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

Agenda Item 1 and overview of Initial discussions

1.1 The second meeting under the collective arrangement was held 20-22 April 2016 in Longyearbyen, Svalbard, at the kind invitation of the Government of Norway.

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 of FAO and UNEP participated as observers. A list of participants is at Annex 1.

1.3 Apologies were received from the OSPAR Chair, the European Commission, the Secretariats for the IMO the IMO, CAFF and PAME.

1.4 The NEAFC President welcomed the meeting to Spitzbergen for the second meeting, in particular noting the representation of OSPAR and NEAFC Contracting Parties.

1.5 Laura Piriz, OSPAR vice Chair and Johan Williams, NEAFC President were elected as co-chairs for the meeting.

1.6 In their opening remarks, the co-chairs emphasised the significance of the meeting both for the organisations involved, but also in a global context. The process was of great interest in other regions to see what lessons could be transferred as a way to address challenges in achieving sustainable development through an ecosystem approach. Given the realities of sectoral governance structures, this would necessitate cooperation. The collective arrangement was an approach, which was learning from previous experience, a paradigm shift – an expression of the ecosystem approach at the institutional level.

1.6 The agenda was adopted as presented (See Annex 2) and it was agreed that the report would be non-attributory.

1.7 A series of presentations were made by the host nation, Norway:

a. The MAREANO mapping project – an inter-ministerial cooperation between five ministries;

b. The Svalbard management system and legislation presented Helene Mokelbost, Legal advisor, for Environment Protection;

c. An introduction to the integrated marine management plans in Norway;

d. A case study on achieving sustainable management of transboundary fish stocks through cooperation.

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

2.1 Presentations were made on NEAFC’s and OSPAR’s aims and objectives and on the background to the collective arrangement. The presentations triggered a number of questions. Issues discussed included:
the nature of the measures taken by the organisations (legally binding or not and binding to whom) – An article by Stefan Asmundsson “Limitations on the freedom to fish on the high seas and the role of RFMOs” http://neafc.org/other/10385 was highlighted in the discussion;
how each organisation dealt with compliance;
the extent of NEAFC closures – clarification that they apply to bottom fishing – but other fishing takes place;
mandates to cover management of fish stocks that move between national and international waters;
the types of measures that OSPAR has taken in MPAs in ABNJ.

Agenda Item 3 – the collective arrangement

3.1 Following the first meeting under the collective arrangement, a complete version of the text had been completed, including the nomination of selected areas by NEAFC and OSPAR in Annex 1, and submission of information regarding bilateral arrangements in Annex 2. The document is available on the websites of both organisations (http://www.ospar.org/documents?v=33030 and http://neafc.org/system/files/Collective_Arrangement.pdf)

Update on information submitted to Annex 1 on “selected areas”

3.2 No amendments were made to Annex 1.
3.3 Updates were provided by both organisations on on-going or future work of relevance.
   a. NEAFC would be considering sunset clauses for two closed areas that were subject to review in 2017.
   b. OSPAR had been considering a draft proposal for the nomination of a High Seas MPA in the high Arctic. The proposal concerned the most northerly part of the OSPAR maritime area outside of national jurisdiction and focused on the ice and pelagic habitat and sitting within the area endorsed as an EBSA by the CBD. However no decision for the proforma to be finalised from its draft form had been taken.
   c. In addition, the OSPAR technical group concerned with MPAs would, in 2016/2017, be evaluating new information on areas that are important for seabirds.
3.4 Portugal informed the meeting on progress made under the MSFD to establish national legislation for a deep sea MPA network, including on the extended continental shelf. Portugal would be proposing that OSPAR adapt the limits of one of the MPAs in ABNJ to align with the new Portuguese MPA. Any agreement would affect the information provided in Annex 1 of the Collective Arrangement.

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

3.4 No amendments were made to Annex 2.

Expansion of the collective to include other competent organisations/ reflections from observing competent organisations

3.5 It has always been the intention that the collective arrangement should include a wide group of competent international organisations, so the aim continued to be to expand it to others, with priority given to the International Seabed Authority (ISA) and the International Maritime Organisation (IMO). The following updates were discussed:
   a. The collective arrangement had been tabled for consideration by France and Norway at the Marine Environment Protection Committee of the IMO and discussed in May 2015. This was followed by consideration by the IMO Council in June 2015. At the Council the proposal faced opposition from some countries and was not passed. Nevertheless IMO Member States
would be able to re-table this issue at the Council in the future. The Secretariat continues to engage with the IMO Secretariat on this and other issues.

b. The ISA had considered the collective arrangement on several occasions. Following the 2014 Council meeting and attendance at the first meeting under the collective arrangement, the ISA Secretariat liaised with the Secretariats of OSPAR and NEAFC and prepared a document for further discussion on the ISA Council session in 2015. At the Council, while several delegations encouraged the Authority to continue its consultation with OSPAR/NEAFC, some delegations considered that joining the collective arrangement at this stage would be premature. Nevertheless the ISA Secretariat were enabled to continue informal contact, and indeed provided written input to this second meeting describing progress of relevance at the ISA. The meeting was also updated on a workshop that was held in the Azores towards the development of a strategic Environmental Management Plan for deep seabed mineral exploration and exploitation in the Atlantic basin, attended by the OSPAR Secretariat.

c. Potential participation of the International Commission for the Conservation of Atlantic Tunas (ICCAT) in the Collective Arrangement was welcomed, noting however the limited direct links to current objectives of area based management in the High Seas of the North East Atlantic as the activities that ICCAT manages have limited impact on the seafloor. The main relevance for ICCAT of cooperation and coordination under the Collective Arrangement would likely be relating to bycatch issues.

3.6 It was noted that NEAFC and OSPAR both needed to coordinate support for the Collective Arrangement in this process, noting the on-going developments regarding a potential implementation agreement under the UN Convention on the Law of the Sea, on Biodiversity Beyond National Jurisdiction, would also be relevant. Coordination should go beyond messages via OSPAR/NEAFC Heads of Delegation to direct contact with representatives at the other fora and the support and coordination of other RSC or RFMO organisations with similar aims. The useful role of various authorities’ Secretariats being involved informally in the process was also highlighted. Updates on the content of the collective arrangement could also be of use.

3.7 The following actions were agreed as a means to help progress communications relating to the collective arrangement:

- Any updated information (such as on the selected areas) to be passed on via existing MOUs between organisations on behalf of OSPAR/NEAFC;
- Secretariats to continue to liaise with and update Secretariats of IMO and ISA;
- Contracting Parties to promote new participation in the collective arrangement and provide updates during formal sessions as appropriate.

Reflections from observing competent organisations

3.8 The United Nations Environment Programme (UNEP), Regional Seas Programme secretariat provided an update on the processes on-going on within other regions, including engagement between Regional Fisheries Management Organisations (RFMOs) and Regional Seas Commissions (RSCs). Information on the Sustainable Oceans Initiative meeting planned for October 2016 in Seoul, Republic of Korea on the issue of fisheries-environment cooperation was also shared.

3.9 The Food and Agriculture Organisation of the UN (FAO) informed the meeting about on-going cooperation between the UNEP Mediterranean programme and the General Fisheries Council of the Mediterranean. FAO also pointed out that the Regional Fisheries Bodies Secretariats Network were also showing an interest in this issue and would discuss it at its meeting in July 2016.
Agenda Item 4 – issues under §6 of the collective arrangement

4.1 Using the framework provided by the collective arrangement text, in particular §6a-f, the meeting considered questions raised to the attention of each of the two organisations under the following headings:

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

4.2 The following issues were raised:

- NEAFC explained that it was reviewing some aspects of its relationship with ICES following the 2014 NEAFC Performance Review. However, an explicit decision had been made in 2015 to reconfirm that NEAFC intended to maintain a very clear distinction between the policy and management role of NEAFC and the scientific role of ICES.
- OSPAR highlighted its current work on noise, (ambient and impulsive), physical damage impacts and cumulative effects analysis.
- Portugal updated the meeting on its new legislation and proposals on MPAs linked to the areas considered under the collective arrangements.

The discussion included useful practical advice on data submissions to ICES for the assessment of fisheries activities and physical impacts.

Information on proposed human uses (§6b)

4.3 The following issues were raised:

- NEAFC described its planned new system for electronic reporting (ERS). This would cover various types of information, and the main purpose was to strengthen enforcement efforts. NEAFC also described its process to ensure real-time monitoring of vessels by flag States, and with input from the NEAFC Secretariat, to prevent bottom fishing in areas where such fishing is not authorised.
- NEAFC explained its approach to managing the different approaches for differing stocks and their presence in high seas versus in national jurisdiction.
- NEAFC described the process for 3 proposals for exploratory bottom fishing which had gone through a 3 stage assessment in line with Recommendation 19:2014, as amended, on the protection of vulnerable marine ecosystems in the NEAFC Regulatory Area;
- Parties exchanged information on marine litter, with consideration of relevance for both OSPAR and NEAFC’s objectives, including work that NEAFC had taken initiative on to collate information on lost and abandoned gear as a contribution to the OSPAR Regional Action Plan on Marine litter.
- Information was also shared on issues relating to deep sea mining, including progress towards a Strategic Environmental Management Plan in the Atlantic (SEMPIA) for deep-sea mineral exploitation, a new Horizon 2020 Project, ATLAS (A Trans-AtLantic Assessment and deep-water ecosystem-based Spatial management plan for Europe) that was due to start in May 2016.
- IMO had provided an update on issues of relevance.

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

4.4 Where environmental or strategic environmental impact assessments of relevance are occurring information on areas affected, the types of activities occurring and background information should be shared. However at this stage the exact details of what was likely were not clear.

- NEAFC shared information on its assessments of three proposed exploratory bottom fisheries.

Consulting on respective objectives (§6d)

4.5 This issue was not discussed in detail as it was felt to be addressed through other discussions.
Exchange of data etc. (§6e)

4.6 This was felt to be an area to develop further in future meetings. In the discussion exploring the types of data sharing that could be relevant, Portugal explained that it was getting information on its VME areas via NGOs. It was noted that good procedures for exchanging data would be useful for Marine Spatial Planning and other mapping for sustainability assessment.

Superjacent Areas (§6f)

4.7 The meeting acknowledged the on-going process relating to national jurisdiction over continental shelves beyond 200 nautical miles was an issue that needed to be taken into account in the governance of the oceans. The provision to consider this within the collective arrangement was welcomed. There were a number of examples provided by Contracting Parties where there were apparently overlaps of jurisdiction. It was noted that both OSPAR and NEAFC actions were taken without prejudice to the rights of the coastal State. It was however noted that some measures might need adaptation for situations where they are applied in areas where the seafloor and the superjacent water column have different jurisdictional status.

4.8 The meeting considered that for the next meeting under the collective arrangement it could be interesting to consider a list of examples of where there are measures in place where there are such issues of split jurisdiction.

Agenda Item 5: Communication

5.1 The Secretariats would continue to coordinate on matters relating to the implementation of the collective arrangement. Formal notifications as concerns the collective arrangement would continue to be sent from the President or Chair on behalf of the respective organisation.

5.2 Opportunities should be identified to present the collective arrangement to appropriate meetings at other regional and global fora.

5.3 The information paper on the process of forming a cooperative mechanism between NEAFC and OSPAR, produced by UNEP should be uploaded to the websites of both organisations. ¹

5.4 The OSPAR Secretariat was requested to investigate the possibility to establish a joint web page to share information on the collective arrangement and be jointly administered by both Secretariats.

5.5 The Secretariats were requested to increase efforts to communicate with other relevant competent organisations including via existing MoUs or other bilateral arrangements. Contracting Party representatives agreed to increase communication with their counterparts working with the appropriate organisations.

Agenda Item 6: Reporting of this meeting and future arrangements

6.1 This aide memoire serves as a report of the meeting and would 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 those Contracting Parties present. It was agreed to build on the momentum with a third meeting in 2017, the date and venue to be arranged. Any Contracting Party wishing to host this meeting should contact either Secretariat. The following points were noted with respect to reflections for the meeting and how to progress this work:

- The exchange of views was very important, recognising there was still progress to be made in achieving coherent views within administrations;
- A more regular exchange of information between meetings via nominated focal points would be helpful to facilitate national coordination efforts;

¹ This has subsequently been done http://neafc.org/other/15790 and http://www.ospar.org/documents?v=35111
Future meetings could consider more concretely on how particular questions raised through this process could be addressed, recognising respective mandates;

There was particular mention that the effect of climate change could be a subject for further discussion, given the future implications for fisheries and environmental protection.

There was a need to improve engagement of Contracting Parties and other competent organisations. This would include implementation of the 3-point plan on engagement described in §3.7;

Agenda Item 7: Any other business

7.1 There was no other business.