the process for reporting of the meeting.

6.2 Actions arising from the meeting

6.3 Arrangements for the next meeting including substantive issues and possible hosting arrangements

Agenda Item 7 – Any other business

The meeting participants may raise any other issues relevant to the collective arrangement under this agenda item.

Agenda Item 8 – Closing of the meeting