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Agenda item 6: Conservation of sites of particular ecological interest

Draft Criteria for inclusion of Specially Protected Areas (SPAs) in the Directory of Mediterranean SPAs

Note by the Secretariat

Decision IG.24/6 “Identification and Conservation of Sites of Particular Ecological Interest in the Mediterranean, including Specially Protected Areas of Mediterranean Importance”, adopted by the 21st ordinary meeting of the Contracting Parties to the Barcelona Convention and its Protocols (COP 21; Naples, Italy, 2-5 December 2019), requested the Secretariat to establish a Directory of Mediterranean Specially Protected Areas (SPAs), and the Specially Protected Areas Regional Activity Centre (SPA/RAC) to elaborate criteria for inclusion of SPAs in the directory, for consideration by the Contracting Parties at their 22nd meeting (COP 22; Antalya, Turkey, 7-10 December 2021).

Decision IG.24/6 further decided to set up the Ad hoc Group of Experts for Marine Protected Areas in the Mediterranean (AGEM) to support the Secretariat and the Contracting Parties to progress with the 2020 and post-2020 marine protected areas agenda in the Mediterranean and to work on related issues such as preparing guidelines, setting up definitions and measurable indicators, and tailoring global concepts and approaches to the Mediterranean context.

The present draft Criteria for inclusion of Specially Protected Areas (SPAs) in the Directory of Mediterranean SPAs were prepared by SPA/RAC with the full expertise and support of AGEM.

A specific working group on Specially Protected Areas (SPAs) and other effective area-based conservation measures (OECMs) was formed (WG-SPA/OECM) under AGEM.

WG-SPA/OECM organized dedicated working sessions, in February and March 2021, to discuss and elaborate the present Draft Criteria for inclusion of SPAs in the Directory of Mediterranean SPAs, that were eventually discussed and endorsed by the second meeting of AGEM held on 3 and 4 May 2021, by teleconference.

For further details about the elaboration process and background discussion, please refer to the Report by the Chair and Vice-Chair of the Ad hoc Group of Experts for Marine Protected Areas in the Mediterranean (AGEM) on the group’s works during the period 2020-2021 presented under the reference UNEP/MED WG.502/9 to the present meeting.

Draft Criteria for inclusion of Specially Protected Areas (SPAs) in the Directory of Mediterranean SPAs

I. Introduction

1. Decision IG.24/6¹ “Identification and Conservation of Sites of Particular Ecological Interest in the Mediterranean, including Specially Protected Areas of Mediterranean Importance”, adopted by the 21st ordinary meeting of the Contracting Parties to the Barcelona Convention and its Protocols (COP 21; Naples, Italy, 2-5 December 2019), requested the Secretariat to establish a Directory of Mediterranean Specially Protected Areas (SPAs), and the Specially Protected Areas Regional Activity Centre (SPA/RAC) to elaborate criteria for inclusion of SPAs in the directory, for consideration by the Contracting Parties at their 22nd meeting (COP 22; Antalya, Turkey, 7-10 December 2021).
2. Decision IG.24/6 further decided to set up the Ad hoc Group of Experts for Marine Protected Areas in the Mediterranean (AGEM) to support the Secretariat and the Contracting Parties to progress with the 2020 and post-2020 marine protected areas agenda in the Mediterranean and to work on related issues such as preparing guidelines, setting up definitions and measurable indicators, and tailoring global concepts and approaches to the Mediterranean context.
3. The present draft Criteria for inclusion of Specially Protected Areas (SPAs) in the Directory of Mediterranean SPAs were prepared by SPA/RAC with the full expertise and support of AGEM.

II. Elaboration of the draft Criteria for inclusion of SPAs in the Directory of Mediterranean SPAs

4. In view of the development of the draft Criteria for inclusion of SPAs in the Directory of Mediterranean SPAs, AGEM had a rich discussion on the following points:
 - Difference between Specially Protected Areas (SPAs) and Marine and Coastal Protected Areas (MCPAs), and if SPAs should be a special category of MCPAs similar to the Specially Protected Areas of Mediterranean Importance (SPAMIs);
 - Definition of a SPA;
 - Purpose of the Directory of Mediterranean SPAs;
 - Criteria for inclusion of SPAs in the Directory of Mediterranean SPAs (and format of the proposal);
 - Format/data to be contained in the Directory of Mediterranean SPAs;
 - Maintenance and update of the Directory of Mediterranean SPAs.
5. AGEM unanimously agreed on the following points:

II.1. Difference between Specially Protected Areas (SPAs) and Marine and Coastal Protected Areas (MCPAs)

6. Specially Protected Areas (SPAs) don't have special criteria different from Marine and Coastal Protected Areas (MCPAs). They are the same as MCPAs, but they are meant to be “officially established and fully managed” MCPAs (as opposed to paper parks).

¹ Decision IG.24/6 “Identification and Conservation of Sites of Particular Ecological Interest in the Mediterranean, including Specially Protected Areas of Mediterranean Importance”: http://www.rac-spa.org/sites/default/files/doc_cop/cop21/decision_24_6_eng.pdf

II.2. Definition of a SPA

7. Given that there is no definition of “SPA” under the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean² (SPA/BD Protocol), it would be useful to have such definition, particularly to avoid confusions that may arise.

8. Based on an examination of the various relevant articles of the SPA/BD Protocol, it was agreed that this definition should include the following points:

- A geographically defined marine or terrestrial coastal area (Article 2, para. 1, of the SPA/BD Protocol);
- Established by law;
- Devoted to protection (should be amongst its objectives); and
- Includes measures in the law-indications about key elements for management.

9. The following wording for a SPA definition was discussed and agreed: “**a geographically defined marine or coastal area that is designated by legal enactment and managed to achieve specific protection objectives (as listed in Article 4 of the SPA/BD Protocol) through appropriate protection measures**”.

10. It was also agreed that it is particularly important that SPAs have clear protection objectives that aim to reach a specific conservation goal. It is not enough that the SPA is legally established. The SPA/BD Protocol is clear that the SPA needs to have some binding management measures in it, and in particular a management plan. In addition, it would be useful to account for the effectiveness of the protection measures in the data to be requested in the Directory of Mediterranean SPAs.

11. It was further agreed that it may be useful to have guidance on which MCPA categories could be considered as SPAs and included in the Directory of Mediterranean SPAs.

II.3. Purpose of the Directory of Mediterranean SPAs

12. It was agreed that the main purpose of the Directory of Mediterranean SPAs is to facilitate and standardize reporting on progress toward the implementation of the Barcelona Convention and its SPA/BD Protocol.

13. AGEM stressed the fact that the current reporting format for the implementation of the Barcelona Convention and its Protocols has a section on SPAs. However, the information requested in this reporting format is very limited. Improving this format of standard reporting on SPAs would be needed, taking into account the criteria for the areas that should be considered as SPAs.

14. The Directory of Mediterranean SPAs could also serve as a tool recognized by the country to report on international and regional MCPA targets and improve level of transparency in reporting, and measure progress towards these targets. It therefore should accommodate reporting needs for various commitments on marine protected areas (MPAs) to CBD, EU, etc., and also enable reporting on other effective area-based conservation measures (OECMs).

15. With regard to OECMs, AGEM was of the views that the Barcelona Convention COP 22 should invite SPA/RAC to have a section on OECMs in the Database of Marine Protected Areas in the Mediterranean (MAPAMED) of SPA/RAC and MedPAN, and also invite Contracting Parties to identify and report OECMs. However, it is important to have a clear distinction on reporting between SPAs and OECMs and avoid creating confusion.

16. The Directory of Mediterranean SPAs could also provide other objectives and services including:

- enable reporting effectiveness of the protection measures. This could ultimately enable enhance management effectiveness of these protected areas;

² http://rac-spa.org/sites/default/files/spamis_temp/spa_bd_protocol_annexes1_to_3_v_2019_eng.pdf

- facilitate the creation of networks at Mediterranean level amongst MCPAs in different countries sharing similar objectives;
- enable analysis of Mediterranean OECMs.

17. AGEM also discussed that ideally a SPAMI should be first listed as SPA and meet all the SPA criteria before being evaluated as SPAMI. Every SPAMI should be a SPA, but not all SPAs are expected to become SPAMIs.

II.4. Criteria for inclusion of SPAs in the Directory of Mediterranean SPAs (and format of the proposal)

18. AGEM examined in details Articles 4, 6, 7, 16, 19, 23 and 26 of the SPA/BD Protocol and agreed on the following criteria for inclusion of an area in the Directory of Mediterranean SPAs:

- (a) The SPA must be declared (established) through a legal enactment that clearly states its protection objective(s) and its boundaries. The text of the legal enactment must be provided and included in the Directory of Mediterranean SPAs.
- (b) The legal enactment of the SPA must include at least one of the following conservation objectives, as listed in Article 4 of the SPA/BD Protocol:
 - (i) to safeguard representative types of coastal and marine ecosystems of adequate size to ensure their long-term viability and to maintain their biological diversity;
 - (ii) to safeguard habitats which are in danger of disappearing in their natural area of distribution in the Mediterranean or which have a reduced natural area of distribution as a consequence of their regression or on account of their intrinsically restricted area;
 - (iii) to safeguard habitats critical to the survival, reproduction and recovery of endangered, threatened or endemic species of flora or fauna;
 - (iv) to safeguard sites of particular importance because of their scientific, aesthetic, cultural or educational interest.
- (c) To achieve the area's conservation objectives, the legal enactment of the SPA must define relevant protection measures as per Article 6 of the SPA/BD Protocol. In particular, the protection measures should include:
 - (i) the regulation or prohibition of fishing, hunting, taking of animals and harvesting of plants or their destruction, as well as trade in animals, parts of animals, plants, parts of plants, which originate in specially protected areas;
 - (ii) the regulation and if necessary the prohibition of any other activity or act likely to harm or disturb the species or that might endanger the state of conservation of the ecosystems or species or might impair the natural or cultural characteristics of the specially protected area.
- (d) As relevant³, the legal enactment of the SPA should also include the following protection measures (protection measures also listed in Article 6 of the SPA/BD Protocol):
 - (i) the regulation of the introduction of any species not indigenous to the specially protected area in question, or of genetically modified species, as well as the introduction or reintroduction of species which are or have been present in the specially protected area;
 - (ii) the prohibition of the dumping or discharge of wastes and other substances likely directly or indirectly to impair the integrity of the specially protected area;
 - (iii) the regulation of the passage of ships and any stopping or [any] anchoring;
 - (iv) the regulation or prohibition of any activity involving the exploration or modification of the soil or the exploitation of the subsoil of the land part, the seabed or its subsoil;
 - (v) the regulation of any scientific research activity;
 - (vi) the strengthening of the application of the other Protocols to the Convention and of other relevant treaties to which they are Parties;

³ The term "as relevant" means that a SPA does not necessarily need to have in place all of the listed protection measures, but only those that are required, taking into account its own characteristics and conservation objective.

- (vii) any other measure aimed at safeguarding ecological and biological processes and the landscape.
- (e) To be included in the Directory of Mediterranean SPAs, a SPA must⁴ have planning, management, surveillance and monitoring measures. As per Article 7 of the SPA/BD Protocol, they should include:
- (i) the development and adoption of a management plan that specifies the legal and institutional framework and the management and protection measures applicable;
 - (ii) the continuous monitoring of ecological processes, habitats, population dynamics, landscapes, as well as the impact of human activities;
 - (iii) the active involvement of local communities and populations, as appropriate, in the management of the specially protected area, including assistance to local inhabitants who might be affected by its establishment;
 - (iv) the adoption of mechanisms for financing the promotion and management of the specially protected area, as well as the development of activities which ensure that management is compatible with its objectives;
 - (v) the regulation of activities compatible with the objectives for which the specially protected area was established and the terms of the related permits;
 - (vi) the training of managers and qualified technical personnel, as well as the development of an appropriate infrastructure.

II.5. Format/data to be contained in the Directory of Mediterranean SPAs

19. The Directory of Mediterranean SPAs should be constructed as a multifunctional tool that would accommodate the different demands in terms of reporting, as discussed under section II.3. above.

20. AGEM agreed that the reporting of the Contracting Parties to the Directory of Mediterranean SPAs should build upon the current reporting requirement under the Barcelona Convention and its Protocols. Taking into consideration the proposed purpose of the Directory of Mediterranean SPAs and SPA criteria, the current reporting requirement should be amended to include the additional information contained in **Annex 1** (bold underlined text).

21. In addition, AGEM noted that it is necessary for the SPA to have a management plan that is adopted as per Article 7 of the SPA/BD Protocol (see section II.4. (e) (i) above). The reporting format should therefore be amended to delete the sub-columns “No” and “Under Development” with reference to the management plan (see Annex 1, stricken-through text).

II.6. Maintenance and update of the Directory of Mediterranean SPAs

22. AGEM agreed that the Directory of Mediterranean SPAs should be updated every two years, as part of the regular reporting under the Barcelona Convention and its Protocols.

23. AGEM also agreed that it is important that an analysis of all submitted reports is provided by SPA/RAC at every meeting of the SPA/BD Focal Points. AGEM also agreed that the COP 22 of the Barcelona Convention should request SPA/RAC to include the submitted reports on SPAs in the Database of Marine Protected Areas in the Mediterranean (MAPAMED), and should also encourage Contracting Parties to report additional information on other MCPAs and OECMs to the MAPAMED database.

⁴ Article 7, para. 1, of the SPA/BD Protocol states that Parties “shall” adopt planning, management, supervision and monitoring measures. The verb “shall” is understood as “have an obligation to” and, therefore, the term “must” is used here to convey the mandatory nature of these requirements.

Annex 1**Additional information on Specially Protected Areas (SPAs) to be added to the reporting format for the implementation of the Barcelona Convention and its Protocols, for purposes of inclusion in the Directory of Mediterranean SPAs**

Note: The additional information is underlined and in bold.
The amendment of the reporting format should also delete the stricken-through text.

Table III. List of SPAs within the SPA/BD Protocol's geographical coverage

No	Name of the SPA	Date of establishment	<u>Legal enactment (copy of the text should be attached)</u>	Category	Jurisdiction	Coordinates <u>Polygons</u>	Surface (marine, terrestrial, wetland) <u>(total and if it's the case distinguished into marine, coastal, wetland)</u>	Main ecosystems, species and their habitats <u>(incl. species listed under Annexes II and III)</u>	Management plan			<u>Protection objectives (drop down menu from objectives in Article 4)</u>	<u>Protection measures (drop down menu from list in Article 6)</u> <u>Other measures?</u>	<u>Are the measures legally binding (e.g. included in an applicable regulation)?</u> <u>If yes, provide reference to relevant regulation</u>	<u>Existence of No-Take Zone⁵ (Yes/No)</u> <u>If yes, provide total extent of the No-Take Zone as officially declared (in km²)</u>
									Date of adoption <u>(link or attachment provided)</u>	<u>NO</u>	<u>Under development</u>				
N															
N+1															
...															

⁵ No-Take Zones are geographically defined zones within marine protected areas that do not allow any fishing, mining, drilling, or other extractive activities.