OSPAR CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC

MEETING OF THE BIODIVERSITY COMMITTEE (BDC)

THE HAGUE (NETHERLANDS): 25-29 FEBRUARY 2008

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MEETING OF THE BIODIVERSITY COMMITTEE (BDC)

THE HAGUE (NETHERLANDS): 25-29 FEBRUARY 2008

Summary Record

Opening of the Meeting

0.1 The 2008 meeting of the Biodiversity Committee (BDC) was held in The Hague at the kind invitation of the government of the Netherlands.

0.2 Mr. Marc Sieval, Head of the Unit Planning and Advice at the North Sea Directorate, was pleased to welcome delegates to The Hague, a city located below sea level on the North Sea coast and famous for its beach, parliament and Royal Palace.

0.3 Mr Sieval noted the many important items on BDC's agenda – such as the application of ecological quality objectives, spatial planning, Marine Protected Areas and marine litter. In addition, BDC was requested to provide input for the biodiversity section of the Quality Status Report 2010 (QSR 2010), a report which may cover the assessment requirements of the European Marine Strategy Framework Directive and which will be a key product at the next OSPAR Ministerial Meeting in 2010.

0.4 BDC has an important role in implementing the biodiversity aspects for the Marine Strategy Framework Directive, because it has the knowledge and experience to put items on the political agenda. Mr Sieval highlighted two important examples: Firstly, the good environmental status of the Directive has to be achieved in 2020, but must be described as early as 2012 so rapid action is needed. Ecological quality objectives can play an important role in defining the good environmental status and thus work already done can provide a good starting point. Secondly, the five OSPAR regions can form the basis for the sub-regions that will be used as management units for the marine strategies. These sub-regions need to be defined under the directive, preferably working through OSPAR to ensure coordination - a process which might require an evaluation of the current structure of BDC and even of the whole OSPAR structure.

0.5 Mr Sieval acknowledged that a week of hard work lay ahead, but he expressed his conviction that the work that BDC would carry out would lay a strong foundation for OSPAR's articulation with the MSFD.

0.6 Mr Sieval informed delegates that this was the last meeting in the building of the former national institute for coastal and marine management which had hosted many OSPAR meetings and that when leaving the building it would be the last opportunity for OSPAR delegates to see the royal stables opposite.

0.7 Mr Sieval wished BDC every success for its meeting and delegates a pleasant, inspiring and active stay in The Hague.

Representation at the Meeting

0.8 The meeting was chaired by Dr Chris Vivian (United Kingdom), and was attended by representatives from the following:

a. Contracting Parties

Belgium, the European Community (EC, represented by the European Commission), France, Germany, Iceland, Ireland, the Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland (UK);

b. Intergovernmental Observer Organisations

the International Council for the Exploration of the Sea (ICES);

c. Non-Governmental Observer Organisations

BirdLife International, the Central Dredging Association (CEDA), EUCC – The Coastal Union, the European Boating Association, Friends of the Earth International, KIMO International, and the World Wide Fund for Nature (WWF).

Apologies for absence had been received from Denmark. A list of participants is at Annex 1.

Agenda Item 1 - Adoption of the Agenda

BDC 08/1/1

1.1 The draft agenda for the meeting (BDC 08/1/1) was adopted without amendment. A copy of the agenda together with a list of documents presented to the meeting is at Annex 2. A list of actions arising from the meeting is at Annex 3.

Background Material

BDC 08/1/Info.1

1.2 BDC noted, as background information, the BDC 2007/2008 programme of work (BDC 08/1/Info.1).

Agenda Item 2 – Strategic Considerations

BDC 08/2/1, BDC 08/2/2

Ecosystem approach review

2.1 The Secretariat presented BDC 08/2/1 that recalled the genesis of an ecosystem approach within OSPAR culminating in the Joint OSPAR-HELCOM Ministerial Statement on the Application of the Ecosystem Approach in 2003. A mandate for the 'application of an integrated ecosystem approach' is given in Articles 2, 3 and 4 of Annex V to the OSPAR Convention. However, while the scientific and socio-economic background of the ecosystem approach has been elaborated within OSPAR, there is still work to be done as regards practical implementation arrangements. In contrast to OSPAR, HELCOM and UNEP-MAP have made recent concerted initiatives to address their ecosystem approach obligations.

2.2 The Secretariat recalled a case made by WWF (BDC 00/9/1) based on the QSR 2000 for a regionalised ecosystem approach using OSPAR's sub-regional units and suggested that this might now be re-evaluated together with guidance set out previously in BDC 05/2/1.To this end it was suggested that the proposal from the UK for a biological monitoring framework, adopting a PSR methodology, offers a framework for delivering the ecosystem approach (BDC 08/04/13). Furthermore, this cross cutting requirement should not be divorced from obligations for EU Member States under the recently agreed Marine Strategy Framework Directive (MSFD) (see Agenda item 7 and BDC 08/4/5).

2.3 Iceland explained their support for the ecosystem approach as reflected in an official Icelandic government policy document on ocean matters including an ecosystem approach to fisheries. Management of the utilisation of living marine resources in Icelandic waters has to a significant extent reflected the elements comprising the ecosystem approach. However, Iceland stated clearly that it is not a member of the EU, will not be bound by the MSFD and does not accept the application of MSFD tools, criteria, methods or indicators into OSPAR programmes.

2.4 The EC informed BDC that the MSFD would be formally adopted by the European Council during March, to be signed on 22 April 2008 and published in the Official Journal shortly afterwards. Thanks were due to the Portuguese Presidency of the EU for establishing a compromise between the positions of the Parliament and Council, especially concerning the specific text for Good Environmental Status. The MSFD embodied the ecosystem approach and sought active involvement of the regional seas conventions. In this respect both the need to harness marine observations and data, together with the importance of marine spatial planning as a tool for economic development were highlighted.

2.5 In considering the merit of sub-regional action plans based on applying the ecosystem approach, delegations put forward a range of views:

a. Germany noted that the OSPAR sub-regions, ICES eco-regions and Dinter biogeographic regions differ, and such differences should be considered and, if possible, resolved;

b. the Netherlands stated that the ecosystem approach will be emphasised at a HOD Workshop planned for May 2008. Their preference was to review and establish a revised framework for the whole OSPAR region before considering sub-regional action plans;

c. the UK were supportive of the sub-regional approach, but suggested that further consideration was needed as any sub-regions must be ecologically meaningful. The UK also expressed the view that OSPAR will be potentially important to the delivery of the MSFD and BDC could undertake a synergy and gaps analysis to contribute to discussion at the strategic workshop to be held by OSPAR HODs in May 2008;

d. WWF considered the ICES eco-regions to be more sophisticated than the OSPAR sub-regions, but stated that in their view Member States must show collective responsibility during implementation of the MSFD concerning biogeographical areas. WWF were concerned that the compromise reached by the European Parliament and Council had weakened collective responsibility and this was a specific strength of OSPAR.

2.6 In terms of developing proposals for OSPAR 2008 for steps towards the practical implementation of the ecosystem approach the EC considered that recalling the 2003 Ministerial agreement was a good reminder. BDC as the leading policy committee within OSPAR concerning the ecosystem approach should give a steer concerning integration, taking into account ecosystem structure, processes and interactions. It was important to decide what was most critically important to the environment and the significance of a particular issue. There was a risk of considering many different aspects without critically evaluating their functions. Establishing priorities would ensure sustainable use.

2.7 Given the importance of the impending HOD Workshop, BDC agreed a briefing for the Chair of BDC to provide detailed input concerning elements of BDC work of relevance to the MSFD as at Annex 4.

Valuation of the marine environment and socio-economic analysis

2.8 BDC noted an academic paper reporting within a project to establish a biological valuation map for the Belgian part of the North Sea. Analyses of this type are increasingly informing the ecosystem approach. For example the NEAFC Fisheries Status Report will take socio-economic considerations into account. BDC agreed that the value of biodiversity is a topic that will need to be highlighted in future and that this should be reflected in the QSR as a future area of work for OSPAR.

Agenda Item 3 – Ecological Quality Objectives (EcoQOs)

BDC 08/3/1 – BDC 08/3/4

Evaluation of the results of the EcoQO system in the North Sea

3.1 Mr Peter Heslenfeld (Netherlands) as Convenor of the Intersessional Correspondence Group on EcoQOs (ICG-EcoQO) presented a report on the evaluation of the results of the EcoQO system in the North Sea (BDC 08/3/1). The report had been prepared by the ICG-EcoQO during and after a meeting hosted by the Netherlands on 16-17 January 2008 and drew on evaluations of the monitoring data in relation to the individual EcoQOs, which had been prepared by lead countries and were included as Annexes as follows:

a. spawning stock biomass of commercial fish species in the North Sea (Norway) at Annex 3

b. harbour and grey seal EcoQOs (UK) at Annex 4;

c. harbour porpoise by-catch (UK) at Annex 5;

d. oiled guillemots (Netherlands) at Annex 6;

e. imposex in dogwhelks (Belgium) at Annex 7 and prepared under the ASMO work programme;

f. eutrophication EcoQOs (Netherlands) at Annex 8 and prepared under the EUC work programme.

3.2 BDC noted that data provided by North Sea Contracting Parties for the Harbour Porpoise and Harbour Seals remained insufficient to draw conclusions on environmental status in relation to these EcoQOs across the North Sea. The report included a comparison between MSFD Good Environmental Status, the Baltic Sea Action Plan and the OSPAR strategies prepared by the HELCOM and OSPAR Secretariats and the Netherlands at an informal meeting held in January 2008, drew conclusions on the utility of the EcoQO

system and proposed recommendations to OSPAR on the future role of EcoQOs in the context of the EC MSFD. The convenor drew attention to the fact that a small number of Contracting Parties had worked together for many years on developing the EcoQO approach, which was now mirrored in the GES concept under the EC MSFD and invited the other Contracting Parties to commit to the future work. He drew attention to an initial proposal for an OSPAR Recommendation on EcoQOs and encouraged BDC to consider how best to secure commitment to future implementation of EcoQOs.

3.3 BDC warmly thanked the convenor and the participants of the ICG-EcoQO for their work in preparing the evaluation report and developing a significant set of recommendations to be considered. In an initial discussion of the recommendations set out in the report, BDC noted the following views:

a. as much of the MSFD as possible should be delivered in a regional context and there was a need for a process in the OSPAR Region for delivering GES. In this respect, EcoQOs offered an approach that could be built on;

b. although GES was essentially concerned with quality status, the associated targets and indicators could address pressure;

c. in future work relating to EcoQOs and GES, OSPAR should be the forum for the exchange of practice between sub-regions. France invited the Contracting Parties beyond the North Sea to develop an initiative to build the capacity to develop a system in these areas, respecting that the MSFD introduced a new imperative for EC member states (cf. §10.4). This was supported by KIMO who urged Contracting Parties to make resources available to implement EcoQOs outside the North Sea Region at the earliest opportunity;

d. the recommendations on EcoQOs should also be considered in relation to the work on organisation of biodiversity assessment and monitoring (c.f. § 4.12).

3.4 On the basis of the ICG-EcoQO's recommendations, a drafting group including the European Commission, France, Germany, the Netherlands, Norway, Sweden and the UK prepared initial conclusions on:

a. the integration of EcoQOs into the future OSPAR framework;

b. whether an OSPAR Recommendation on EcoQOs could be further developed. In this context, BDC noted that:

   (i) an OSPAR Recommendation on EcoQOs should flag up the clear commitment needed by Contracting Parties to implement the [North Sea] EcoQOs primarily focused on monitoring and assessment, but could also address the need to develop systems of indicators and targets beyond the North Sea. Whether such a Recommendation should include actions and measures remained an area that needs to be decided upon.

   (ii) the proposed Recommendation, was mainly targeted at the existing EcoQOs being applied in the North Sea which Contracting Parties have already committed to implement under the JAMP and OSPAR agreement 2006-4. What needs to be addressed primarily is that Contracting Parties meet their existing commitments

c. how the actions recommended to BDC could be implemented;

d. BDC's recommendations to OSPAR.

3.5 Following consideration of these initial conclusions, BDC <u>agreed</u> that the report on the evaluation of the North Sea EcoQOs, amended as necessary, should be forwarded to OSPAR 2008 with the recommendations to OSPAR and associated implementing actions under the following headings.

Recommendation 1: Integration of the EcoQOs into the future OSPAR policy framework

3.6 On the Integration of the EcoQOs into the future OSPAR policy framework, BDC agreed to recommend to OSPAR 2008 that:

a. in the future OSPAR policy framework, EcoQOs should be set in the context of further defined GES descriptors, that are clearly communicable ("policy objectives") as has been done in the Baltic Sea Action Plan;

b. OSPAR should establish such a system of policy objectives to be launched at the 2010 Ministerial Meeting. Policy objectives provide the framework within which more technical expression of desired ecological quality can be defined.

3.7 To help explain the concept of these policy objectives, BDC agreed that **the ICG-EcoQO should define examples of these policy objectives for the HOD workshop in May 2008**, as part of the work on organisation of biodiversity monitoring and assessment, through the clustering of pressures and effects related to EcoQOs, taking into account that other elements of the JAMP are also relevant to the GES descriptors. BDC noted that the OSPAR publication "Working for a healthy North Sea" provides a starting point for such qualitative policy objectives in relation to EcoQOs although these were not specifically defined in relation to the GES descriptors

Recommendation 2: Integration of EcoQOs with the work to make the concept of good environmental status (GES) under the EC MSFD operational

3.8 In relation to EcoQOs and the EC MSFD, BDC agreed to recommend to OSPAR 2008:

a. that, as demonstrated through their application in the North Sea, the following EcoQOs, where applicable, provide a valuable, tested, starting point for the requirements of the MSFD:

(i) spawning stock biomass of commercial fish stocks;

(ii) harbour and grey seal populations;

(iii) by-catch of harbour porpoises;

(iv) oiled guillemots;

b. EcoQOs for (i) plastic particles in seabirds' stomachs and (ii) proportion of large fish are available and the contribution that could be made by these EcoQOs to the MSFD should be reconsidered following the development of the contribution to the improved evaluation of the results of the EcoQO system in the North Sea (2008-2009) and the development of the relevant implementation guidance for inclusion in the EcoQO Handbook;

c. as part of preparations for the OSPAR Ministerial Meeting for 2010, OSPAR should put in place work to:

(i). define a clear vision reflecting the Ecosystem Approach to management encompassing these EcoQOs as tools;

(ii). include the EcoQOs as an integral part of the future OSPAR framework, taking into account the potential of the EcoQO approach to contribute to action plans for the OSPAR (sub) regions. These action plans could define OSPAR's input to the MSFD;

(iii). embody clear and achievable commitments to the monitoring of EcoQOs in any redefinition of the OSPAR JAMP and the coordinated parts of OSPAR's monitoring programme and that these commitments should be related to GES under MSFD. A work plan including aspects addressing this need is put forward as a result of BDC's discussions on the organisation of biodiversity monitoring under Agenda Item 4 (§§ 4.8-4.16).

3.9 BDC agreed that future work on EcoQOs should be integrated with the work to make the concept of good environmental status (GES) under the EC MSFD operational and therefore, agreed to recommend to OSPAR 2008 that:

a. Contracting Parties that are EU Member States should be invited to consider the usefulness of the OSPAR EcoQO system for making the MSFD concept of GES operational in the OSPAR maritime area;

b. Contracting Parties that are EU Member States should be invited to determine as early as possible the boundaries of the Sub-Regions they will use as management units for the marine strategies under the MSFD, preferably working through OSPAR to ensure coordination.

3.10 In the context of GES, BDC agreed that OSPAR's initial role should include:

a. offering OSPAR's experience with EcoQOs to inform the work of the European Commission on defining criteria and methodological standards. In this context BDC agreed:

(i) that the EcoQO Handbook should be updated to fully document the methodologies developed and used to define EcoQOs. This should be prepared in the period between BDC 2008 and OSPAR 2008. It would be advantageous if this were done in a practical way (e.g in standard templates), hence facilitating development of new EcoQOs in the North Sea and in other Sub-Regions and Regions;

(ii) to welcome the offer of **the Secretariat and the Netherlands to lead this task, with guidance from the ICG on EcoQOs**;

b. as the MSFD will require good environmental status assessment at the level of the entire Region or Sub-region, definition of adequate methods for determining how, for the different issues, status assessment is undertaken at the largest scale (being the Sub-Region or Region) based on information collected by Member States in that Region or Sub-region on smaller geographical scales (in their different marine waters and in smaller ecological sub-units). This needs to include discussion of situations where the distribution of a given ecological quality element is very skewed (e.g. certain populations may be healthy in one sub-area but not in another). This should be included in the improved evaluations of the EcoQOs;

c. to establish a process to coordinate the development of EcoQOs and to improve the descriptions of GES for other OSPAR regions, especially III and IV (cf. §10.4).

Recommendation 3. Commitment to monitoring in relation to EcoQOs

3.11 BDC agreed to recommend that:

a. **relevant Contracting Parties are urged to meet their existing commitments on monitoring and assessment in relation to EcoQOs under the JAMP and OSPAR agreement 2006-4**;

b. the development of a coordinated monitoring programme in relation to EcoOQs (beyond that already included in the CEMP or in other frameworks) should be as part of the development of a biodiversity and assessment monitoring programme also addressing IOL features and monitoring of MPAs (see § 4.16-4.18).

Recommendation 4: Reformulation of EcoQOs

3.12 BDC agreed to recommend the following adjustments to individual EcoQOs and agreed on the associated actions to improve implementation:

a. Seal EcoQOs

the grey seal EcoQO be revised to read:

"*Taking into account natural population dynamics, movements and trends, there should be no decline in pup production of grey seals of ≥10% as represented in a five-year running mean or point estimates (separated by up to five years) within any of nine sub-units of the North Sea. These sub-units are: Orkney; Firth of Forth; the Farne Islands; the Greater Wash; the French North Sea and Channel coasts; the Netherlands coast; the Schleswig-Holstein Wadden Sea; Helgoland; Kjørholmane (Rogaland)*."

All North Sea Contracting Parties should supply relevant data in time to the Lead Contracting Party (UK). OSPAR should consider passing the data collection and evaluation of this EcoQO to ICES.

b. Harbour porpoise by-catch

At present, there has been insufficient monitoring to evaluate whether or not this EcoQO is being met. The scale and nature of the monitoring required is related to EU Fisheries Regulation 812/2004. To address this BDC agreed to invite:

(i) **the Secretariat to initiate a discussion on improvements to monitoring standards with the European Commission and possibly ASCOBANS.**

(ii) **Contracting Parties to fulfil their currently existing legal requirements**.

c. Oiled Guillemots

The EcoQO on Oiled Guillemots was originally based upon what was achievable in relation to measures to address oil discharges from a single main shipping sector in a relatively remote area (Shetland Islands). In a marine area subject to pressures from multiple shipping sectors a revised target would be more appropriate. In the light of the current evaluation and review, BDC agreed to recommend to change the objective as follows:

"The average proportion of oiled Common Guillemots in all winter months (November to April) should be 20% or less by 2020 and 10% or less by 2030 of the total found dead or dying in each of 15 areas of the North Sea over a period of at least 5 years."

BDC agreed that **monitoring in relation to this EcoQO should be implemented by Contracting Parties parallel to the process of deciding on the new objective**.

Improved evaluation for 2009

3.13 BDC noted that OSPAR agreement 2006-4 on application of the EcoQO system in the North Sea scheduled an improved evaluation report on EcoQOs to be published in 2009 as a contribution to the QSR 2010.

3.14 BDC agreed that the improved evaluation report should provide a report on the state of the North Sea ecosystem as illustrated by the EcoQOs, to support the coverage of EcoQOs in the QSR 2010. It should be produced in a style that would suit a wider audience, *i.e.* be attractive and understandable and contain explanatory maps and graphics. The report should seek to deliver:

a. strengthened evaluations ensuring that all possible data have been included, including where possible additional data from 2007;

b. evaluations of an extended set of EcoQOs, including to the extent possible information on the following EcoQOs:

(i) contaminants in seabird eggs. The Common Wadden Sea Secretariat have been seeking to organise a North Sea pilot project;

(ii) plastic particles in seabird stomachs;

(iii) proportion of large fish.

c. an update on EcoQOs under development;

d. an analysis of gaps in the current set of EcoQOs, in relation to the GES and suggestions for EcoQOs to fill those gaps within and beyond the North Sea. This will be part of the work programme for MSFD aligned biodiversity monitoring and assessment (see § 4.13).

3.15 To assist the preparation of strengthened EcoQO evaluations, BDC agreed that data should be supplied on the following EcoQOs:

a. **Oiled Guillemots by Denmark, France, Norway, Sweden and (parts of) the United Kingdom, by 1 May 2008** (to be sent to peter.heslenfeld@rws.nl, and a copy to camphuys@nioz.nl);

b. **Harbour Seals by Denmark, Norway and Sweden[1]. New data from all Contracting Parties should be supplied by 31 January each year to the UK or ICES**;

[1] Subject to checking by the Secretariat on whether these Contracting Parties have supplied data direct to ICES WGMME

c. to invite **the Secretariat to remind these Contracting Parties to report data, as soon as possible and, if the required data are not received in time, to follow this up**.

3.16 With regards to the preparation of the improved evaluation, BDC agreed:

a. to welcome the offer of **the Netherlands to prepare arrangements for the preparation of the improved evaluation for presentation at HOD May 2008**;

b. to welcome the offer of **the Netherlands to consider whether they could lead the preparation of the improved evaluation and invited them to confirm this at the same meeting**;

c. to urge other **Contracting Parties to consider joining the Netherlands in this task and to report to HOD May 2008 as appropriate**;

d. that **the first draft should be presented to MAQ(2) 2008 and MASH 2008 and further refined so as to be ready in near final form by BDC 2009**, in accordance with the time frames for the QSR 2010 process;

e. that the report should be drafted in accordance with the guidance prepared by MAQ for the preparation of JAMP thematic assessments and the editorial guidance for the QSR 2010 and include suitable contributions for case studies on the EcoQOs for the QSR.

EcoQOs under development

3.17 BDC noted an overview of the EcoQOs under development (BDC 08/3/Info.1) and noted that the following EcoQOs were currently without a lead country:

a. local sand eel availability to black-legged kittiwakes (*Rissa tridactyla*) (c.f. § 4.22 and Annex 7);

b. density of sensitive (e.g., fragile) species;

c. threatened and/or declining species in the North Sea;

3.18 BDC welcomed information from **Norway that they planned to submit a background document on the EcoQO on threatened and/or declining habitats to MASH 2008**. The Secretariat reminded BDC that the aim of background documents was to provide the basis for recommendations to OSPAR for both adoption of the EcoQO and publication of the Background Document. BDC noted that ASMO 2007 had agreed to publish a background document on the EcoQO on contaminants in sea birds eggs, but the status of the EcoQO remained unclear. In this context, BDC examined draft background documents for the EcoQOs on:

a. proportion of large fish, presented by Norway (BDC 08/4/2). Norway emphasised that before adoption of this EcoQO there should be consultations with fisheries management authorities on how to implement this EcoQO and that advice should be sought on this issue from ICES. The Netherlands indicated that they had comments on the document and the expression of the objective;

b. plastic particles in seabirds stomachs, presented by the Netherlands (BDC 08/4/3).Germany indicated that they fully supported the EcoQO on plastic particles but had concerns that monitoring and analysis requirements which had previously been specified for EcoQO extended beyond those required for evaluation of the EcoQO and would lead to excessive costs. Furthermore they requested clarification on whether the intention was that analysis should be carried out centrally by the Netherlands or through Contracting Parties' own laboratories. The Netherlands clarified that this was at the discretion of Contracting Parties. KIMO International reminded BDC that the EcoQO had been evaluated with long term datasets and applied by a number of Contracting Parties as part of the Save the North Sea Project and questioned the need for further evaluation.

3.19 Following discussion, BDC agreed:

a. to recommend to OSPAR 2008 that the Background Document on the EcoQO on plastic particles in seabirds' stomachs should be published on the OSPAR website;

b. to invite **Norway to revise the Background Document on the EcoQO on proportion of large fish in fish communities to include a clearer definition of the objective and to address further comments from the Netherlands and to submit this to OSPAR 2008** with a view to agreement to its publication;

c. that the **Netherlands and Norway** should:

(i) **prepare guidance to Contracting Parties on implementation of each of the EcoQOs for inclusion in the EcoQO Handbook and to invite the Netherlands to take the concerns of Germany on monitoring and analytical requirements into account in developing guidance for the EcoQO on plastic particles**;

(ii) **prepare an assessment of available monitoring data for each EcoQO as a contribution to the improved evaluation report on the EcoQO system and relevant case studies for the QSR 2010**.

d. that **the Secretariat should prepare, in consultation with Norway, a letter to the EC (DG-FISH) on implementation of the EcoQO on proportion of large fish**, including questions concerning advice to be sought from ICES;

e. that following these steps BDC 2009 should consider whether the EcoQOs should be included in the future agreements in relation to the application of EcoQO system for the North Sea.

Harbour porpoise bycatch EcoQO

3.20 BDC 2008 considered the EcoQO on harbour porpoise bycatch in the light of the the commitment of North Sea Ministers under the Gothenburg Declaration to the development of fishing gear and fishing methods that will help minimise physical disturbance of the seabed and incidental bycatches of non-target fish, seabirds and other marine organisms and reduce bycatches of marine mammals to less than 1% of the best population estimate. It was noted that the lack of comprehensive and good quality bycatch data was a major stumbling block in better assessing the effectiveness of this EcoQO.

3.21 BDC 2008 agreed that there was no need to adjust the EcoQO at this time, but that in light of the Gothenburg declaration (2006), as well as the Bergen declaration (2002), previous and ongoing work by ASCOBANS, and the review of this issue by Germany, this question should be revisited when better data are available or in future work on GES.

Other Issues

3.22 BDC agreed that a product on the delivery of an EcoQO for marine litter should be included in the 2008/2009 revision of the BDC work programme.

3.23 BDC noted that an EcoQO website developed by the Netherlands was now operational and was linked to the OSPAR website page on EcoQOs.

Agenda Item 4 – Report of the Working Group on Marine Protected Areas and Species and Habitats (MASH 2007)

BDC 08/4/1, BDC 08/4/2, BDC 08/4/2-Add.1, BDC 08/4/3, BDC 08/4/3-Add.1, Add.2, BDC 08/4/4-BDC 08/4/7, BDC 08/4/7-Add.1, Add.2, BDC 08/4/8, BDC 08/4/8-Add.1, BDC 08/4/9, BDC 08/4/9-Add.1, Add.2, Add.3, BDC 08/4/10-BDC 08/4/13, BDC 08/4/13-Add.1, BDC 08/4/Info.1, Info.2, Info.3, Info.4

General

4.1 The vice-chairman of MASH, Mr Jan Haelters (Belgium), presented the report on the outcome of MASH 2007 (BDC 08/4/1), held in Brest, France (5-8 November 2007). BDC noted the issues specified in the report and agreed on the MASH activities and documents upon which BDC had been invited to take action as indicated below.

Species and habitats in need of protection

Actions and measures for the protection of species and habitats

4.2 BDC considered a summary of proposals for actions and measures for a selection of species and habitats on the IOL presented by the Secretariat (BDC 08/4/2; BDC 08/4/Info.3). This had been prepared on the basis of proposals developed by lead parties using a decision tree agreed by MASH 2007 and previous OSPAR documentation on the features as guidance (BDC 08/4/2 add.1). On this basis the following generic actions had been identified (i) communication actions; (ii) awareness raising and education; (iii) MPAs; (iv) Mapping; (v) Research; as well as more specific activities. The Secretariat also drew attention to the need to formalise a generalised approach with regard to the features on the IOL, highlighting that this was needed if OSPAR is to communicate how it is working in relation to the IOL and in the preparation for the Ministerial Meeting in 2010. They also noted that the work on actions and measures for the IOL was currently without a lead country as Germany had ceased their leadership at MASH 2007.

4.3 The UK supported the Secretariat's analysis and the focus on distinguishing where OSPAR could add value, taking account of actions by other bodies and priorities. WWF highlighted that the absence of a lead country for the work on the IOL was regrettable and invited Contracting Parties to rethink this and come to a solution at OSPAR 2008.

4.4 Following this, BDC agreed:

a. on the communications actions summarised at Annex 5, focused on engaging with other authorities in the phase of preparing the BA-4 assessments and invited **the Secretariat to prepare and send letters to implement these actions as soon as possible**;

b. that to complement these actions Contracting Parties should ensure through their national coordination processes that relevant national authorities are aware of the IOL features and relevant threats, if this has not been done already. In particular **Contracting Parties** should:

   (i) **communicate to national fisheries authorities the need to raise awareness that bycatch of the Atlantic Sturgeon should be avoided**;

   (ii) **inform the relevant national authorities preparing strategic environmental assessments for the European Fishery Fund of the relevance of IOL features**;

c. to invite **the Secretariat as part of their work in implementing the OSPAR Communication Strategy to develop part of the OSPAR website providing accessible information on the IOL features and their threats as a common product to facilitate work by the OSPAR Community on raising awareness amongst key stakeholders and the wider world**;

d. to urge **Contracting Parties to ensure, in their reporting on MPAs to the OSPAR database, that the database fields on features on the IOL are completed, so that the protection provided to features can be considered**;

e. to include a product on the 2008/2009 revision of the BDC work programme to compile a list of research needs in relation to the IOL, on the basis of the BA-4 assessments, which could be be promulgated to research funding bodies and act as a basis for informing existing research projects of OSPAR's needs. **BDC noted that details of catalogues of EC FP6 and FP7 projects which were available on the EC circa website had been recently circulated in the**

EMMA community and agreed these should be circulated to BDC HODs by the Secretariat after the meeting;

f. to invite MASH 2008 to consider:

(i) whether, and how, mapping of the distribution of *Arctica islandica* and the historical distribution of *Ostrea edulis* beds could be taken forward;

(ii) the proposals for specific actions put forward by lead parties, with an emphasis on identifying roles of Contracting Parties or the Secretariat in implementing any actions;

g. that **lead parties for the IOL features and/or BA-4 assessments should bring forward more detailed consideration of actions and measures addressing key pressures as part of the background documents with a focus on the respective roles of the OSPAR Commission and Contracting Parties** and that MASH 2008 should consider these and develop further proposals to BDC 2009;

h. as the basis for a generalised approach to invite **the Secretariat to further develop the table at Annex 1 of BDC 08/4/2, to indicate the respective roles for OSPAR and Contracting Parties, actions and measures that have been taken and to take into account the following points made during discussion**:

(i) that reintroduction programmes for the Atlantic Sturgeon are actively being addressed by France in the Gironde;

(ii) ACCOBAMS are a relevant authority in the southern part of the OSPAR maritime area.

Assessment of the species and habitats on the Initial OSPAR List

4.5 BDC agreed to endorse the arrangements developed by MASH for the BA-4 assessments and the compilation of the existing documentation on the IOL features into a single background document on each feature (BDC 08/4/3). The Secretariat apologised that they had been unable to complete all the initial merging of background documents by the time of BDC but that they hoped to address this as soon as possible. With regards to the progress being made by lead parties for the assessments:

a. France invited **Contracting Parties to submit data and information for the nine features that they had taken the lead for at MASH 2007** (Allis Shad, Basking Shark, Long snouted and short snouted seahorses, sea lamprey, loggerhead and leatherback turtles, Intertidal mudflats and sea-pen and burrowing megafauna) and thanked Germany for already having done so;

b. **Ireland indicated that their assessment of Maerl beds would be circulated to contact points shortly**;

c. Portugal apologised that they had not yet been able to present the work on their assessments of seamounts, hydrothermal vents and *Patella aspera.*

c. BDC noted a substantially progressed background document on the Roseate Tern prepared by BirdLife International (BDC 08/4/3 Add.1) including an overview of national contributions at Annex 1 as requested by MASH 2008;

d. BDC also noted an initial update of the case report for the Atlantic Bluefin Tuna prepared by Robin des Bois (BDC 08/4/3 Add.2).

4.6 BDC agreed to remind **Lead Parties**:

a. that the **draft Background Documents should be ready in as complete a form as possible to be presented to MAQ(2) 2008 and MASH 2008** and further refined to be in a final form by BDC 2009, in accordance with the time frames for the QSR 2010 process;

b. that, in addition to following the outline at Annex 9 of the MASH 2007 summary record, the documents should be drafted in accordance with the guidance prepared by MAQ for the preparation of JAMP thematic assessments and the editorial guidance for the QSR 2010;

c. to make use of the list of national Contact Points for the species and habitats included at Annex 8 of the MASH 2007 summary record;

c. in the absence of an overall lead country for the work to consult with the Secretariat for guidance or for assistance in issuing requests for information;

d. to record in Annex 1 of the background documents all contributions from Contracting Parties using the format circulated by the Secretariat.

e. **the task leaders should ensure that send all raw data, underlying figures and maps (such as Excel sheets, GIS shape files) presented in JAMP BA-4 assessments for QSR purposes can be to the Secretariat when submitting the final versions of the assessments**

4.7 BDC considered a working document setting out the current structure for Chapter 9 of the QSR on Biodiversity Protection and Conservation and indicating proposals from MAQ(2) 2007 for case studies for inclusion in the chapter. With regards to the preparation of Chapter 9, BDC agreed on the following arrangements:

a. to establish an intersessional drafting group to prepare Chapter 9 of the QSR. The primary work phase will be between MASH 2008 and BDC 2009. The group will also need to plan the work before MASH 2008;

b. to welcome the indications from **France, the Netherlands, Germany to participate in this Intersessional Drafting Group**;

c. to invite **Contracting Parties to consider whether they could lead the work and that the Secretariat should indicate to HOD May 2008 as part of its regular reporting that at present no Contracting Party was in a position to lead the activity**;

d. to welcome the offer of **Sweden to prepare for Chapter 9 of the QSR 2010 a case study on the Koster – Väderofjord agreement as an example of MPA stakeholder involvement**;

e. to note that there were no indications from relevant Contracting Parties that they could take the lead for the following case studies requested by MAQ for chapter 9 of the QSR:

(i) fisheries closures on Rockall Bank;

(ii) MPA for a vulnerable habitat e.g. hydrothermal vent;

(iii) protection of a threatened and/or declining species e.g. the sturgeon;

(iv) a species selected by BDC that has no effective protection;

(v) effective MPA management;

and to invite **Contracting Parties to inform the Secretariat by 26 March 2008 if they could take the lead for these case studies or wished to propose alternatives**;

f. to invite **Contracting Parties to feed in their comments on the structure for Chapter 9 of the QSR through their MAQ delegate**.

Biodiversity monitoring and assessment

4.8 The UK presented, on behalf of Germany, the Netherlands and themselves, a proposal for a work plan to take forward the organisation of biodiversity monitoring and assessment, which MASH 2008 had asked them to prepare in recognition of the need to effectively support OSPAR's biodiversity work and other international obligations, including the requirements under the MSFD on EU Member States (BDC 08/04/04).

4.9 The UK also reported on progress in developing a framework for biodiversity assessment and monitoring (BDC 08/04/13) including the further development of the master matrix summarising ecosystem components and pressures, taking into account comments made at ASMO 2007, EIHA 2007 and MASH 2007. BDC welcomed the work undertaken by the UK and noted that the matrix provided a structured and holistic approach to summarising pressures and impacts and identified those that were of most concern. This could help to ensure that monitoring and assessment focussed on the key priorities and provided a practical basis for the MSFD work.

4.10 In an initial discussion, BDC recognised that it was clear that work was required to develop biodiversity monitoring and assessment aspects of OSPAR's work, especially to ensure a strong influential

role within the frame of the MSFD. Development of a monitoring programme needed to be driven by the definition of indicators which determine what data would need to be collected. Development of a data and information infrastructure was a further important aspect. It was also highlighted that indicators and targets needed to be considered with contextual information for which target or objective setting was not appropriate (e.g. on climate change/variability).

4.11 Following work by a drafting group including France, Ireland, Norway, Netherlands, Sweden and UK and chaired by David Connor (UK), BDC examined draft terms of reference for work on the organisation of biodiversity assessment and monitoring and a plan of action. The terms of reference drew on documents BDC 08/4/4; BDC 08/04/05, BDC 08/04/13, and BDC 08/03/01:

4.12 BDC confirmed as the aim of the terms of reference and work plan:

a. to align monitoring in relation to the IOL species and habitats, EcoQOs and MPAs in the OSPAR's monitoring system post-2010;

b. to contribute to the EU-wide development of methodological standards and criteria for good environmental status (2nd half of 2008 to 2010);

c. to assist coordination of the determination of relevant aspects of Good Environmental Status (by 2012); and

d. to assist the development of common indicators and targets within the frame of good environmental status (by 2012).

4.13 In considering the proposed terms of reference and work plan, BDC noted the following issues:

a. the plan will involve an intensive phase of work. A more effective arrangement of working group meetings under BDC, which establishes a clear division between work planning and delivery, needs to be considered if OSPAR is to offer an effective and reactive coordination mechanism for the issues that need to be addressed. It would put both BDC and OSPAR in a strong position if a demonstrable delivery mechanism can be developed;

b. one proposal for a reorganisation of the BDC working groups to facilitate better delivery was:

   i. Species – incorporating the species work of ICG-EcoQO and of Lead Countries for IOL species. The role of ICG-FISH should be considered in this context;

   ii. Habitats – incorporating the work of Lead Countries on IOL habitats (there are currently no EcoQOs for habitats);

   iii. Sites (MPAs) – as currently addressed by ICG-MPA. Possible collaboration with EIHA´s work on marine spatial management could be explored;

   iv. Human activities - as currently addressed by EIHA. The additional issues addressed directly by BDC should be considered in this context;

   but further consideration of this proposal and other options was needed. However there was recognition that the workload under BDC was too large and there might be a more effective working group structure. It was also emphasised that working groups needed to focus on delivery;

c. that ICG-SIAM had fulfilled its terms of reference through the work presented at the meeting (§4.15-4.16). Further work on the issues previously covered by ICG-SIAM was proposed to continue through ICG-COBAM (Coordination of Biodiversity Assessment and Monitoring) (see §4.16) to ensure the delivery of the necessary products to BDC and its subsidiary bodies. A convenor and participants were needed. In addition, contact persons needed to be identified by Contracting Parties to ensure that the relevant national information could be fed into the work;

d. the level of commitment to the proposed programme would probably depend upon the outcome of the HOD Workshop in May 2008 on the future role of OSPAR;

e. clarification of the sub-regions that EC member states will use as management units for the MSFD is needed. For the North-East Atlantic OSPAR offers an effective mechanism for coordinating this work and Contracting Parties should take relevant ecological criteria into

account in defining the boundaries to sub regions. In the Arctic the recent sub-division by the Arctic Council should be taken into account;

f. the approach being developed could be extended to the overall co-ordination of OSPAR monitoring and assessment work and will in any case be needed to ensure a consistent delivery of the MSFD. However, it needs to be noted that the biodiversity elements of the work present a significant challenge being at an earlier stage of development than the hazardous substances and eutrophication monitoring aspects.

4.14 Following consideration of the proposed terms of reference, BDC agreed:

a. to forward the terms of reference and work plan at Annex 6 to ASMO 2008 for comment and to OSPAR 2008 for possible adoption with the advice that BDC considered that the work specified was needed both to develop OSPAR's monitoring capabilities in relation to the biodiversity strategy and as an essential contribution to the coordination of the work of Contracting Parties that are also EC Member States in relation to the MSFD GES;

b. to recommend that OSPAR gives careful consideration to the need to resource this work and commit the necessary resources and consider working structures for effective delivery. To assist this, **the Secretariat and the Chairman of BDC should develop some options for the organisation of work under BDC**;

c. to welcome indications from France, Germany, the Netherlands and the UK that they were willing to join the work of the ICG on Coordination of Biodiversity Assessment and Monitoring (ICG-COBAM), but that no Contracting Party was in a position to indicate that they would lead the work;

d. to invite **Contracting Parties to consider whether they could lead or participate in the work and to report to the Secretariat the names of participants**;

e. that the **Secretariat should indicate to HOD May 2008 as part of its regular reporting that BDC had developed the proposal, considered there were resource needs and that at present no Contracting Party was in a position to lead the ICG**;

f. that the master matrix developed by the UK should be used as a key tool for the work on biodiversity assessment and monitoring.

4.15 Dr Lisette Enserink (the Netherlands), as convenor of ICG-SIAM, presented a report on Marine Biodiversity Monitoring and Assessment: Activities to improve synergies between EU directives and international conventions (BDC 08/04/05). The document had been further developed since presentation to MASH 2007 to cover activities in all OSPAR Contracting Parties. The document put forward a series of recommendations to harmonise marine monitoring and assessment activities both at the national and international level. The suggested next step of the work on synergies in biodiversity monitoring and assessment was to establish an inventory of national and international biodiversity monitoring at the level of parameters and related indicators for the areas identified, which would help to focus OSPAR monitoring and harmonisation efforts, taking into account the requirements of the MSD, WFD and Natura 2000.

4.16 BDC thanked ICG-SIAM for its work and agreed to recommend to OSPAR 2008 that the report prepared by ICG-SIAM should be published on the OSPAR website, subject to inclusion of further comments submitted to the Netherlands by 17 March 2008. BDC noted that the proposed further work of SIAM would be taken up in the work of ICG-COBAM (see 4.13c) and in the work on Organisation of biodiversity monitoring and assessment, subject to the decisions of OSPAR 2008 on that work.

Principles for responsible marine research

4.17 Germany presented a set of principles for responsible marine research which had been developed by a correspondence group led by Germany in the context of the ICG-MPA involving several deep sea scientists and experts. The principles, which responded to terms of reference agreed by BDC 2007 for the development of a Code of Conduct for responsible marine scientific research in the High Seas/Deep Sea, drew on the InterRidge Statement of Commitment to Responsible Marine Research Practices at Deep-sea Hydrothermal Vents and an unofficial translation of the German Senatskommission für Ozeanographie / German Marine Consortium KDM, Commitment to Responsible Marine Research.. The intention was that the proposed set of principles should act as an overarching statement and that more technical documents focused on research into particular deep sea features should be developed to support this. Germany had developed the principles further to take into account comments made at MASH 2007.

4.18 BDC noted a number of comments on the title of the document and in discussion the following points were noted:

a. there was a need to consult with relevant international scientific bodies;

b. WWF questioned whether the principles applied to large scale oceanic research. Germany was of the opinion that they did;

c. there were questions over how the principles would be used and whether some form of implementation reporting was necessary. Germany intended that the document should be used as guidance;

d. the UK expressed its thanks to Germany for the work it had undertaken and supported the overarching statement, but sought Germany's view on how it saw the work being taken forward and would want to understand more clearly how it applied to bio-prospecting and how licences were considered in other regional sea areas.

4.19 BDC noted that there had been substantial interest in the development of this work and following discussion agreed:

a. the document should be re-titled Code of conduct for Responsible Marine Research in the Deep seas and High Seas of the OSPAR maritime area;

b. a paragraph should be included to indicate how the document had been developed and the sources that had been drawn on;

c. **the amended document should be used by the Secretariat as the basis for consultations with international scientific bodies including the European Science Foundation Marine Board, ICES, EurOcean and GESAMP, with an invitation to comment before the HOD May 2008 Meeting**;

d. to recommend to OSPAR 2008 that, subject to the outcome of the consultation, the code of conduct should be adopted with status of an OSPAR agreement;

e. to invite **the Secretariat to submit the document to the next meeting of UNEP Regional seas Partnerships and Action Plans**.

Extension of the Initial OSPAR List of Threatened and/or Declining Species and Habitats

4.20 BDC considered a package of case reports developed by Germany, BirdLife International and WWF to support the nominations of 11 species and 2 habitats that BDC 2007 had judged to qualify for inclusion in the IOL (BDC 08/4/7). The case reports had been approved by MASH 2007. In addition BirdLife International had submitted a revised nomination for *Puffinus mauretanicus*, and Germany had submitted a renomination for *Raja clavata* in OSPAR Region II and III. BDC 2007 had previously concluded that *Raja clavata* qualified for OSPAR region II.

4.21 Reviews by ICES of the resubmitted nominations (BDC 08/4/7 Add.1) recommended that:

a. the evidence used to support the nomination of *Puffinus mauretanicus* was sufficiently reliable and adequate to serve as a basis for conclusions to be drawn by OSPAR;

b. the evidence submitted to support the thornback ray was insufficient to support a decision that this is a threatened or declining species in OSPAR Region III. Germany had submitted a document challenging this review (BDC 08/4/7 Add.2).

4.22 BDC welcomed the lifting of a study reservation on a number of the features by Iceland and noted that some Contracting Parties had not had sufficient time to consider the response from Germany. BDC agreed:

a. to recommend to OSPAR 2008 that the species and habitats listed in Annex 7 should be added to the Initial OSPAR List with regard to the OSPAR Regions mentioned;

b. that the listing of *Raja clavata* in OSPAR Region III should be further clarified. For this purpose BDC invited **ICES to consider the response from Germany to the peer review of the nomination for Region III. The outcome should be circulated to BDC HODs and OSPAR 2008 will be invited to consider the outcome**;

c. to recommend that the supporting case reports should be published on the OSPAR website initially as part of an update of the justification report, subject to the amendment of the case report for the Porbeagle shark to remove references to trade measures;

d. that the following initial actions should be taken with regard to these listings:

(i) **Contracting Parties should submit data on the distribution of *Cymodocea* meadows and Coral gardens to the UK, preferably in GIS polygon format, according to the usual guidelines for the OSPAR habitat mapping programme and the annual submission deadline (31 July)**;

(ii) **Lead parties should revise the actions and measures proposed in the case reports for presentation to MASH 2008 focusing on clearly stating the tasks that will have to be undertaken by OSPAR and Contracting Parties**;

(iii) **relevant authorities as identified in Annex 5 should be notified by the Secretariat of the listing**.

Marine Protected Areas

Reporting on the OSPAR network of MPAs

4.23 Germany presented the draft 2007 report on the progress made in developing the OSPAR network of MPAs (BDC 08/4/8). During 2008 the network had increased from 87 to 106 sites, increasing the total area from 26 619 km^2 to 38 178 km^2. Denmark had reported its first OSPAR MPAs, 18 sites totalling 539 866 hectares; Spain also reported its first OSPAR MPA, a conglomerate of three sites under the name *Islas Atlanticas*, totalling 8542 ha; and Portugal reported its eighth and also largest site, Sedlo Seamount at 401 253 ha, bringing its total up to 569 825 ha. The report also included the results of a first application of three initial spatial tests endorsed by MASH 2007 to assess the eco-coherence of the OSPAR network which could be used as a first basic step in a multi-staged assessment. These were sufficient to demonstrate that the network was not yet ecologically coherent. Germany proposed to publish a document describing the three tests (BDC 08/4/8 Add.1).

4.24 BDC welcomed the report and noted the recommendations endorsed by OSPAR 2006 still applied. BDC noted that as part of their reporting on MPAs:

a. Contracting Parties are also encouraged to report on the progress made towards achieving an ecologically coherent network of MPAs, and are reminded of the self-assessment checklist, published in 2007 (OSPAR agreement 2007-6).

b. in order to address the 2010 ministerial target of ecological coherence, more MPA nominations are still required. All Contracting Parties are encouraged to consider what additional areas could be nominated in their territorial and EEZ waters that would assist in making the OSPAR MPA network more ecologically coherent. In particular, Contracting Parties with no MPA nominations or just a few small sites, are urged to nominate sites in 2008. All Contracting Parties are requested to report on their progress at MASH 2008.

c. Contracting Parties are encouraged to report on the progress made in the development of management plans (does not exist / under development / completed / implemented), and when

they exist, to submit these management plans using the OSPAR guidance, *Guidelines for the Management of Marine Protected Areas in the OSPAR Maritime Area* (MASH 2006 Summary Record, Annex 8).

d. Contracting Parties are requested to improve their information in the OSPAR electronic MPA database, to allow for the initial assessment of the protection of species and habitats on the IOL (i.e. Ecological Coherence Initial Test 3).

4.25 With regard to the prospects for the further development of the network during 2008, BDC noted that:

a. Iceland reported they were in the process of reporting as OSPAR MPAs five areas with cold-water coral reefs, which had been closed to fishing with bottom-contacting gear since 2006; two further areas covering a hydrothermal vent field; and the marine area around the volcanic island of Surtsey;

b. Spain announced that in the coming weeks they were hoping to report on the selection of an additional and sizeable MPA;

c. France indicated that they would shortly report on the selection of a new national marine park, to the west of Brittanny (La Mer d'Iroise – 3550 km^2). France informed that they were planning to organise a symposium on MPAs in areas beyond national jurisdiction for December 2008;

d. the Netherlands announced that they would report OSPAR MPAs (OMPAs) and nominate Natura 2000 sites before the end of 2008

4.26 BDC welcomed the intentions expressed by these Contracting Parties and agreed:

a. that **Contracting Parties should submit any amendments to the section on future MPA nominations in the MPA report to Germany by 31 May 2008**;

b. to recommend the report to OSPAR 2008 for publication on the OSPAR website, subject to revision to reflect any amendments received by the above date;

c. to urge **Contracting Parties to endeavour to submit reports on any further MPAs selected during 2008 to Germany at least six weeks before MASH 2008**;

d. that a revised version of the document describing the three initial spatial tests to assess the ecological coherence of the OSPAR network, should be recommended to OSPAR 2008 for publication. The revised version of the document was circulated as a working document during the meeting and pending publication will be uploaded to the OSPAR website as a meeting document (BDC 08/4/8 Add.2). Iceland expressed their view that the publication of the document was without future prejudice to the use of the tests.

4.27 The Executive Secretary presented a document reporting on lessons learned with MPA discussions in the Barcelona Convention (BDC 08/4/12) and suggesting that many of the issues encountered were similar. BDC endorsed a proposal to invite a placement student to study some of these issues.

Proposal for nomination of an MPA in an area beyond national jurisdiction

4.28 BDC considered the following documents:

a. proposal for the nomination of an OSPAR MPA for a section of the Mid-Atlantic Ridge/Charlie Gibbs Fracture Zone presented by WWF and the Netherlands (BDC 08/04/09);

b. scientific review of the WWF proposal for an MPA for a section of the Mid-Atlantic Ridge/the Charlie Gibbs Fracture Zone presented by ICES (BDC 08/04/09Add.01);

c. results of the ICG-MPA Expert Review of the Proposal for an OSPAR MPA for a section of the MAR/the Charlie Gibbs Fracture Zone presented by the Secretariat on behalf of the ICG-MPA (BDC 08/04/09-Add.02);

d. REVISED Proposal for the nomination of an OSPAR MPA for a section of the Mid-Atlantic Ridge/Charlie Gibbs Fracture Zone presented by WWF and the Netherlands (BDC 08/04/09-Add.03 Rev.1).

4.29 In presenting document BDC 08/4/9.Add.3-Rev.1(L), WWF explained that most recent results from the latest scientific expeditions had been incorporated, including information from the January 2008 volume of Deep Sea Research (MAR-ECO Project http://www.mar-eco.no). In the opinion of WWF additional science suggested by ICES, that would focus on taxonomic species groups, would not change the whole description of the proposal. Furthermore at least one large-scale project that has yet to report will be looking at small scale patterns and processes as well as habitat and species interactions. This too is unlikely to inform the proposal boundaries.

4.30 Thus WWF considered that the proposal broadly best describes the area. In future, if OSPAR were so minded, targeted research could be undertaken to add additional scientific certainty. WWF's view is that the proposal will satisfy most criteria for an OSPAR MPA nomination. Not everything present is sensitive but various vulnerable groups are present. The text within the proposal takes account of the fact that different levels of sensitivity are present. There is evidence that over 30 years of fishing has had a substantial effect.

4.31 In the margins of the meeting a presentation was made by Mr Harm Dotinga of the Netherlands Institute for the Law of the Sea (NILOS), setting out a contextual legal position regarding marine protection in ABNJ and highlighting the unique position of OSPAR (BDC 08/4/Info.5).

4.32 In an initial discussion of the documents, Contracting Parties acknowledged the significant work undertaken by WWF and the Netherlands, but expressed a range of views taking into account the remit of BDC. Views included:

a. some Contracting Parties indicated their full support for an OSPAR MPA in ABNJ, noting the importance of a pilot area;

b. other Contracting Parties recognised the need to make progress in this area, but also the need for caution concerning the status of any pilot given that this would be an unprecedented case, with a duty to ensure that any implications are clarified;

c. reservations were expressed concerning the complex legal considerations, potential financial burden and the data requirements for scientific justification, requiring more time for technical examination; and

d. reservations were also put forward suggesting the proposal was premature given its considerable size and the current stage of negotiations towards formalising a MoU with NEAFC.

4.33 In order to try to resolve any differences and achieve a consensus position a drafting group chaired by Mr Jan Haelters (Vice-Chair MASH) and the Executive Secretary with representation from Belgium, France, Germany, Iceland, Ireland, the Netherlands, Norway, Spain, Sweden and the United Kingdom together with ICES and WWF met during the evening of 27 February 2008. The group noted that BDC 08/04/09-Add.03 Rev.1 (hereafter referred to as the proposal) represented a considered attempt to take into account the detailed comments of the scientific and expert reviews but its submission as a late document had prevented a full scrutiny by all Contracting Parties.

4.34 The drafting group recalled that the OSPAR Biodiversity and Ecosystems Strategy sets out that, in developing the OSPAR Network of Marine Protected Areas, the OSPAR Commission will undertake the following actions to complement the actions of the Contracting Parties under OSPAR Recommendation 2003/3 on a Network of Marine Protected Areas:

a. consider reports and assessments from Contracting Parties and observers on possible components of the OSPAR network and on the need for protection of the biodiversity and ecosystems in the maritime area outside the jurisdiction of the Contracting Parties (ABNJ), in order to achieve the purposes of the network as described in paragraph 2.1 of OSPAR Recommendation 2003/3;

b. if appropriate, and in accordance with UNCLOS, consider, in consultation with the international organisations having the necessary competence, how such protection could be achieved for areas and how to include such areas as components of the network;

4.35. Furthermore the drafting group noted that Contracting Parties recognised the important contributions of management measures taken by competent authorities.

4.36 The Netherlands set out further ideas on how the proposal could be taken forward stating their preference for the identification of a specific area that would need to be considered by all relevant competent authorities, some parts of which might merit additional protection, and the need to develop a process for taking forward ABNJ MPA proposals. Having noted discussion in plenary the Netherlands and WWF wished to promote the proposal as a case study for a potential MPA, rather than a nomination as a specific MPA at this early stage. They were also open to the idea of identifying the proposal within a wider 'project'.

4.37 ICES recalled a study request from NEAFC concerning sensitive marine habitats and suggested it would be helpful if the proposal could be a joint proposal from OSPAR and NEAFC. Some Contracting Parties considered that the proposal should be sponsored by as many relevant competent authorities as possible, and this would require early consideration by those organisations concerned and their full involvement.

4.38 The UK said it was grateful for the work carried out by WWF and the Netherlands on the revised proposal, progress was needed on ABNJ MPA issues. In view of the fact that scientific assessment of the proposal was incomplete, the UK supported the pilot approach, but care was needed in order to be clear about the status of the proposal in discussions between OSPAR and other bodies. Germany stated that MASH 2007 had requested the ICG-MPA 2008 to consider any proposals from Contracting Parties in terms of a possible network of MPAs in ABNJ. The proposal represented an example for which a significant amount of background information had been collected. Several Contracting Parties considered that an OSPAR procedure to deal with and approve any such proposal(s) should be articulated. France explained their system for proposals within national jurisdiction, where any proposal is firstly 'declared' thereby initiating the start of an informal consultative process before it can be given the more formal status of a 'project' for further consideration.

4.39 Following detailed discussion it was agreed that the proposal represented a relatively new, re-worked scientific background document and that it was important that it was subjected to further scientific review, particularly this should include further examination by ICES.

4.40 The group considered that for any proposal there would also be political and policy considerations outside the remit of BDC that should be considered by OSPAR 2008 including:

a. how much scientific uncertainty was acceptable;

b. OSPAR's legal mandate, taking into account no programme or measure concerning a question relating to the management of fisheries shall be adopted under Annex V of the Convention. ,). BDC noted that OSPAR 2006 had agreed a document setting out briefing on OSPAR's work on protection of the marine environment of the high seas, but that this had not been reviewed by the Jurists and Linguists in relation to the legal mandates of OSPAR and the other competent authorities; and

c. management considerations including financial implications and burden of administrative responsibility.

4.41 Concerns were raised about the timeframe available to OSPAR in advance of 2010, when Ministers would revisit commitments made in 2003 for the OSPAR network of MPAs. An urgency to make progress together with global expectation about what OSPAR might achieve were noted.

4.42 It was suggested by some Contracting Parties that the area identified by the proposal was an 'area of interest', in view of its biodiversity value and potential vulnerability, and the proposal could be:

a. re-titled to reflect its status as an 'area of interest' recognised by OSPAR as a case study for a potential MPA in ABNJ (rather than a proposed MPA nomination);

b. re-reviewed by the ICG-MPA in April 2008 subject to revised terms of reference for the ICG agreed by BDC at Annex 8; and

c. presented to OSPAR 2008 as an area of interest, with a clear explanation that it has yet to be fully reviewed by ICES, together with a report from the ICG-MPA once the latter has been

subject to a written procedure by BDC HODs. Any presentation to OSPAR 2008 would also need to include a summary of the issues encountered by BDC when considering the proposal.

4.43 It was further suggested by some Contracting Parties that, subject to any view being taken at HOD(1) 2008, OSPAR 2008 might consider whether and when the proposal should formally be drawn to the attention of those international organisations having the necessary competence and to seek their views, with a possible recommendation that this should be achieved if possible within the 2008/2009 meeting cycle.

4.44 Subject to agreement at OSPAR 2008, some Contracting Parties considered that a request could be included in the 2009 ICES Work Programme asking for further advice on the proposal from ICES Working Groups in time for BDC 2009.

4.45 However, following further discussions in plenary, BDC was unable to reach a consensus on how to go forward with the proposal. Some Contracting Parties could support a collective recommendation to take the proposal forward on the basis of some or all of the ideas presented within the drafting group. Norway and Iceland did not agree to making detailed arrangements although they agreed that the proposal should go forward for consideration by the OSPAR Commission. **The Executive Secretary was invited to reflect the full range of opinions in any briefing document to be presented to HOD(1) 2008**.

4.46 BDC agreed a revised Terms of Reference for the work of ICG-MPA in the period up to MASH 2008 as at Annex 8 and noted that Germany planned to convene a meeting of the ICG from 1-3 April 2008 in Bonn, Germany to address these tasks.

MPA Stakeholder Participation

4.47 BDC agreed to adopt (as an other agreement) a guidance document (BDC 08/4/11) developed by Spain on good practice for communicating with stakeholders on the management of MPAs on a trial basis and agreed that this should be used by Contracting Parties with a review of what further experience Contracting Parties had gained on stakeholder participation to be initiated at BDC 2010. BDC thanked Spain for their work on this issue. **Spain also agreed to liaise with the Secretariat to disseminate information on this work at a Royal Geographical Society – Institute of British Geographers Conference (RGS-IBG) in London in August 2008.**

4.48 The European Boating Agency welcomed OSPAR's work in this area emphasising that their view was that education was more effective than legislation. They also highlighted the Green-Blue initiative and would provide an information document for OSPAR 2008.

Chairmanship of MASH

4.49 BDC thanked the Vice-chairman of MASH, Mr Jan Haelters, for stepping in to act as chair of MASH during the 2007/2008 cycle of meetings. BDC noted that MASH 2007 had elected Mr Olivier Laroussinie as its chairman for the next two meeting cycles.

Agenda Item 5 – Report of the Working Group on the Environmental Impact of Human Activities (EIHA 2007)

BDC 08/5/1-BDC 08/5/11, BDC 08/5/13-BDC 08/5/17, BDC 08/5/19-BDC 08/5/21, BDC 08/5/Info.1

5.1 The Chairman of EIHA 2007, Ms Brigitte Lauwaert (Belgium) reported on the outcome of the meeting of the working group on the assessment of the impact of human activities (EIHA) held in Madrid (Spain) (2-4 October 2007) (BDC 08/5/1). BDC noted the issues specified in the report and agreed on the EIHA activities and documents upon which BDC had been invited to take action as indicated below.

5.2 In the light of the large number of JAMP BA-5 assessments on human activities, a sub group convened by the Chairman of of EIHA met in the margins of the meeting of BDC to consider the comments made by MAQ(2)07 on the suite of assessments (BDC 08/5/Info.1) and to discuss the way forward.

5.3 The Chairman recalled that it had been agreed in the QSR Work Programme that the task leaders of JAMP assessments contributing to the QSR 2010 would also be the task leaders of the related QSR Chapters (see BDC 08/8/1).

5.4 BDC noted that the Secretariat will edit all JAMP BA-5 assessments before publication for consistency within the reports, and between reports as far as possible. This includes layout of tables and figures, acronyms, use of references in the text, reference list, and proofread.

5.5 BDC agreed that **the task leaders should send all raw data underlying figures and maps (such as Excel sheets, GIS shape files) in JAMP BA-5 assessments for QSR purposes to the Secretariat when submitting the final versions of the assessments**.

A ASSESSMENT OF HUMAN ACTIVITIES IN THE CONTEXT OF ANNEX II

Dumping of wastes and other material

OSPAR Report on Dumping of Wastes at Sea in 2006

5.6 BDC noted the 2006 Report on Dumping of Wastes at Sea (BDC 08/5/2) which incorporated the new data received after EIHA 2007. BDC further noted that only data from Denmark was missing.

5.7 In the discussion the following points were made:

a. some Contracting Parties sought clarification from Portugal on the reported dumping of two vessels in the light of Annex II, Article 3 of the OSPAR Convention;

b. Spain noted that the 2006 Report on Dumping of Wastes at Sea did not incorporate additional information on toxicity in part II of the Report and suggested developing a coherent reporting approach;;

c. Germany informed BDC that they will provide some corrections on their national data to the Secretariat as soon as possible.

5.8 Subsequent to the discussion BDC agreed:

a. the Secretariat should ask **Denmark to submit their missing data as soon as possible but by the end of March 2008 at the latest**. Otherwise it should be recommended to OSPAR 2008 to publish the report without the Danish information;

b. that **Contracting Parties should send any corrections on data as soon as possible and at the latest by the end of March and that the Secretariat should revise the report accordingly**;

c. to recommend the 2006 Report on Dumping of Wastes at Sea to OSPAR 2008 for publication on the OSPAR website;

d. that **Portugal should report back to the Secretariat on the background to the dumping of two vessels in the light of Annex II, Article 3 of the OSPAR Convention at the latest during the week after BDC**. The Secretariat will inform EIHA HODs accordingly;

e. the reporting on contaminant loads of dumped material will be considered during the review of the Format for Annual Reporting on Dumping Operations at Sea (see § 5.17)

f. that **Contracting Parties should submit their 2007 data on Dumping of Wastes at Sea to the Secretariat by 1 October 2008 so that EIHA 2008 can consider the 2007 report**.

Literature Review on the Impacts of disposal of dredged material

5.9 The Netherlands presented a draft Literature Review on the Impacts of Dredged Sediment Disposal at Sea (BDC 08/5/3) providing additional information concerning the impacts of disposal of dredged sediment for the preparation of the JAMP BA-5 Assessment of the Impacts of Dumping of Wastes at Sea. It was noted that the Netherlands had received information on physical, chemical and ecological impacts from several Contracting Parties.

5.10 BDC noted that EIHA 2007 had agreed that the literature review was to be submitted via MAQ(2)07 to BDC 2008 for adoption and publication and that MAQ(2)07 had welcomed the draft literature review.

5.11 Belgium reported that they had issued a new report on monitoring of the effects of disposal of dredged material that will be presented at EIHA 2008.

5.12 BDC agreed to recommend the Literature Review on the Impacts of Dredged Sediment Disposal at Sea to OSPAR 2008 for publication on the OSPAR website.

JAMP Assessment of the Impacts of Dumping of Wastes

5.13 The Netherlands presented the draft JAMP BA-5 Assessment of the Impacts of Dumping of Wastes at Sea (BDC 08/5/4). It was noted that this draft assessment is still under development and will not be published yet, since the assessment should be updated in the 2008/2009 cycle of meetings in light of the assessment of dumping of wastes at sea from 1995-2007 (including the information from the dumping reports 2006 and 2007) and the review of the guidelines for the management of dredged material.

5.14 BDC noted that following EIHA 2007 and MAQ(2)07 the Netherlands had carried out some reformatting and new information such as a map of dumping sites in the Convention Area and an update of Figure 9 on sediment concentrations in harbour areas had been added.

5.15 During the discussion the following points were made:

a. the Central Dredging Association (CEDA) stated that it would not always be appropriate to characterise dredged material as waste and proposed to reflect that in the terminology of BDC;

b. WWF recalled that there are different ongoing processes within the EU that are relevant to BDC's work on dumping of wastes such as the EU Maritime Policy and the Communication on Ports Policy. With regards to dredging activities as part of port development WWF underlined the importance of port policies that are consistent with nature conservation;

c. The European Commission reported on a draft Guidance Document on Natura 2000 sites in Estuaries that will be finalised shortly.

5.16 BDC agreed:

a. to invite **the Netherlands on behalf of the Expert Assessment Panel to update and finalise the JAMP BA-5.3 Assessment of the Impacts of Dumping of Wastes at Sea in light of the assessment of dumping of wastes at sea from 1995-2007** (including the information from the dumping reports 2006 and 2007), the information coming from the assessment of action levels (BDC 08/5/21) and the review of the Guidelines for the Management of Dredged Material;

b. to urge **Contracting Parties to submit the missing coordinates of dump sites (GIS shape files, WGS 84 projection) as well as information on the average amount dumped over the period from 1998 to 2006**;

c. to invite **Belgium to send their updated data for Figure 9 of the draft assessment**;

d. to **invite the Netherlands in cooperation with Germany to prepare an initial draft of the related QSR Chapter on Dredging and Dumping (Section 8.8) by EIHA 2008 and the final draft by BDC 2009** (see §5.38).

Review of the Format for Annual Reporting on Dumping Operations at Sea

5.17 Rona Vink, as the leader of the Expert Assessment Panel, noted that EIHA 2007 had agreed that the Format for Annual Reporting on Dumping Operations at Sea should be reviewed. This should be done by the Expert Assessment Panel in cooperation with Sweden and in the light of the revised HELCOM reporting format, developments under the London Convention, the reporting on contaminants loads of dumped material and the application of Best Environmental Practice by Contracting Parties. The review should be seen in the context of the review of the OSPAR Guidelines for the Management of Dredged Material.

5.18 BDC agreed to invite **the Netherlands on behalf of the Expert Assessment Panel and in cooperation with Sweden to review the format and to present the results to EIHA 2008**.

Dumped conventional and chemical munitions

5.19 Ireland presented the draft JAMP-BA-5 Assessment of Impacts of Dumped Conventional and Chemical Munitions (BDC 08/5/5). BDC noted that comments from EIHA 2007, the comments from MAQ and additional comments from the Secretariat are taken up in this draft.

5.20 The Chairman noted that Annex 1 of the draft assessment (Data Set of munitions encounters reported for 2004 and 2005) should be deleted from the final publication. The title should be changed to Assessment of Impacts of Dumped Conventional and Chemical Munitions.

5.21 The Chairman welcomed Ireland's offer at EIHA 2007 to become lead country for the review of 5 years' experience with the OSPAR Framework for reporting on encounters with munitions, which will be based on the reports from Contracting Parties by 1 September 2008. He recalled that Ireland had been invited to review and, if needed, update the assessment in the 2008/09 cycle of meetings in light of the reports of encounters with dumped conventional and chemical munitions (see Recommendation 2003/2) due for EIHA 2008.

5.22 Ireland suggested to address the deliberate explosion of munitions in the upcoming JAMP Assessment on the impacts of underwater noise on the marine environment, e.g. in the planned module on other activities (see BDC 08/5/8).

5.23 KIMO emphasised the concerns of coastal communities as regards dumped conventional and chemical munitions and stressed the importance of OSPAR's work in this field.

5.24 The Executive Secretary informed BDC that the Chair of the International Conference on Chemical and Conventional Munitions Dumped at Sea, Mr Terrance P. Long from Canada, offered to present the conclusions of this conference reflecting the global discussions on this issue at OSPAR 2008.

5.25 Following the discussions BDC agreed:

a. to recommend the JAMP-BA-5 Assessment of Impacts of Dumped Conventional and Chemical Munitions with minor changes identified during BDC to OSPAR 2008 for publication on the OSPAR website;

b. to invite **Contracting Parties to submit their reports to Ireland at the latest by 1 September 2008**;

c. to invite **Ireland to prepare a draft review of 5 years' experience with the OSPAR Framework for reporting on encounters with munitions for EIHA 2008**;

d. to invite **Ireland to review the JAMP-BA-5 Assessment of Impacts of Dumped Conventional and Chemical Munitions in the light of the draft review of 5 years experience with the OSPAR Framework for reporting on encounters with munitions and update it, if needed**;

e. to invite **Ireland to prepare an initial draft of the QSR Chapter on Dumped ammunition by EIHA 2008 and the final draft by BDC 2009**;

f. that a presentation by Mr Terrance P. Long at OSPAR 2008 would be a good opportunity to emphasise the importance of OSPAR's work on dumped chemical and conventional munitions dumped at sea and to share the experience of the OSPAR Commission with other international organisations and regions.

Sand and gravel extraction

5.26 Belgium explained that due to unforeseeable circumstances they had not been able to prepare the draft assessment of the environmental impacts of sand and gravel extraction and apologised for the delay. They informed BDC that the draft assessment will now be finalised as soon as possible and incorporate also ICES data from 2007. The assessment will be considered during the next meeting of WGEXT and subsequently sent to EIHA HODs and presented during the planned Workshop of ICG-C (Cumulative Effects on the Marine Environment) (see § 6.32 and Annex 9) 15-16 September 2008 in Dublin, Ireland.

5.27 WWF informed BDC about a joint complaint with Birdlife International to the European Commission on a sand and gravel extraction project in a Site of Community Importance in the German EEZ. WWF noted the possible implications of this ruling for sand and gravel extraction activities in the OSPAR Maritime Area.

5.28 BDC agreed to invite **Belgium to prepare an initial draft of the QSR Chapter on Mineral exploitation by EIHA 2008 and a final draft by BDC 2009**.

Pollution caused by dredged material

EU directives

5.29 The United Kingdom informed the meeting that they had not received information from the European Commission or other sources with regard to the revision of the EC Waste Framework Directive that could affect the management of dredged material and that therefore they had not been able to complete the summary of Contracting Parties' views about implementation of EU directives and the sustainable management of dredged material.

5.30 The EC updated BDC concerning the Waste Framework Directive and how dredged material might be handled, subject to the decision making process. Further information can be obtained from the following web sites:

a. http://ec.europa.eu/prelex/detail_dossier_real.cfm?CL=en&DosId=193712
b. http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=2&procnum=COD/2005/0281

5.31 BDC concluded that this product should be kept on the BDC programme of work and welcomed confirmation that **the UK would prepare a report to EIHA as soon as the Waste Framework Directive had been finalised**.

Capping of dredged material

5.32 The United Kingdom informed the meeting that the reports from the capping project off the River Tyne had been delayed.

5.33 BDC recalled that EIHA had invited Contracting Parties who had any experience with similar projects to send this information to the UK as soon as possible and the United Kingdom to present to EIHA 2008 draft conclusions on the need for any OSPAR guidance on techniques and strategies for the management of contaminated marine sediments, based on the trial project and material from other Contracting Parties' experiences.

5.34 BDC agreed that this item should be kept on the work programme and:

a. invited **the United Kingdom to report to EIHA 2008 on their experience with the capping project off the River Tyne**;

b. that **Contracting Parties who had any experience with similar projects should send this information to the UK as soon as possible**;

c. invited **the United Kingdom to present to EIHA 2008 draft conclusions on the need for any OSPAR guidance on techniques and strategies for the management of contaminated marine sediments**.

JAMP assessment of impact of dredging for navigational purposes

5.35 The Netherlands presented the draft JAMP BA-5 Assessment of the Environmental Impacts on the Marine Environment of Dredging for Navigational Purposes (BDC 08/5/7).

5.36 The Netherlands reported on difficulties they had with the comments made by MAQ(2)07 on a revision of the document in the light of the guidance on the preparation of JAMP thematic assessments intended to contribute to the QSR (see BDC 08/8/1, Annex 1). The Netherlands noted that it had not been possible to fully assign the information from Contracting Parties to the OSPAR regions as in the questionnaire the information was collected only on the scale of the Contracting Parties. Besides that, in the questionnaire no information was collected on trends in the dredging activities. The Netherlands noted that future reporting of the application of BEP and the location of dredging sites could be considered during the

review of the Guidelines for the Management of Dredged Material. The last sentence of § 3.9 in the draft assessment had been rephrased as had been suggested by MAQ.

5.37 The Netherlands informed BDC that they received helpful comments on editorial changes during the sub group meeting held in the margins of BDC and that they would incorporate them as far as possible.

5.38 Following the presentation BDC agreed:

a. to recommend the draft JAMP BA-5 Assessment of the Environmental Impacts on the Marine Environment of Dredging for Navigational Purposes to OSPAR 2008 for publication on the OSPAR website;

b. to invite **the Netherlands in cooperation with Germany to prepare an initial draft of the related QSR Chapter on Dredging and Dumping (Section 8.8) by EIHA 2008 and the final draft by BDC 2009** (see §5.16).

National action levels

5.39 Belgium presented a draft update document on Contracting Parties' Actions Levels for Dredged Material (BDC 08/5/21) and noted that information was only missing from Portugal and Sweden.

5.40 Following the presentation BDC noted:

a. **Portugal's confirmation to send their missing information (in Annex I and II of the report) as soon as possible**, and

b. **Sweden's confirmation to send their information at the latest by the end of March 2008**.

5.41 BDC agreed:

a. that following inclusion of the outstanding information from Portugal and Sweden the updated report should be recommended to OSPAR 2008 for publication on the OSPAR website;

b. to invite **Belgium to update the overview of national action levels in the future as necessary**.

Review of the guidelines for the management of dredged material

5.42 The Chairman informed BDC about arrangements made by EIHA 07 for the review in 2008/2009 of the OSPAR Guidelines for the Management of Dredged Material (Agreement 2004/8). The work should be seen in context with the revision by EAP of the reporting format on dumping (see §§5.17-5.18).

5.43 BDC endorsed the arrangements made by EIHA and invited **the task leader (Sweden) to consider additionally the application of Best Environmental Practice by Contracting Parties and the location of dredging sites when reviewing the guidelines**.

B Assessment of Human Activities in the context of Annex V

Underwater noise

5.44 The United Kingdom reported on the progress in preparation of a comprehensive background document on the impact of underwater noise in the marine environment (BDC 08/5/8). During the HOD(2)2007 meeting a modular approach for the finalisation of the document had been agreed. This will serve as a background document for the preparation by ICG-N of a draft JAMP assessment of underwater noise. The United Kingdom would soon be able to finalise their modules which will be sent to ICG-N (Noise) and EIHA HODs for comment.

5.45 **Norway informed BDC that they would be able to finalise their module on seismic surveys (module 7) by the end of March**.

5.46 The Chairman informed BDC that lead countries for three modules were still missing (module 2: background on underwater noise, module 5: shipping and module 8: other activity). He stressed the importance to send the draft background report as soon as possible to EIHA HODs and to start with the JAMP Assessment of underwater noise.

5.47 The European Commission emphasised that the impact of noise on the marine environment is considered under the Marine Strategy Framework Directive and suggested that OSPAR might consider exploring monitoring options for noise impacts. They informed BDC about a process within NATO to declassify information on mitigation measures in the context of military use of sonar in the marine environment and offered to provide this information to ICG-N when available.

5.48 In discussion, the following comments were noted:

a. one Contracting Party suggested using information available in the first draft of the background document made by Germany to fill the gaps in the background document;

b. ICES emphasised that e.g. on shipping there would be a lot of published scientific information available which should be included in the background document and is not included in the first draft of the document provided by Germany;

c. Germany stressed that the finalisation of the background document should not be delayed and that it should be sent to EIHA HODs as soon as possible;

d. France informed BDC about an ASCOBANS report on the effects of underwater noise on marine mammals which could be relevant for the background document and intended to send the report for consideration to the ICG-N;

e. as no lead country was forthcoming for the open modules, the Chairman suggested considering funding an external consultant using the QSR Special budget;

f. the Executive Secretary confirmed that limited funding from the QSR special budget could be allocated and, if so wished, suggested contacting research universities and other scientific institution such as the Sea Mammal Research Unit (SMRU) to explore contracting out the open modules;

5.49 Following the discussion BDC agreed:

a. to invite **Contracting Parties to submit proposals for relevant scientific institutions for the open modules to the convenor of ICG-N and the Secretariat as soon as possible but at the latest by the end of March 2008**;

b. to invite **the convenor of ICG-N in cooperation with the Secretariat to identify suitable options for contracting out the modules and to take the preparation of the missing modules and the review of the overall document forward on this basis, if considered appropriate and cost-effective**;

c. to invite **the convenor of ICG-N in cooperation with the Secretariat to prepare clear terms of reference as a basis of a contract with any external consultant**;

d. that the deliberate explosion of dumped munitions should be dealt with in module 8 on other activities (see §5.22);

e. that **ICG-N should make arrangements for the preparation of the JAMP assessments by the ICG-N as soon as possible after the finalisation of the background document but at the latest by EIHA 2008**;

f. that **ICG-N should make arrangements for the preparation of the draft QSR text on underwater noise, if possible in parallel with the preparation of the JAMP assessment, as soon as possible but at the latest by EIHA 2008**.

Offshore wind-farms

Website

5.50 BDC noted that the UK had informed EIHA about their experience on the use and maintenance of the website for exchanging information on Environmental Impacts of Offshore Renewable Energy (www.environmentalexchange.info) and that the United Kingdom had invited the Secretariat to host the website after modernisation of the OSPAR website in 2008.

Cumulative Impact

5.51 BDC noted that EIHA had made arrangements to assess whether there is sufficient basis for preparing guidance on how to address cumulative impacts, and if so, Germany would prepare a proposal on how to take this work forward for EIHA 2008.

5.52 Germany reported that so far they had not received any comments from Contracting Parties and invited submission of information by the end of May 2008. Germany would be willing to feed the results into the work of ICG-C.

5.53 ICG-C noted that they would prefer to take cumulative effects of wind-farms into account in their work but retain this as a separate product by Germany.

Consolidated guidance on Environmental Considerations for Offshore Wind Farm Development

5.54 The United Kingdom presented the draft OSPAR Guidance on Environmental Considerations for Offshore Wind Farm Development (BDC 08/5/10). In producing this consolidated guidance the United Kingdom had remained faithful to the content of the individual source guidance documents and included comments they had received from the Netherlands, Germany and Birdlife International after EIHA 2007. Further minor editorial changes will be included in the document.

5.55 BDC noted that due to time constraints the United Kingdom had not been in the position to circulate the draft revised Consolidated Guidance (taking into account comments received from Germany, the Netherlands and Birdlife International) to EIHA HODs and ICG-N (for comments on the noise section) prior to BDC 2008 as it was requested by EIHA 2007.

5.56 BDC agreed to invite **the United Kingdom to send the draft Consolidated Guidance to EIHA HODs and ICG-N (for comments on the noise section) for comment** and subject to the written procedure by EIHA HODs, to recommend the document for publication by OSPAR 2008 as an other agreement.

JAMP Assessment of the Environmental Impacts of Offshore Wind Farms

5.57 The United Kingdom presented a draft JAMP BA-5 Assessment of the Environmental Impacts of Offshore Wind Farms (BDC 08/5/9). BDC noted that the draft had been circulated for comment to EIHA HODs and ICG-N (for comments on the noise section) prior to BDC 2008 and that the Netherlands and Germany had submitted substantial comments on the draft assessment, *inter alia* on the expected future development of offshore wind energy and possible cumulative impacts.

5.58 The United Kingdom reported that they had discussed the draft assessment in the margins of the meeting with the Netherlands and Germany. To accommodate their concerns it will be clearly stated in the draft assessment that it only refers to the level of wind-farm developments in 2010 and that in the light of future offshore wind-farm developments cumulative impacts could be possible. They considered that there might be a need to include also additional information in the OSPAR Database on Offshore Wind-Farms *inter alia* with regard to future developments and possible cumulative impacts. Other editorial and smaller suggested changes by the Netherlands will be considered when revising the document.

5.59 The United Kingdom informed BDC about the International Scientific Meeting on Marine Renewable Energy and the Environment (www.maree2008.org) from 16-17 June 2008 in London and invited all Contracting Parties to participate. Conclusions from this conference would be factored into the work of BDC on offshore wind farms.

5.60 Following the presentation BDC agreed:

a. that the revised draft assessment should be sent to BDC HOD for adoption and recommendation to OSPAR 2008 for publication on the OSPAR website;

b. to invite **the United Kingdom in cooperation with Denmark and Germany to prepare the initial draft of the QSR chapter on wind-farms by EIHA 2008 and a final draft by BDC 2009**.

c. to invite **the United Kingdom to provide some text elements for the QSR on wave and tidal power which however will not be supported by a JAMP assessment**.

OSPAR Database on Offshore Wind-Farms

5.61 The Secretariat presented the Annual update of the OSPAR Database on Offshore Wind-farms (BDC 08/5/11). BDC noted that all Contracting Parties had submitted their data and agreed to adopt and recommend it to OSPAR.

5.62 WWF reported on a tidal power project south-west of Wales and emphasised the potential impacts of tidal power on the marine environment.

5.63 The United Kingdom concurred that further consideration on tidal power could be useful.

5.64 Spain informed BDC that they had implemented new regulations on the application process for wind-farm development within the territorial sea. The Strategic Environmental Assessment , carried out by the Industry and Environment Ministries had just been completed. Spain will present the main results of this study to EIHA 2008.

5.65 BDC agreed:

a. that **Contracting Parties should send to the Secretariat by 1 September 2008** their updated entries on the OSPAR database on wind-farms for preparing the next (2008) annual update;

b. to invite **the United Kingdom to consider options for data reporting for wave and tidal power to be presented to EIHA 2008**.

Other installations and structures

Coastal defence

5.66 Belgium presented the draft JAMP BA-5 Assessment of the Environmental Impacts of Coastal Defence Structures (BDC 08/5/13). BDC noted that EIHA had agreed that a final draft merging the background document on environmental impacts of coastal defence structures and the initial draft JAMP assessment should be presented to MAQ(1)2008 after consideration by BDC 2008.

5.67 **Spain and the Netherlands noted that they will send corrections on their national data to Belgium**.

5.68 BDC agreed to invite **Belgium to contribute to the initial draft of the QSR Chapter on Land reclamation, coastal defence, artificial islands and artificial reefs to be finished by EIHA 2008 and the final draft by BDC 2009**.

Placement of structures other than oil and gas and wind-farms

5.69 The United Kingdom presented the draft JAMP BA-5 Assessment of the Environmental Impacts of the Construction or Placement of Structures other than Oil and Gas and Wind farms and including Artificial Islands (BDC 08/5/14).

5.70 The United Kingdom had tried, as far as possible, to include the comments made by MAQ(2)07 in the draft assessment, however, much of the information sought by MAQ had not been available. The creation of a map with a reader friendly resolution would have been very difficult given the large number and great variety of structures.

5.71 BDC agreed:

a. to recommend the draft JAMP BA-5 Assessment of the Environmental Impacts of the Construction or Placement of Structures other than Oil and Gas and Wind farms and including Artificial Islands to OSPAR 2008 for publication on the OSPAR website;

b. to invite **the United Kingdom to contribute to the initial draft of the QSR Chapter on land reclamation, coastal defence, artificial islands and artificial reefs to be finished by EIHA 2008 and the final draft by BDC 2009**.

Land reclamation

5.72 The Netherlands presented the draft JAMP BA-5 Assessment of the Environmental Impact of Land Reclamation (BDC 08/5/15). The Netherlands noted that they had incorporated the comments made by MAQ(2)07 as far as possible and intended to consider updating the assessment when monitoring studies were available.

5.73 **Spain reported that they would send corrections on national information in §1.7 of the assessment to the Netherlands**.

5.74 BDC agreed:

a. to recommend the draft JAMP BA-5 Assessment of the Environmental Impact of Land Reclamation to OSPAR 2008 for publication on the OSPAR website.

b. to invite **the Netherlands (lead country) to prepare the initial draft of the QSR Chapter on Land reclamation, coastal defence, artificial islands and artificial reefs by EIHA 2008 and the final draft by BDC 2009**.

5.75 In the margins of the meeting the Netherlands gave a presentation of Maasvlakte 2 (BDC 08/5/Info.2). This explained the amount of marine sand involved (365 million m^3) and models showing projected suspended sediment associated with this port development. Mitigation will include a seabed protection area (25 000 ha) with restrictions on bottom trawling. BDC welcomed this presentation not least because it has been identified as a potential case study for the QSR 2010.

Placement of cables

5.76 Germany presented the draft OSPAR background document on potential problems associated with power cables other than those for oil and gas activities (BDC 08/5/16). Germany reported that they had not been in a position to prepare a draft JAMP assessment on the environmental impacts of placement of power cables.

5.77 Germany noted that minor editorial changes had been submitted by the Netherlands and the United Kingdom and these would be taken into account.

5.78 BDC agreed:

a. to recommend the draft OSPAR background document on potential problems associated with power cables other than those for oil and gas activities to OSPAR 2008 for publication on the OSPAR website;

b. to invite **Germany to prepare the draft JAMP assessment on the environmental impacts of placement of power cables as soon as possible and submit it for consideration to the ICG-C Workshop in September 2008 in Dublin, Ireland** (see §6.30) and EIHA 2008;

c. to invite **Germany to prepare an initial draft QSR Chapter on Cables, if possible in parallel to the JAMP assessment, by EIHA 2008 and the final draft by BDC 2009**;

Exploration for Oil and Gas and Placement of Structures for the Exploitation of Oil and Gas

5.79 The Secretariat (Norway) presented the JAMP BA-5 Assessment of Impacts of Exploration for Oil and Gas and Placement of Structures for the Exploitation of Oil and Gas (BDC 08/5/20) from the OIC Programme of Work (Product 16). It was noted that the assessment should be based on data collected by Norway through the questionnaire used for preparing the Background Document on Environmental Impacts of Oil and Gas Activities other than Pollution as well as any documentation from Contracting Parties describing and assessing impacts of offshore oil and gas activities other than pollution. However, despite several attempts by the lead country no input had been received from other Contracting Parties so far and the draft assessment therefore is based on Norwegian information only. The UK had previously submitted a report to OIC 2007 and agreed to re-send this to the Task Manager.

5.80 BDC noted that the Secretariat had circulated the draft to BDC HODs on 7 February 2008 for commenting to OIC 2008. BDC HODs were asked to examine appropriateness of the assessment of possible impacts on species and habitats, contribution to the JAMP-BA-6 trend analysis in 2008 and other biodiversity related aspects. No comments had been received from BDC HODs prior to the meeting.

5.81 BDC emphasised the importance of this assessment as an integral part of the upcoming JAMP-BA-6 assessment and agreed:

a. to encourage OIC 2008 to undertake further efforts to improve this assessment;

b. that BDC HODs should establish contact with national OIC colleagues to trigger further input.

Tourism

5.82 Spain presented the revised draft JAMP BA-5 Assessment of Impacts of Tourism and Recreational Activities (BDC 08/5/17) including new graphics derived from data received after submission of the draft assessment to BDC (BDC 08/5/17-Corr.1).

5.83 BDC invited Spain to delete the non-OSPAR regions from table 1 and agreed:

a. to recommend to OSPAR 2008 the draft JAMP BA-5 Assessment of Impacts of Tourism and Recreational Activities for publication on the OSPAR website;

b. to invite **Spain to prepare the initial draft QSR Chapter on Tourism and recreational activities by EIHA 2008 and the final draft by BDC 2009**.

Mariculture

5.84 Ireland informed BDC about the progress in preparing the JAMP BA-5 Assessment on Mariculture. **Ireland** apologised for the delay in finalising this assessment and informed the meeting that it was their intention to submit a new draft to **MAQ(1)08 and to the ICG-C Workshop to be held in September in Dublin, Ireland** (see §6.32) and finalise the assessment at the latest by EIHA 2008.

5.85 BDC agreed to invite **Ireland to prepare in parallel the initial draft QSR Chapter on Mariculture by EIHA 2008 and the final draft by BDC 2009**.

Artificial Reefs

5.86 The Secretariat presented a progress report on the preparation of the draft JAMP BA-5 Assessment of Construction or Placement of Artificial Reefs (BDC 08/5/19) which had been contracted out to the immediate pastchairperson of the London Convention Scientific Group, Dr Lynette Frances Jackson. The Secretariat emphasised that the assessment would very much depend on information on cases submitted by Contracting Parties.

5.87 Spain, supported by Germany, recommended to distinguish in the assessment between different types of artificial reefs (i.e. inert reefs or other structures such as dumped vessels) and offered to provide two different cases from Spanish waters. Spain also reported that it would send some corrections and supplementary information to the Secretariat for onward submission to the consultant.

5.88 BDC agreed:

a. to invite **Contracting Parties to submit as soon as possible case studies to the Secretariat for onward submission to the task manager**;

b. to invite **the Secretariat instructing the task manager to distinguish as far as possible and appropriate for the assessment between different types of artificial reefs**.

Agenda Item 6 –Human Activities dealt with directly by BDC

BDC 08/6/1-BDC 08/6/12, BDC 08/6/Info.1, Info.1-Add.1

Fisheries

6.1 The Secretariat presented a document on reporting on fisheries in the OSPAR Maritime Area with 6 areas of concern identified in the QSR 2000 (BDC 08/6/1) and informed BDC about activities of the ICG-FISH led by the Secretariat.

6.2 BDC noted the document and endorsed the information exchange and cooperation between the Secretariats of OSPAR and NEAFC as regards related reporting obligations of both organisations in particular the upcoming NEAFC fisheries status report which might be also very relevant for the preparation of the QSR chapter on fisheries.

6.3 BDC noted that **the United Kingdom would prepare the draft QSR Chapter on Fisheries by MAQ(2)08**.

6.4 The Secretariat presented a document on relations with NEAFC (BDC 08/6/2). This recalled a developing relationship through joint HOD meetings and latterly presentations by OSPAR to both PECMAS (NEAFC's scientific working group) and the North-Atlantic Salmon Conservation Organisation (NASCO). It

was hoped that future working links would be at the scientific/technical level and that an MoU would establish the more formal partnership.

6.5 BDC took note of the outcome of a Joint meeting between HODs to OSPAR and NEAFC and the development of a memorandum of understanding between the two organisations.

6.6 During the discussion the following comments were noted:

a. Germany suggested negotiating with NEAFC sub MoUs on data sharing, requests of joint scientific advice and joint MPA management;

b. Ireland emphasised the importance of finalising the draft MoU in advance of further actions.

6.7 Subsequent to the discussion BDC agreed that the development of the MoU is a very important step forward for the cooperation between the two organisations and welcomed the progress made so far.

Shipping/Ballast water management

6.8 BDC noted progress on preparing an assessment of the impact of shipping on the marine environment (BDC 08/6/3) and **Contracting Parties were urged to submit statistical information on localised pollution, garbage facilities, non-indigenous species, shipping accidents and Regional Traffic Separation Schemes to the task managers via Ms Katy Ware** (Katy.Ware@dft.gsi.gov.uk) no later than 8 March 2008. The Executive Secretary suggested capturing information from other sources such as IMarEST and Seas at Risk. He also noted the attention now being given to local air pollution by particulate matter from shipping emissions. Further to an intervention by EBA, **the Secretariat was requested to ask MAQ to determine whether leisure boating data (e.g. Cruising Atlas summarising all UK Activities) should be covered under this assessment in addition to the assessment of marine tourism** (BDC 08/5/17).

6.9 The OSPAR/HELCOM General Guidance on the Voluntary Interim Application of the D1 Ballast Water Exchange Standard in the North-East Atlantic has now been finalised and accepted by all of the Contracting Parties to the OSPAR and HELCOM Conventions. The Guidance is now supported by 20 countries and the European Commission. Iceland confirmed that following their acceptance of the Guidance, it had now been translated and would be distributed to stakeholders for consideration. The Guidance is now due to be sent to IMO in a joint letter by the OSPAR and HELCOM Secretariats imminently with an entry into force date of 1 April 2008.

6.10 In order to assist the OSPAR and HELCOM Contracting Parties in their preparations for implementing this Guidance, a Joint Notice to Shipping and Instructions to Surveyors have been developed by the UK as lead country. The aim of these documents is to provide a harmonised approach. Further to a written procedure these documents will be finalised and circulated for use by Contracting Parties as they deem fit. The UK also intends to circulate a draft Joint Press Release for comment.

6.11 BDC agreed that **Contracting Parties should provide feedback directly to the UK (Brian.Elliott@mcga.gov.uk Tel: +44 2380 329481) by 17 March 2008**. Amended documents will be circulated by 20 March 2008. **The Secretariat noted comments by Spain and would forward these on Spain's behalf**. Norway informed BDC about their national ballast water treatment regulations. EBA stated that it was very supportive of this initiative and acknowledged that the potential of small craft to transfer alien organisms from one marine region to another was also significant. Guidance and best practice had been submitted by ISAF (International Sailing Federation) to the IMO Marine Environmental Protection Committee.

6.12 Following consensus on the General Guidance, work on the guidance for Tranche 2 of Part 2 of the Ballast Water Management Strategy for the North-East Atlantic can start. **The UK is developing proposals on how to take the next stage forward, with the intention of circulating information to Contracting Parties by the end of March 2008.** In addition work will continue with HELCOM to develop Guidelines for vessels leaving the Baltic and proceeding to ports both within and outside the OSPAR Maritime Area. The Executive Secretary recalled the intention within Tranche 2 to develop an inventory of alien species and urged Contracting Parties to note the relevance of this activity to Chapter 9 of the QSR 2010.

Litter

Litter Steering Group

6.13 The Netherlands presented the progress report of the meeting of the OSPAR Steering Group on Monitoring Marine Beach Litter (BDC 08/6/4) which took place at the kind invitation of Belgium from 3-4 December 2007 in Ostend.

6.14 Following the presentation, a tour de table on participation in the beach litter monitoring programme was made:

a. Belgium will participate;

b. France will participate;

c. Germany indicated that it had to coordinate this activity with the German States (Laender) and was not yet in the position to confirm participation;

d. Ireland informed BDC that subject to the confirmation of funding they will be able in 2008 to participate in the monitoring;

e. the Netherlands will participate;

f. Norway noted that it will not participate;

g. Spain will participate and add two new beaches to the monitoring programme from 2008;

h. Sweden announced that they will participate in 2008;

i. the United Kingdom noted that they will participate in 2008.

6.15 BDC welcomed the report and during the discussion the following point were noted:

a. the steering group felt that its name did not reflect the importance of this issue;

b. Friends of the Earth International emphasised the importance of the beach litter monitoring programme and encouraged all Contracting Parties to participate in this very cost effective monitoring programme.

c. KIMO international noted that for the Marine Framework Decision as well as for the EcoQOs information on beach litter is necessary.

6.16 Following the discussion BDC agreed:

a. to change the name of the Steering Group to ICG-Marine Litter and invited the group to continue its valuable work;

b. to invite **the Netherlands and Belgium in cooperation with the ICG-Marine Litter to prepare an initial draft QSR Chapter on marine litter for EIHA 2008 and the final draft for BDC 2009**.

6.17 KIMO International reported on the results of a study by KIMO Sweden on the abundance of small, microscopic plastic particles in Swedish west coast waters. The report highlighted the large number of small particles increasing the ability of this type of litter to act as a vector for hazardous substances. KIMO also underlined the research needs on microparticles in particular with regard to a possible uptake by organisms and entering into the food chain.

6.18 The Netherlands thanked KIMO for this interesting report and suggested further consideration by the ICG-Marine Litter.

JAMP Assessment on Marine Litter

6.19 KIMO International reported on progress on the assessment of the marine litter problem in the North-East Atlantic region and priorities for response (BDC 08/6/5). This assessment, jointly funded by UNEP and OSPAR as part of a larger global initiative, draws on KIMO International's experience and previous work on marine litter. The assessment will be reported to UNEP and OSPAR 2008.

6.20 BDC noted the report and requested that **Contracting Parties should complete the questionnaires for the assessment as comprehensively as possible and return them to KIMO International by 1 March 2008** to allow a complete assessment of the situation.

Green light to birds

6.21 The Netherlands gave a presentation on the initiative "green light to birds" (BDC 08/6/8) which aims at further developing measures to reduce disturbance of migrating birds caused by electric lighting of offshore installations.

6.22 BDC noted that OIC 2008 will address this issue in more detail and thanked the Netherlands for the interesting research findings. BDC agreed to invite **the Netherlands to establish further evidence for possible OSPAR activities by EIHA and/or MASH 2008**.

Placement of CO_2

6.23 BDC noted a report from the UK giving a review of current applications and developments of CCS technologies within the OSPAR Maritime Area (BDC 08/6/6). This noted developments since OSPAR 2007 by the European Commission, Norway, the Netherlands and the UK. A North Sea Basin Task Force was established by the UK and Norway in 2006 and the task force will hold a 1-day technical workshop in 2008 on monitoring techniques that can be applied to the detection of possible carbon dioxide leakage. The UK agreed that the information provided could inform a presentation to be given by the Executive Secretary to the World Maritime University in June. Contracting Parties were also urged to ratify the Amendments to the OSPAR Annexes agreed at OSPAR 2007. To date only Norway has done so and at least seven Contracting Parties must ratify before the Amendments are in force.

6.24 BDC also noted information from the Secretariat concerning the proposal for an EC Directive on the Geological Storage of Carbon Dioxide (BDC 08/6/10).

Spatial planning

6.25 The decision by EIHA to raise the profile of work within OSPAR on marine spatial planning and management, as set out in BDC 08/6/7, was endorsed by BDC. Ireland considered this to be particularly important given the emphasis being given to this subject within the European Marine Strategy.

6.26 BDC also recommended that UNESCO-IOC should be invited to present a progress report to OSPAR 2008 on their MSM Manual and explain how this might be further developed within OSPAR. Mr Jeff Ardron (Germany) informed BDC that he would participate as a member of the expert panel developing the UNESCO-IOC guidance and he could therefore provide a link to OSPAR.

6.27 The Secretariat informed BDC that they had been approached to provide a professional student placement associated with spatial planning of the marine environment. Several Contracting Parties saw merit in this placement and suggested that the student could undertake preparatory work related to the sub-regional 'visions' task identified by EIHA 2007. The Secretariat also mentioned links with the HERMES (Hotspot Ecosystem Research on the Margins of European Seas) project and a PhD researcher mapping human activities in the OSPAR Maritime Area >200m depth. BDC also noted a **HELCOM stakeholder conference on 4 March 2008, that would consider how broad-scale marine spatial planning can be used within HELCOM and asked the Secretariat to obtain any information relevant for OSPAR**.

6.28 On behalf of the ICG Cumulative Impacts of Activities in the Maritime Area (ICG-C), the Netherlands presented a progress report with particular reference to results of work on an overview of relevant legislation and a proposal for a harmonised approach (BDC 08/6/11). This work was further scrutinized by a drafting group in the margins of the meeting, taking into account comments from the EC and Germany. BDC agreed that subject to detailed revision, this report should be recommended for publication on the OSPAR website.

6.29 The drafting group also concluded that the long-term aim of ICG-C should be to identify methods for the assessment of cumulative impacts of human activities in the OSPAR area. . In the short term this task should be taken forward in conjunction with the assessment of trends in human activities and their collective impact on the OSPAR maritime area under JAMP (BA-6). The JAMP BA-6 assessment will contribute directly to the QSR 2010. In this context ICG-C examined the arrangements for BA-6 made by EIHA 2007 (as set out in Annex 6 of the EIHA 2007 Summary Record) and discussed a revised way forward for the assessment.

6.30 It was stressed by the group that integrating cumulative effects should be seen as a process. Any outcome will be subject to discussion. It was further proposed that the work of ICG-C would be directly fed into the work of ICG-BA-6 and that ICG-C would explore how cumulative environmental assessment (CEA) methods could be used for the purposes of BA-6. For this purpose ICG-C would, before the planned BA-6 workshop in Dublin, Ireland in September 2008, apply and test selected CEA methods (e.g. matrix, network

analyses, spatial analyses) on a number of selected OSPAR areas as (pilot) case studies. These case studies could become part of QSR 2010.

6.31 In response to a request from the Netherlands for any comments on the case studies proposed:

a. the UK stated that they might suggest an alternative case study within the UK context;

b. Norway confirmed that they have ongoing work in the Norwegian Sea that could provide suitable input; and

c. Ireland agreed to further consider any contribution.

6.32 BDC agreed terms of reference for work by ICG-C on cumulative impact assessment and ICG-BA-6 on preparation of the JAMP BA-6 assessment as at Annex 9, including a workshop to be held in Dublin, Ireland on 15-16 September 2008. BDC also noted work by Halpern *et al.* (2008) entitled 'A Global Map of Human Impact on Marine Ecosystems' and suggested that this could also be taken into account by ICG-C.

6.33 Finally, Ireland as lead for ICG-MSP presented a progress report on the development of an overview of national spatial planning and control systems relevant to the OSPAR Maritime Area (BDC 08/6/12). This work comprised a background text, describing systems in place in order to establish a common understanding, and the results of a questionnaire. **Contracting Parties were urged to complete this questionnaire if they had not already done so**. BDC noted progress. France expressed interest in the work on the basis that they need to start to consider their national spatial planning initiative and therefore wished to participate in the ICG. Germany offered ICG-MSP the GIS shape files of the OSPAR MPA network. Germany also noted that a new marine spatial planning regulation was in development in Germany.

OTHER ISSUES

Agenda Item 7 – The European Marine Strategy and Integrated Maritime Policy for the European Union

BDC 08/7/1, BDC 08/7/2

7.1 BDC reflected on the consolidated draft of the Marine Strategy Framework Directive (MSFD), adopted in second reading by the European Parliament on 11 December 2007, noting in particular references to regional cooperation, requirements for 'initial assessments', requirements for 'Good Environmental Status', the establishment of environmental targets and marine protected areas (BDC 08/7/1). The EC provided an update on recent developments and implications for OSPAR. A timeline for implementation of the MSFD informed considerations under several BDC agenda items including EcoQOs, biological monitoring and assessment, marine litter and spatial planning. These issues were addressed in general terms under Agenda Item 2 and more specifically under the subsequent agenda items. Iceland reaffirmed their position regarding the European Marine Strategy. BDC also noted biodiversity related aspects of the Integrated Maritime Policy for the European Union and its Action Plan (BDC 08/7/2).

Agenda item 8 – Preparation of contributions to the QSR 2010

BDC 08/8/1, BDC 08/8/2

8.1 BDC noted the conceptual approach to the QSR 2010 with the overarching QSR supported by the various JAMP thematic assessments, which would be fully realised in the QSR's electronic form (BDC 08/8/1). BDC noted the arrangements and agreements adopted by OSPAR 2007 for the preparation of JAMP thematic assessments and contributions to the QSR 2010 as background for its work (BDC 08/8/1). These included:

a. guidance on the preparation of JAMP thematic assessment intended to contribute to the QSR 2010 (OSPAR agreement 2007-3);

b. editorial guidance for drafting the QSR (OSPAR agreement 2007-4);

c. the expanded structure of the QSR of the sections relevant to BDC's work, i.e.

(i) chapter 2 on the North-east Atlantic ecosystem

(ii) chapter 8 on human uses;

(iii) chapter 9 on biodiversity – protection and conservation

d. the programme of work for the QSR and that various products involved task managers for JAMP Biodiversity theme assessments in drafting text contributions for the QSR itself.

8.2 BDC noted the implications of the timing of the QSR preparation and agreed to emphasise that draft thematic assessments and related draft text contributions must be ready by BDC 2009. Based on comments from BDC, the assessments and contributions must be finalised by ASMO 2009. BDC agreed to **urge all task managers associated with QSR products to familiarise themselves with the QSR guidance and to do their best to adhere to it.**

8.3. BDC noted the selection of case studies identified by MAQ (2) 2007 for inclusion in the QSR 2010 and that potential lead countries were invited to confirm whether they could prepare a case study:

a. EcoQO on contaminants in seabirds eggs (Common Wadden Sea Secretariat);

b. fisheries closures on the Rockall Bank (as a possible collaborative product with NEAFC);

c. fishing for litter (KIMO. Belgium, Netherlands);

d. EcoQO on fish communities (Norway);

e. Regional Ballast water Management Plan (UK);

f. EcoQO on plastic particles in seabird stomachs (Netherlands);

g. a case study on best practice in management of a human activity as nominated by EIHA/BDC;

h. stakeholder involvement in MPA management (e.g. Koster – Väderofjord agreement – Sweden);

i. MPA protection of a vulnerable habitat (e.g. Hydrothermal vents – Portugal);

j. protection of a species (e.g. sturgeon France-WWF);

k. a case study on a species nominated by BDC that has no effective protection.

8.4 BDC invited **the relevant countries to consider this and inform the Secretariat by 26 March 2008 as appropriate**.

8.5. BDC also noted the terms of reference for an ICG established by MAQ to develop a method for an overall "integrated ecosystem approach assessment" on the basis of the OSPAR regions to be presented as Chapter 11 of the QSR 2010. This would seek to integrate the thematic information presented in the preceding chapters and develop conclusions on the key issues in each of the OSPAR regions (BDC 08/8/Info.1).

Agenda Item 9 – Climate change

BDC 08/9/1

9.1 BDC noted the key conclusions of the Intergovernmental Panel on Climate Change Fourth Assessment AR4 Synthesis Report, released on 17 November 2007 (http://www.ipcc.ch/). AR4 has confirmed with increasing confidence the observed changes to climate and their effects. Consequences for marine biology will be particularly intense in high latitudes and include those relating to:

a. warming /ice melt - changing phytoplankton populations and krill density, together with higher temperatures providing more suitable conditions for some invasive species;

b. carbonate chemistry – resulting in dissolution of calcium carbonate structures in organisms; and

c. acidification – affecting the physio-chemical balance of marine species.

9.2 Whilst BDC did not identify the need for any specific biodiversity-related climate change initiative by OSPAR at this point, it was noted that MASH 2008 should examine an ICES Assessment on the effects of climate change on Species and Habitats which would feed into the climate change chapter of the QSR 2010.

Agenda Item 10 – Organisational issues

BDC 08/10/1

Draft work programme for 2008/2009

10.1 Taking into account the 2007/2008 Programme of Work for BDC (BDC 07/1/Info.1) and the progress made at the present meeting, BDC agreed to forward the draft 2008/2009 Programme of Work at Annex 10 to OSPAR 2008 with a view to its adoption.

ICES work programme for 2009

10.2 BDC noted the 2008 ICES Work Programme agreed by OSPAR 2007 (BDC 08/10/1 Annex 1). Taking into account the developments at the present meeting, BDC agreed to invite ASMO 2008 to include in the draft 2009 ICES Work Programme a request for further scientific review of the Mid Atlantic Ridge/Charlie Gibbs Fracture Zone using the set of questions developed at MASH 2007. Inclusion of this request in the 2009 programme will be subject to the agreement of OSPAR 2008. As recommended by MASH 2007, BDC also invited ASMO to include in any terms of reference for work by the ICES/OSPAR HELCOM steering Group on Quality assurance of Biological Measurements a request to look at quality assurance of monitoring in relation to EcoQOs.

Future meeting arrangements

Allocation of meeting days

10.3 The Executive Secretary suggested that the workload of BDC 2008 and proposals made during the meeting on the future organisation of biodiversity assessment and monitoring were both indicative of the fact that BDC work is escalating. BDC had indicated under separate agenda items that the attention of HOD should be drawn to the difficulties being experienced with the current meeting arrangements including the large number of Intersessional Correspondence Groups. Appropriate resources and capacity are needed to deliver necessary products within timescales envisaged.

10.4 Therefore, whilst arrangements might be subject to possible revision by HOD and OSPAR 2008, it was clear extra meeting time was needed and BDC agreed to recommend the following to OSPAR:

BDC – 5 full days
MASH – 5 full days
EIHA – 4 days and a 1-day workshop on BA-6 back to back with EIHA

Two 2-day workshops were also proposed as follows:

a. ICG-C/BA-6, 15-16 September 2008, Dublin Ireland

b. Biodiversity monitoring, September 2008, venue TBA. The intention of this event would be to exchange information between Contracting Parties beyond the North Sea.

Hosts for meetings

10.5 The UK offered to host EIHA 2008 subject to resources. Contracting Parties were invited to advise OSPAR 2008 if they could host any future meetings of BDC.

Agenda Item 11 - Any other business

MSC Napoli

11.1 The UK reported on their handling of the wreck of the MSC Napoli and thanked Contracting Parties for the advice they had received. The UK was mindful of its obligations under the Convention but the incident highlighted difficulties in interpreting the current provision on *Force Majeure* under Annex II of the Convention. BDC welcomed an offer from **the UK to develop OSPAR Guidelines on *Force Majeure* and Emergency Powers for disposal of ships as part of a report to EIHA 2008 on lessons learned from the MSC Napoli. This would draw on information from the London Protocol**.

Fish waste and artificial reefs guidelines

11.2 BDC agreed to a proposal from the Chair that the OSPAR Guidelines on the disposal of fish waste should be reviewed within the Work Programme of EIHA. Unlike the London Convention, OSPAR Guidelines do not currently provide a definition of fish waste. Similarly, the current OSPAR Guidelines on Artificial Reefs, which had been adopted in 1999, would merit a review in the light of the Assessment of Artificial Reefs.

Ocean fertilization

11.3 BDC noted comments by the Chair on ocean fertilization, which although not currently proposed within the OSPAR maritime area, has been proposed elsewhere as a possible mitigation for climate change. The London Convention Scientific Group had issued a Statement of Concern regarding this technology in view of lack of certainty about its effectiveness and possible ecological side effects.

Agenda Item 12 – Adoption of the summary record

12.1 The draft summary record (BDC 08/12/1) was adopted as amended.