



**OSPAR
COMMISSION**

*Protecting and conserving the
North-East Atlantic and its resources*

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RE: Recommendation for the protection and conservation of the Atlantic salmon (*Salmo salar*) in OSPAR Regions I, II, III and IV.

Dear Mr Hermansen,

Thank you for your letter dated 10 June 2016 concerning the drafting of the draft OSPAR Recommendation on furthering the protection and conservation of the Atlantic salmon (*Salmo salar*). I also received feedback on your parties views from my Executive Secretary who was able to join your annual meeting in Germany. I am now writing to you on behalf of the OSPAR Commission following the conclusion of our annual meeting that took place 20-24 June 2016.

As you are aware, the OSPAR Commission included in its agenda consideration of the draft Recommendation. The OSPAR Commission very much welcomed the continued engagement of NASCO in this work and I would like to thank you for the detailed drafting proposals that had been prepared in a short time. The NASCO contributions that were outlined in your letter were presented to the OSPAR Commission meeting as OSPAR document 16/6/3 Add.1. These were examined carefully to best integrate them (or their intentions) into the finalised text. A detailed response to the NASCO drafting proposals has been provided as an Annex to this letter explaining how we used them or amended them in the text.

I am pleased to inform you that the OSPAR Commission agreed to adopt the Recommendation, which is effective as of 24 June 2016 and enclosed with this letter. The cooperation with NASCO has been essential in the development of this new OSPAR measure to ensure that this is complementary to and supportive of the work that is being undertaken through NASCO.

I look forward to continuing our cooperation in the implementation of the Recommendation and in line with our MoU. An intersessional group within OSPAR (ICG-POSH) dedicated to the implementation of OSPAR Recommendations will take up this process. We will continue to keep you informed of progress and the opportunities for further engagement.

Yours sincerely,

Carien van Zwol
Chair, OSPAR Commission

Annex 1: Responses to the NASCO proposed edits of the Draft OSPAR Recommendation 2016/XX on furthering the protection and conservation of the Atlantic salmon (*Salmo salar*) in Regions I, II, III and IV of the OSPAR maritime area.

Preambular paragraphs:

NASCO proposal 1:

(13) NOTING that under Article 2 of the Convention for the Conservation of Salmon in the North Atlantic Ocean fishing for Atlantic salmon is prohibited beyond areas of fisheries jurisdiction of coastal states and within areas of fisheries jurisdiction beyond 12 nautical miles, subject to exceptions at West Greenland and the Faroe Islands.

~~(14) NOTING that under Article 2 of the Convention for the Conservation of Salmon in the North Atlantic Ocean fishing for Atlantic salmon is prohibited within areas of fisheries jurisdiction beyond territorial seas, subject to exceptions at West Greenland and the Faroe Islands;~~

OSPAR response: When drafting recitals, the OSPAR Guidelines for the Preparation of Draft OSPAR Decisions and Recommendations (Agreement 2004/01) stat that “recitals in a draft measure should only recall the articles of the OSPAR Convention. If a quotation of the text is considered necessary, selective quoting (of parts of the text) should be avoided”. In order to be consistent this guidance was also applied to the recalling of Article 2 of the NASCO convention text.

Final text: RECALLING Article 2 (1) and Article 2 (2) of the NASCO Convention for the Conservation of Salmon in the North Atlantic Ocean;

NASCO proposal 2

(15) NOTING that several Contracting Parties to OSPAR have fully or partially prohibited fishing of Atlantic salmon within their territorial sea;

OSPAR response: The measure is adopted as an OSPAR Recommendation and as such is addressed specifically to OSPAR Contracting Parties. It was therefore concluded that it was not necessary to include reference to OSPAR again in this preambular paragraph.

NASCO proposal 3

2.1. The purpose of this Recommendation is to assist in strengthening the protection of the Atlantic salmon at all life stages in order to restore its populations, to improve its status and to ensure that its populations are effectively conserved in Regions I, II, III and IV of the OSPAR maritime area.

OSPAR response: the intention of the amendment was accepted, with an adjustment of the drafting to “contribute to strengthening”

Final text: 2.1. The purpose of this Recommendation is to contribute to strengthening the protection of the Atlantic salmon at all life stages in order to restore its populations, to improve its status and to ensure that its populations are effectively conserved in Regions I, II, III and IV of the OSPAR maritime area.

NASCO proposal 4:

3.1 a. ~~[the possibility of introducing]~~ ~~[introducing]~~ legislation need to introduce additional measures applicable to its jurisdiction to enhance the conservation and protection of the Atlantic salmon at all relevant life stages in the light of the review carried out pursuant to paragraph 3.1b;

OSPAR response: *The amendments to this paragraph were found to be helpful and largely accepted as proposed. The only exception was to remove the words “applicable to its jurisdiction”. The chapeau text for §3.1 makes it clear that these actions are directed to Contracting Parties of OSPAR and therefore implicit that the actions relate to the jurisdiction of OSPAR Contracting Parties. It was therefore agreed by the meeting not to include these words.*

All other proposed amendments were accepted.

OSPAR also included reference to “restoration” in addition to protection and conservation in this paragraph to be consistent with §3.1b, as well as to the intentions of both Conventions.

Final text: 3.1 a. the need to introduce additional measures to enhance the conservation, protection and restoration of the Atlantic salmon at all relevant life stages in light of the review carried out pursuant to paragraph 3.1b;

NASCO proposal 5

3.1b (chapeau). ~~assessing whether all existing management measures applicable to its jurisdiction that contribute to the conservation, for protection and restoration of Atlantic salmon and its ecosystems, including those under NASCO, are effectively addressing the key threats as identified in the Background document (OSPAR publication 2010/480) including:~~

OSPAR response: *linked to the acceptance of the NASCO amendments for 3.1a.*

As per 3.1a, the chapeau text indicates that the actions under §3.1 are directed to the Contracting Parties and the applicability to jurisdiction implied. The specification of the text “applicable to its jurisdiction” led to ambiguity and different interpretations. It was therefore agreed that these words not be included.

Agreed to the deletion of “including those under NASCO”.

Final text: 3.1 b. assessing whether all measures that contribute to the conservation protection and restoration of Atlantic salmon, and its ecosystems, are effectively addressing the key threats identified in the Background document (OSPAR publication 2010/480) including:

NASCO proposal 6

3.1c. encouraging liaison within their national administrations in developing future NASCO Implementation Plans and in reporting on progress with their implementation against those plans as well as the and effectiveness of the actions taken, as reported through NASCO Annual Progress Reports;

OSPAR response: *accepted as proposed*

NASCO proposal 7

3.2 Acting collectively within the framework of the OSPAR Commission and where relevant working under the MoU with NASCO, with the aim of promoting an ecosystem-based approach, Contracting Parties should:

- e. in accordance with Article 4 of Annex V of the OSPAR Convention, or where coordination and cooperation with other international organisations and bodies is appropriate, concerning a question relating to the management of fisheries, draw ~~the~~ that question ~~of strengthening the protection of Atlantic salmon~~ to the attention of the relevant authority or international body ~~competent for that question, and encourage that authority or international body to take appropriate measures~~, drawing upon the actions and measures suggested in the Background Document (OSPAR publication 2010/480) to address in particular:
 - (i) any bycatch in fisheries that leads to overexploitation of Atlantic salmon;
 - (ii) overfishing of food sources of the Atlantic salmon-(e.g. sand eel);
 - ~~(iii) diseases, parasites and gene pool dilution from aquaculture activities; and~~
 - ~~(iv) the obstacles to migration as the key threats, having regard to management objectives and the supporting scientific advice~~

OSPAR response: *Alteration to the chapeau text for 3.2e: The amendments proposed by NASCO were accepted.*

Deletion of (iii) and (iv): it was agreed that it was not correct to identify these issues in this paragraph, as they are not directly related to fisheries management, however it was agreed that it was important to retain this information. A new sub para was included as an action for OSPAR Contracting Parties to cooperate and coordinate with other relevant competent international organisations on these issues (e.g. the river Commissions).

Final text:

- New 3.2e. cooperate and coordinate with other relevant competent international organisations and bodies, drawing upon the actions and measures suggested in the Background Document (OSPAR publication 2010/480) to address:
- (i) diseases, parasites and gene pool dilution from aquaculture activities; and
 - (ii) the obstacles to migration as the key threats, having regard to management objectives and the supporting scientific advice;
- 3.2f. (previously 3.2e) in accordance with Article 4 of Annex V of the OSPAR Convention, or where coordination and cooperation with other international organisations and bodies is appropriate concerning a question relating to the management of fisheries, draw that question to the attention of the relevant authority or international body, drawing upon the actions and measures suggested in the Background Document (OSPAR publication 2010/480) to address in particular:
- (i) any bycatch in fisheries that leads to overexploitation of Atlantic salmon;
 - (ii) overfishing of food sources of the Atlantic salmon-(e.g. sand eel);
- where this is necessary for conservation and recovery of Atlantic salmon.

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

Meeting of the OSPAR Commission (OSPAR)

Tenerife: 20-24 June 2016

OSPAR Recommendation 2016/3 on furthering the protection and conservation of the Atlantic salmon (*Salmo salar*) in Regions I, II, III and IV of the OSPAR maritime area

Preamble

(1) RECALLING Article 2(1) of the Convention for the Protection of the Marine Environment of the North East Atlantic ('the OSPAR Convention');

(2) RECALLING Annex V to the OSPAR Convention on the protection and conservation of the ecosystems and biological diversity of the maritime area, and in particular Article 3 (1)(b)(ii), which makes it a duty of the OSPAR Commission to develop means, consistent with international law, for instituting protective, conservation, restorative or precautionary measures related to specific areas or sites or related to specific species or habitats; and Article 3(1)(b)(iv), which aims for the application of an integrated ecosystem approach, subject to Article 4;

(3) RECALLING Article 4(1) of Annex V, which provides that, in accordance with the penultimate recital of the OSPAR Convention, no programme or measure concerning a question relating to the management of fisheries shall be adopted under that Annex, while recognising that where the OSPAR Commission considers that action is desirable in relation to such a question, it shall draw that question to the attention of the authority or international body competent for that question;

(4) RECALLING OSPAR Recommendation 2003/3 as amended by OSPAR Recommendation 2010/2 that calls upon Contracting Parties to report to the OSPAR Commission sites selected for inclusion as components of the OSPAR network of marine protected areas and develop appropriate management plans and measures;

(5) RECALLING OSPAR Recommendation 2010/5 on assessments of environmental impact in relation to threatened and/or declining species and habitats;

(6) RECALLING the OSPAR List of Threatened and/or Declining Species and Habitats (OSPAR Agreement 2008-6), in which the Atlantic salmon is listed as a species occurring in OSPAR Regions I, II, III and IV, and is categorised as a species under threat and/or in decline in those OSPAR Regions;

(7) RECALLING the Statement on the Common Understanding of the Recommendations on Species and Habitats (OSPAR Agreement 2013-13);

(8) NOTING the Case Report (OSPAR publication 2008/358), the respective Background Document for this species (OSPAR publication 2010/480), and the scientific references therein as well as the OSPAR publication 2010/520 on the OSPAR workshop on defining actions and measures for the OSPAR List of Threatened and/or Declining Species and Habitats, which indicate a severe decline in abundance and deterioration of diversity of this species and its high sensitivity to water quality making it a key indicator of healthy aquatic environments. These documents also provide information on *inter alia* the threats and impacts on the Atlantic salmon from human activities;

(9) RECALLING the Memorandum of Understanding signed 2013 between the North Atlantic Salmon Conservation Organization (NASCO) and the OSPAR Commission recognising the complementary competences for the conservation, restoration and rational management of Atlantic salmon and for the protection of marine ecosystems, respectively, in the North-East Atlantic;

(10) NOTING that the NASCO Convention area extends beyond the OSPAR maritime area, covering the

entire migratory range of Atlantic salmon stocks;

(11) RECALLING Article 2 (1) and Article 2 (2) of the NASCO Convention for the Conservation of Salmon in the North Atlantic Ocean;

(12) NOTING that several Contracting Parties have fully or partially prohibited fishing of Atlantic salmon within their territorial sea;

(13) NOTING that increased marine mortality is a major factor affecting Atlantic salmon abundance around the North Atlantic and that the decline in abundance is most marked for more southerly Atlantic salmon stocks in both Europe and North America and further noting the international, collaborative research efforts coordinated through NASCO's International Atlantic Salmon Research Board to better understand the factors responsible for this mortality and the opportunities to counteract them.

(14) NOTING that NASCO and its Parties have agreed to adopt and apply a Precautionary Approach to the conservation, management and exploitation of Atlantic salmon in order to protect the resource and preserve the environments in which it lives and that NASCO has adopted a range of Resolutions, Agreements and Guidelines relating to management of Atlantic salmon fisheries; habitat protection and restoration; aquaculture, introductions, transfers and transgenics;

(15) NOTING that in order to support implementation of NASCO Resolutions, Agreements and Guidelines each NASCO Party in their respective jurisdictions has adopted a five year Implementation Plan and report annually to NASCO on progress in implementing the actions in those plans and their effectiveness and that these plans and progress reports are subject to critical evaluation;

(16) NOTING that the European Union has established since 2008 a Community Framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy¹. Such a framework also applies to Atlantic salmon at sea and in inland waters, limited to index rivers in the Baltic.

(17) NOTING that, where appropriate, the programmes and measures of this Recommendation may further support the regional implementation of EU Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora ("Habitats Directive"), of EU Directive 2000/60/EC establishing a framework for Community action in the field of water policy ("Water Framework Directive"), and of EU Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy ("Marine Strategy Framework Directive"), and corresponding legislation of other Contracting Parties;

(18) NOTING that the International Council for the Exploration of the Sea (ICES) 2014 assessments of Atlantic salmon stocks in the North Atlantic show there has been little improvement, despite the efforts made.

(19) NOTING that the work of OSPAR will complement the implementation of measures taken under the Convention on the Protection of the Marine Environment of the Baltic Sea Area and by the International River Commissions of relevance to protect this species.

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

1. Definitions

1.1. For the purposes of this Recommendation:

"*Atlantic salmon*" means the anadromous populations of the species *Salmo salar* Linnaeus, 1758.

"*Marine protected area*" means an area within the maritime area for which protective, conservation, restorative or precautionary measures, consistent with international law, have been instituted for the purpose of protecting and conserving species, habitats, ecosystems or ecological processes of the marine environment.

¹ Council Regulation (EC) No 199/2008, OJ L 60, 5.3.2008, p. 1.

“Critical habitat or key area” means a specific area within the geographic range of the species that is or may be occupied by the species concerned (i.e. the Atlantic salmon) within which are found those physical or biological features, which are essential to the conservation of the species.

2. Purpose and scope

2.1. The purpose of this Recommendation is to contribute to strengthening the protection of the Atlantic salmon at all life stages in order to restore its populations, to improve its status and to ensure that its populations are effectively conserved in Regions I, II, III and IV of the OSPAR maritime area.

3. Programmes and measures

3.1 Each Contracting Party should consider in Regions I, II, III and IV:

- a. the need to introduce additional measures to enhance the conservation and protection and restoration of the Atlantic salmon at all relevant life stages in light of the review carried out pursuant to paragraph 3.1b;
- b. assessing whether all measures that contribute to the conservation protection and restoration of Atlantic salmon, and its ecosystems, are effectively addressing the key threats identified in the Background document (OSPAR publication 2010/480) including:
 - (i) habitat alteration or loss especially of spawning and juvenile grounds, resulting from riverbed engineering schemes and hydrological management (e.g. for flood defence or navigation);
 - (ii) obstacles to migration, such as construction of dams or navigation weirs blocking access to spawning grounds;
 - (iii) water pollution, such as nutrient and organic matter enrichment and hazardous substances from urban and agro-industrial activities affecting Atlantic salmon spawning grounds and their reproductive success (e.g. PCBs in substrates, acidification);
 - (iv) incidental by-catch of Atlantic salmon at sea and targeted fisheries in key areas and overfishing of Atlantic salmon food sources (e.g. sand eel);
 - (v) fish farming, through escape and accidental release, resulting in interbreeding and genetic effects, or spread of diseases and parasites;
 - (vi) climate change, through changes in water temperatures and flows known to influence salmonid growth, life history and distribution;
- c. encouraging liaison within their national administrations in developing future NASCO Implementation Plans and in reporting on progress against those plans as well as effectiveness of the actions taken, as reported through NASCO Annual Progress Reports;
- d. whether any of the critical habitat or key areas justify selection and designation as marine protected areas for the protection and recovery of Atlantic salmon populations and whether such areas may become a component of the OSPAR network of marine protected areas;
- e. improving scientific communication and information exchange including participating in and supporting NASCO’s research priorities to coordinate research on Atlantic salmon;
- f. raising awareness of the status of and threats to the Atlantic salmon among relevant sectors and authorities and the general public;
- g. acting for the fulfilment of the purpose of this Recommendation within the framework of relevant competent authorities.

3.2 Acting collectively within the framework of the OSPAR Commission and where relevant working under the MoU with NASCO, with the aim of promoting an ecosystem-based approach, Contracting Parties should:

- a. consider new information arising from the International Council for the Exploration of the Sea (ICES), or other relevant scientific institutions, on the distribution, population status, biology, conservation measures and research needs for this species;
- b. promote, as appropriate, the inclusion of Atlantic salmon as a protected species in relevant international biodiversity conventions, taking into account the OSPAR Regions for which threats and/or decline have been indicated in the OSPAR List of threatened and/or declining species and habitats (OSPAR Agreement 2008-6);
- c. advocate conservation measures within existing marine protected areas when appropriate and evaluate the extent to which critical habitat or key areas for the Atlantic salmon are already included within the OSPAR network of marine protected areas, and whether this coverage can be improved as a complementary measure to other conservation and management measures;
- d. promote the exchange of information with relevant river basin organisations regarding objectives and measures to address the key threats such as habitat alteration or loss, obstacles to migration, and water pollution, aiming to reach a coherent approach between the relevant international bodies;
- e. cooperate and coordinate with other relevant competent international organisations and bodies, drawing upon the actions and measures suggested in the Background Document (OSPAR publication 2010/480) to address:
 - (i) diseases, parasites and gene pool dilution from aquaculture activities; and
 - (ii) the obstacles to migration as the key threats, having regard to management objectives and the supporting scientific advice;
- f. in accordance with Article 4 of Annex V of the OSPAR Convention, or where coordination and cooperation with other international organisations and bodies is appropriate concerning a question relating to the management of fisheries, draw that question to the attention of the relevant authority or international body, drawing upon the actions and measures suggested in the Background Document (OSPAR publication 2010/480) to address in particular:
 - (i) any bycatch in fisheries that leads to overexploitation of Atlantic salmon;
 - (ii) overfishing of food sources of the Atlantic salmon-(e.g. sand eel);
 where this is necessary for conservation and recovery of Atlantic salmon.

4. Entry into Force

4.1 This Recommendation has effect from 24 June 2016.

5. Implementation reports

5.1 Contracting Parties should report by 31 December 2019 on the implementation of this Recommendation to the OSPAR Commission. After 2019 Contracting Parties should report every six years on the implementation of this Recommendation.

5.2 When reporting on implementation, the format as set out in Appendix 1² should be used as far as possible.

² Contracting Parties members of NASCO may choose to attach reports submitted to NASCO when reporting under this Recommendation to avoid double reporting.

Format for implementation reports concerning OSPAR Recommendation 2016/3 on furthering the protection and conservation of the Atlantic salmon (*Salmo salar*) in Regions I, II, III and IV of the OSPAR maritime area

(Note: In accordance with Section 5 of this Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

Reservation applies:

Is this measure applicable in your country?

If not applicable, then state why not

.....

II. Means of Implementation:

by legislation	by administrative action	by negotiated agreement
yes/no*	yes/no*	yes/no*

Please provide information on:

- a. specific measures taken to give effect to this measure;
- b. any special difficulties encountered, such as practical or legal problems, in the implementation of this measure;
- c. any reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported.

.....

* Delete whichever is not appropriate.