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Mediterranean Action Plan
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IDENTIFICATION OF POTENTIAL SITES IN OPEN SEAS INCLUDING THE DEEP SEA THAT MAY SATISFY SPAMI CRITERIA

On an international scale, the Johannesburg World Summit for Sustainable Development formed the aim of setting up a representative network of Marine Protected Areas by 2012. As part of its programme of work on marine and coastal biological diversity, the Convention on Biological Diversity (CBD) has since 2004 advocated developing activities to protect marine areas that lie outside the boundaries of national jurisdiction.

On a Mediterranean scale, in the context of the Barcelona Convention, the Protocol on Specially Protected Areas and Biological Diversity (SPA/BD) and the Strategic Action Plan for Biological Diversity (SAP-BIO) are the main tools the Contracting Parties to the Barcelona Convention possess for implementing the Convention on Biological Diversity.

Article 9 of the SPA/BD Protocol, adopted in 1995, provides for the creation of Specially Protected Areas of Mediterranean Importance (SPAMIs) in marine areas that can lie both within and beyond the areas under the Parties' national jurisdiction. Furthermore, the SAP-BIO, adopted in 2003 by the Contracting Parties to the Barcelona Convention, states in particular that "setting up of protected areas offshore (including the high seas) to protect pelagic ecosystem and sensitive species and important and partially unknown benthic areas such as the "white coral community", seamounts and submarine canyons should be a priority. The SPAMI List can constitute an important tool to help in the creation of MPAs offshore in international waters".

The 2008 Almeria Declaration decided to promote measures for the establishment of a comprehensive and coherent Mediterranean network of coastal and marine protected areas by 2012.

Furthermore, the 2009 Marrakech Declaration called on States to continue the establishment of marine protected areas and to pursue the protection of biodiversity with a view to the establishment by 2012 of a network of marine protected areas, including on the high seas, in accordance with the relevant international legal framework and the objectives of the World Summit on Sustainable Development.

A. Introduction

Following Almeria declaration, during 2008- 2009, in line with its Programme of work, RAC/SPA implemented a project funded by the European Commission to promote the creation of a representative ecological network of protected areas in the Mediterranean through the SPAMI system, including areas that lie in the open seas, including the deep sea, with a view to enhancing the conservation of Mediterranean marine habitats and their resources in the pelagic, bathyal and abyssal fields. The project has two phases.

With the aim of presenting the results of this to the countries, this technical and scientific piece of work was guided by a Steering Committee made up of the following international and regional organisations:

- UNEP's Division for Implementing Environmental Policies and Division for Environmental Law and Conventions
- Mediterranean Action Plan's Coordinating Unit (MEDU, UNEP/MAP)
- European Commission
- United Nations Food and Agriculture Organisation (UN-FAO)
- General Fisheries Commission for the Mediterranean (GFCM)
- OSPAR Convention
- International Maritime Organization (IMO)
- Mediterranean Regional Centre for Emergency Action against Accidental Marine Pollution (REMPEC)
- Agreement on the Conservation of Cetaceans of the Black Sea, the Mediterranean
- Sea and the Contiguous Atlantic Area (ACCOBAMS)
- Pelagos Sanctuary
- International Union for the Conservation of Nature – Cooperation Centre for the Mediterranean (IUCN-Med)
- WWF Mediterranean Programme (WWF MedPO)

In compliance with Decision IG 19.13, adopted at the last Meeting of the Contracting Parties to the Barcelona Convention (Marrakech, Morocco, 3-5 November 2009) on the regional work programme for Mediterranean Marine and Coastal Protected Areas, through implementing this action RAC/SPA provides technical and financial support for the countries to undertake the activities of this regional work programme (UNEP(DEPI)/MED WG.348/Ref.4).

For the record, this work programme provides for a three-stage hierarchical planning approach for designing representative MPA networks in the Mediterranean:

1 – On the widest scale, that of the Mediterranean basin, the first stage recommended when designing an ecological network is identifying large-scale ecological units. The aim is to recognise the ecological distinctions between the different parts of the Mediterranean.

2 – At the next level, priority conservation areas must be identified within each ecological unit; these areas do not constitute MPAs as such but are focal areas for networks of individual MPAs. These areas can present high biodiversity or marine species that cause anxiety in conservation terms (vulnerable or rare species or species with high marine value) or can offer a unique or unusual combination of marine habitats.

3 – Once these priority conservation areas have been identified, it is possible to start the task of identifying sites to develop real ecological networks. The individual MPAs within these networks must protect what is ecologically most important, and must highlight habitats in which a concentration of ecological processes leads to high species diversity. To become a network it is not only necessary to create MPAs to protect these key areas but also to preserve the ecological links between them.

Following this methodological approach, the first two stages were completed in the Project's first phase; the Mediterranean was divided up into big ecological units and priority conservation areas were identified. The aim of the Project's second phase is now to finish off the last phase and lead to the identifying of MPAs with a view to developing ecological networks.

Lastly, it is understood in the present project and the present document that the expressions "areas beyond national jurisdictions" and "high sea" did not reflect an ecological reality but referred to the legal status of the maritime areas. To refer to the ecological features of the priority conservation areas that are situated in the pelagic, bathyal or abyssal field, we have chosen to use the terms "open seas, including the deep sea". In using this expression, RAC/SPA does not intend to express any particular opinion as to the legal status of a maritime area or of its boundaries.

The purpose of the present document is to present the results of the first phase of the project for identifying potential sites for the creation of SPAMIs in open seas, including the deep sea and the objectives of the project's second phase.

B. Results of the Project's first phase

The operational aim of the first phase was to prepare a global list of Mediterranean marine areas lying in the open seas, including the deep sea, that can contain areas that could be candidates for the SPAMI List.

For this, work was done to craft, on the basis of the criteria in Annex I to the SPA/BD Protocol, operational criteria to identify Marine Protected Areas that could be put on the SPAMI List. The operational criteria crafted enable the criteria in Annex I to the Protocol to be further adapted to the specific issue of open sea areas, including the deep sea.

Moreover, to give the Project a cartographical tool, a Geographical Information System was developed, compiling the whole set of data produced.

1. Operational criteria for identifying potential SPAMIs in the open seas, including the deep sea

The common criteria for selecting Protected Marine and Coastal Areas that could be put on the SPAMI List appear in Annex 1 to the SPA/BD Protocol. These criteria were adopted by the Meeting of Plenipotentiaries held in Monaco on 24 November 1996 (UNEP(DEPI)/MED WG.348/Ref.3).

In terms of operational prospects, RAC/SPA went ahead with adapting its criteria, taking into account other pertinent ecological criteria such as:

- those adopted in 2008 by the Convention on Biological Diversity (CBD) to identify marine areas of ecological or biological importance that should be protected in open sea water and the habitats of the ocean depths (UNEP(DEPI)/MED WG.348/Ref.5 and UNEP(DEPI)/MED WG.348/Ref.6)
- a set of criteria to identify habitats of importance for Mediterranean fishing, taking into account the new orientations promoted within the framework of the General Fisheries Commission for the Mediterranean (GFCM) for establishing regulated-access fishing areas, including in the high sea.

These operational criteria, as validated by the Project's Steering Committee, are presented in Annex 1 to the present document. They are classed in four main categories:

i.- General criteria: According to the SPA/BD Protocol, to be eligible for inclusion on the SPAMI List, an area must meet at least one of the general criteria listed in Article 8 Paragraph 2 of the SPA/BD Protocol

ii.- Criteria concerning the area's regional value: According to the SPA/BD Protocol, regional value is a basic condition for an area's being put on the SPAMI List. The criteria for this category must therefore permit in-depth assessment of the ecological features of the area that is a candidate to be an SPAMI

iii.- Criteria concerning scientific, educational or aesthetic interest: The SPA/BD Protocol sets out criteria that take into consideration the main aspects related to the site's knowledge and landscape value

iv.- Other features and factors that are seen as favourable: These include criteria that concern the reduction/neutralisation of threats and the opportunities for ecosystem management of the Protected Areas, including the possibility of the public's and local communities' participation in managing the area. These criteria are divided into:

- **Sustainable use criteria:** The criteria listed in this category aim at assessing (i) the threats engendered by human activities to the marine environment and the use of the marine environment and the living resources of the area, and (ii) the importance of the area for human well-being, including the sustainable use of living marine resources and the other services provided by the ecosystems
- **Feasibility criteria:** These criteria aim at assessing the constraints that could occur in the process of preparing the proposal of a SPAMI and in implementing protection and management measures. These criteria include geopolitical issues, conflicts of sovereignty, customary use and logistical aspects.

In the process of identifying priority conservation areas, it was these adapted operational criteria that were used.

2. Identifying Mediterranean marine areas in the open seas, including the deep sea, that may contain areas that could be candidates for the SPAMI List

Considering the approach recommended in the Regional Work Programme for Mediterranean Marine and Coastal Protected Areas for designing representative networks of MPAs in the Mediterranean, the first stage of the process consisted of defining big ecological units using a process of biogeographical classification.

➤ Identifying big ecological units

As part of the 'Overview of scientific findings and criteria relevant to identifying SPAMIs in the Mediterranean areas beyond national jurisdiction' study (UNEP(DEPI)/MED WG.348/Inf.4), the Mediterranean basin was first subdivided into eight distinct geographical regions, determined by biological, ecological and physical features that were sufficiently different or unique in their neighbourhood on the scale considered.

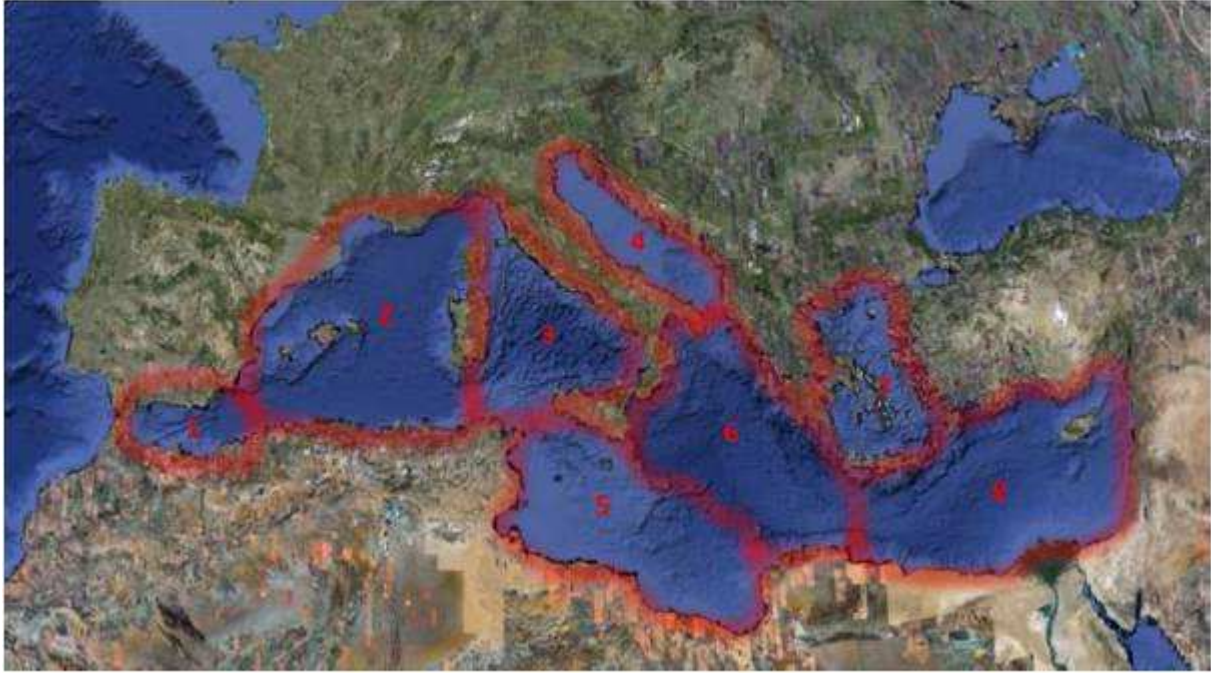


Figure 1: *Subdivision of the Mediterranean into eight sub-regions (1 – Sea of Alboran; 2 – Algerian-Provençal basin; 3 – Tyrrhenian Sea; 4 – Adriatic Sea; 5 – Tunisian Plateau/Gulf of Sirte; 7 – Aegean Sea; 8 – Levantine Sea)*

Then, following the criteria defined by the CBD and the SPA/BD Protocol, the study started to identify marine areas of ecological or biological importance that should be protected in the open seas and the ocean depths habitats (in English, Ecologically or Biologically Significant Areas – EBSAs). This led to the defining of 10 EBSAs for the Mediterranean, represented in Figure 2.



Figure 2: Marine Ecologically or Biologically Significant Areas in the Mediterranean (1 – Nile Delta Region; 2 – Levantine Sea; 3 – Aegean Sea; 4 – Ionian Sea; 5 – Adriatic Sea; 6 – Tunisian Plateau; 7 – Tyrrhenian Sea; 8 – Gulf of Lions area; 9 – Balearic Islands area; 10 – Sea of Alboran)

On the following scale, the aim was to identify priority conservation areas within the EBSAs.

➤ Identifying priority conservation areas

The 'Fisheries conservation management and vulnerable ecosystems in the Mediterranean open seas, including deep seas' study (UNEP(DEPI)/MED WG.348/Inf.5) enabled areas that contain vulnerable ecosystems to be identified on the basis of data relative to fisheries and their impact on ecosystems and species, according to:

- the geological features of the seabed (mud volcanoes, seamounts, dries, canyons, hydrothermal vents; these areas have a high rate of endemism)
- oceanographic features such as upwellings (characterised by high productivity)
- the ecological features of certain habitats (coralligenous facies, white coral communities)
- the biogeographic features of commercial pelagic species and species subject to incidental capture or by-catch (spawning and nursery areas).

Considering the impacts of fisheries in the Mediterranean, 12 priority conservation sites were identified, represented in Figure 3.



Figure 3: Priority conservation areas considering the impacts of fisheries in the open seas, including the deep sea (the green polygons represent pelagic areas and the white ones demersal areas)

Also, the 'Georeferenced compilation on bird important areas in the Mediterranean Open Seas' study (UNEP(DEPI)/MED WG.348/Inf.6) enabled the mapping of the distribution of threatened or endangered pelagic marine bird species. This study was based on seven out of the fifteen bird species listed in Annex II to the SPA/BD Protocol, these seven species being found far out from the coast and being more representative of the pelagic habitats.

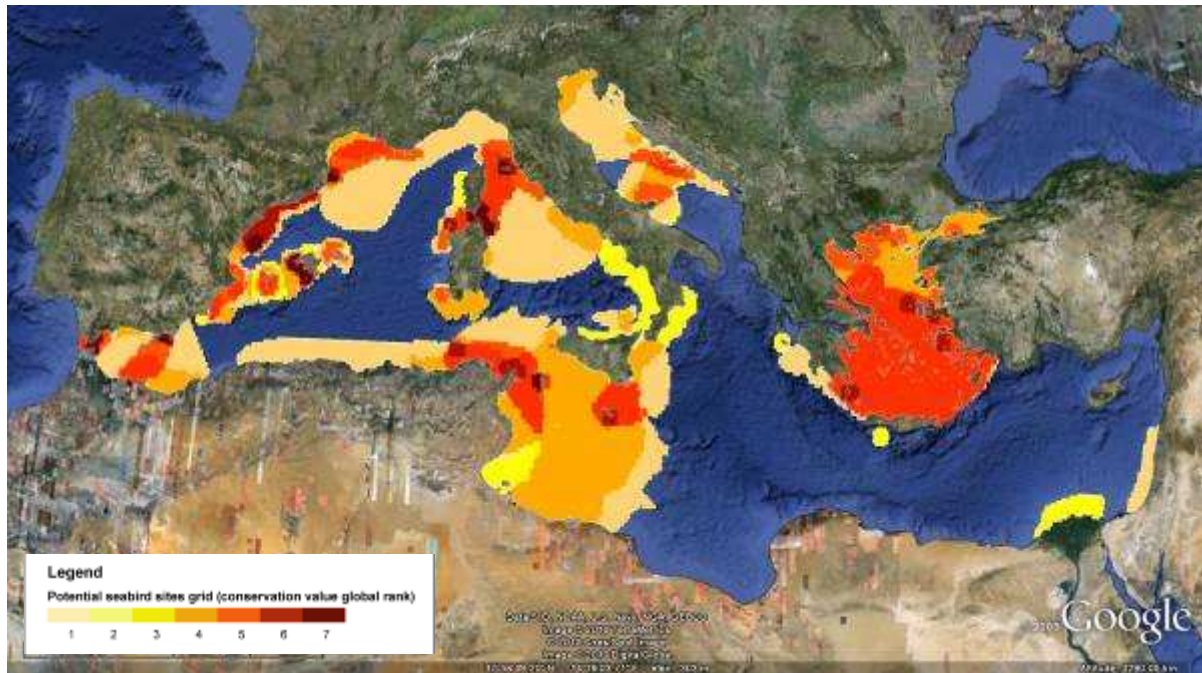


Figure 4: Geographical distribution of priority conservation areas for the conservation of sea birds. The degree of priority for conservation is represented on a scale from 1 (the lightest shade) to 7 (the darkest)

This study underlines the heterogeneity of the Mediterranean Sea and the small amount, given the available data, of wide open sea areas, especially in the eastern basin of the Mediterranean. Also, generally speaking, the deep-water areas are poorer in the presence of pelagic birds.

The distribution of 'B' priority areas (categories 2 to 4) highlights the influence of large-scale oceanographic features (higher production, mixture of waters, influence of bathymetry) and may be seen as a general indicator of the areas of conservation interest for sea birds. The 'A' priority areas (categories 5 to 7) always lie within the boundaries of the 'B' priority areas, on the continental plateau, around nesting islands or near key oceanographic elements (fronts, upwelling).

All this data from different studies was compiled in a Geographical Information System (UNEP(DEPI)/MED WG.348/Inf.7).

The compilation of this scientific data was presented to the Project's second Steering Committee, and, on the basis of the operational criteria prepared, the discussions led to 13 priority conservation areas being identified that lie in the open seas, including the deep sea, that could contain sites that could be candidates for the SPAMI List.



Figure 5: Priority conservation areas in the open seas, including the deep sea, that could contain sites that could be candidates for the SPAMI List

The names of areas selected by the Steering Committee

- 1 Alborán Seamounts
- 2 Southern Balearic
- 3 Gulf of Lions shelf and slope
- 4 Central Tyrrhenian
- 5 Northern Strait of Sicily (including Adventure and nearby banks)
- 6 Southern Strait of Sicily
- 7 Northern and Central Adriatic
- 8 Santa Maria di Leuca
- 9 Northeastern Ionian
- 10 Thracian Sea
- 11 Northeastern Levantine Sea and Rhodes Gyre
- 12 Eratosthenes Seamount
- 13 Nile Delta Region

These 13 areas cover a total surface area of about 527,300 sq. km., about 21% of the Mediterranean Sea, the World Parks Congress (Durban, 2003) having called on the international community to “considerably increase the marine and coastal area managed in the Marine Protected Areas by 2012. These networks must be vast and contain protected areas effectively including at least 20-30% of each habitat, and help towards a global objective for the health and productivity of the oceans” (WPC

Recommendation 5.22). The Table appearing in Annex 2 resumes their main characteristics as well as the criteria on the basis of which they were identified.

These areas have different legal status; most lie partially in high sea areas.

In representing the Pelagos Sanctuary, the only existing SPAMI that includes open seas, we note that areas 3 and 4 are contiguous to the Sanctuary.



Figure 6: Representation of priority conservation areas and the Pelagos Sanctuary

Alongside the adapting of criteria for selecting areas and the identifying of areas, a study, 'Jurisdictional issues of the Mediterranean Sea' (UNEP(DEPI)/MED WG.348/Inf.7) was done on legal issues and led to a appraisal of the maritime areas under national jurisdiction that have been created in the Mediterranean and their impact on the setting up of Marine Protected Areas in the high sea.

This work will be pursued in greater depth in the Project's second phase via a study which will analyse the international and regional legal and institutional framework that can make a direct or incidental contribution to the creation of SPAMIs in areas lying outside national jurisdiction.

C. Aims and guidelines for the Project's second phase

1. Aims of the second phase

The activities of the Project's second phase aim at facilitating the process of designating as SPAMIs sites included in the areas identified in the first phase as areas for conservation interest in the open seas, including the deep sea.

Creating SPAMIs in these areas requires setting up a process of coordination and consultation between neighbouring countries. Indeed, in Article 9, 'Procedure for the creation and listing of SPAMIs', the SPA/BD Protocol stipulates that proposals for the SPAMI List may be submitted by (i) two or more neighbouring Parties if the area lies wholly or partially in the high sea, and (ii) by the concerned neighbouring Parties in areas where the boundaries of national jurisdiction or sovereignty have not yet been defined (UNEP(DEPI)/MED WG.348/Ref.2).

Furthermore, the Parties that are making the proposal for the SPAMI List provide the RAC/SPA with a presentation report containing information on the area's geographic location, its physical and ecological features, its legal status, its management plan and the means of implementing this, and a statement justifying the area's Mediterranean importance. Thus, when a proposal has been made for an area that lies wholly or partially in the high sea or in areas where the boundaries of national jurisdiction or sovereignty have not yet been defined, the neighbouring Parties must consult one another to ensure that the proposed protection and management measures, and means of implementation, are consistent.

Thus the activities of the Project's second phase aim at facilitating the process that must end in the drafting of a presentation report by the area's neighbouring Parties and at accompanying the concerned countries in this process of consultation and coordination.

2. Intervention areas

In the light of the work of the Extraordinary Meeting of Focal Points for SPAs (1 June 2010, Istanbul, Turkey), the countries which would be interested to engage, with their concerned neighbouring countries, a process for making proposal for the SPAMI List, could request support from RAC/SPA. This support would be then provided during the Project's second phase in order to draft the SPAMI presentation report to be submitted by the concerned Parties, in accordance with the Protocol provisions.

3. Suggested methodology

For each considered site, it is suggested that an *ad hoc* work group be set up, made up of representatives from the countries neighbouring on the concerned area. RAC/SPA will be responsible for facilitating work of these work groups.

These work groups will be given responsibility for the activities needed to prepare the presentation reports. A draft Terms of reference for the work groups appears in Annex 3 to the present document.

The activities to be carried out in the second phase are described below. They will be submitted for the opinion of the Extraordinary Meeting of Focal Points for SPAs (1 June 2010, Istanbul, Turkey).

➤ Analysis of the legal context of the considered site

The area's legal status is a key element that defines the procedure to be followed when proposing an area as a SPAMI; this has an effect on the arrangements for implementing the rules in force in the area as well as for implementing management measures. There will be an in-depth analysis of the areas' legal status to check with great attention that the boundaries of the corresponding national jurisdiction or sovereignty are clearly defined and that there is no conflict regarding the concerned areas.

➤ Preliminary definition of the demarcation of the considered site

Based on the results of the Project's first phase, the boundaries and surface area of the areas selected will be defined in a preliminary manner on the basis of the available knowledge. The final boundaries will be validated during the final consultation phase and will take into account the results of possible field studies.

➤ Organising the collecting of information

The Project document anticipates organising and supporting oceanographic studies in the considered sites in order to collect data that will permit the demarcation of the area to be refined and the presentation reports to be rounded off. For such an activity, coordination with research bodies with technical means that are specific to the exploring of these areas will be necessary.

➤ Preparing the presentation report

The presentation reports will be crafted by a group of national and international experts, complying with the format of SPAMI presentation reports adopted by the Contracting Parties to the Barcelona Convention. It should be noted that in compliance with the arrangements of the SPA/BD Protocol, the SPAMI presentation reports are to be submitted by the concerned Parties.

4. Project's Steering Committee

As in the Project's first phase, a Steering Committee will guide the work of this second phase. The organisations and institutions that were members of the Steering Committee in the first phase will be officially invited to join this new Committee.

RAC/SPA will be responsible for acting as Secretariat for this Steering Committee.

5. Schedule

As far as planning the Project is concerned, updated planning is suggested, subject to the extension agreement by the European Commission making funds available.

	June10	July 10	Aug.10	Sept. 10	Oct. 10	Nov. 10	Dec. 10	Jan. 11	Feb. 11	March11	April 11	May 11	June 11	July 11	Aug. 11
Extraordinary Meeting of Focal Points for SPAs															
Meeting of the Steering Committee															
First meetings of work groups															
Legal analysis of the status of each area															
Data collection – oceanographic study															
Drafting the presentation reports															
Second meetings of work groups															
Finalization of presentation reports															
Submission of presentation reports															
Examination of presentation reports by the Meeting of NFPs for SPAs															
Closure of activities (final compiling of results, finalizing of information material, administrative closure, finalization of oceanographic studies)															

ANNEX 1

OPERATIONAL CRITERIA FOR IDENTIFYING SPAMIS IN AREAS OF OPEN SEAS, INCLUDING THE DEEP SEA

i.- General criteria

An area must meet at least one of the three fundamental criteria below to become a SPAMI embracing zones located beyond national jurisdiction

The SPAMI List may include sites which:

- are of importance for conserving the components of biological diversity in the Mediterranean;
- contain ecosystems specific to the Mediterranean area or the habitats of endangered species;
- are of special interest at the scientific, aesthetic, cultural or educational level.

ii. - Criteria concerning the regional ecological value of the area

The SPA/BD Protocol defined the following 5 criteria to assess the Mediterranean regional value of a candidate SPAMI¹:

- Uniqueness: The area contains unique or rare ecosystems, or rare or endemic species.
- Natural representativeness: The area has highly representative ecological processes, or community or habitat types or other natural characteristics. Representativeness is the degree to which an area represents a habitat type, ecological process, biological community, physiographic feature or other natural characteristic.
- Diversity: The area has a high diversity of species, communities, habitats or ecosystems.
- Naturalness: The area has a high degree of naturalness as a result of the lack or low level of human-induced disturbance and degradation.
- Presence of habitats that are critical to endangered, threatened or endemic species.

¹ Criteria listed in the Annex 1 (Paragraph B. 2) of the Protocol. However, in addition to the criteria considered in this note, the "Cultural representativeness" is among the criteria recommended by the Protocol for the evaluation of the regional interest of areas to include on the SPAMI List. Since in the High Sea zones of the Mediterranean there are no "environmentally sound traditional activities integrated with nature which support the well-being of local populations", there is no need to include cultural representativeness in this category as a "regional value" criterion for the area's assessment as a feasible SPAMI.

Based on these criteria and taking into account the need for harmonization with other currently adopted criteria, in particular those adopted within the framework of the CBD, the following criteria are proposed to identify, in zones located beyond national jurisdiction, areas with a regional ecological value that could be proposed for inclusion in the SPAMI List:

1. Uniqueness or rarity: area contains either (i) unique (“the only one of its kind”), rare (occurs only in few locations) or endemic species, populations or communities, and/or (ii) unique, rare or distinct, habitats or ecosystems; and/or (iii) unique or unusual geomorphological or oceanographic features.
2. Special importance for life history stages of species: areas that are required for a population to survive and thrive.
3. Importance for threatened, endangered or declining species and/or habitats: area containing habitats for the survival and recovery of endangered, threatened, declining species or area with significant assemblages of such species.
4. Vulnerability, Fragility, Sensitivity, or Slow Recovery: areas that contain a relatively high proportion of sensitive habitats, biotopes or species that are functionally fragile (highly susceptible to degradation or depletion by human activity or by natural events) or with slow recovery.
5. Biological productivity: area containing species, populations or communities with comparatively higher natural biological productivity.
6. Biological diversity: area contains comparatively higher diversity of ecosystems, habitats, communities, or species, or has higher genetic diversity.
7. Naturalness: area with a comparatively higher degree of naturalness as a result of the lack of or low level of human-induced disturbance or degradation.

iii. - Criteria on scientific, educational, cultural or aesthetic interest

The area presents a particular value for research in the field of natural sciences, including ecosystem, species or genetic biodiversity; or for activities of environmental education or awareness; or for sustainable traditional activities (e.g. traditional artisanal fisheries) historically happening within it; or it contains outstanding natural features or seascapes which may enhance the human perception of the open and deep sea values.

iv. - Other favouring characteristics and factors

Sustainable Use Criteria

Currently, the main uses made of the marine ecosystem services in the Mediterranean areas beyond national jurisdiction are fisheries and navigation². The following criteria are proposed to identify, in zones located beyond national jurisdiction, important areas for the sustainable use of the marine environment and its living resources that could be proposed for inclusion on the SPAMI List.

1. Importance for species exploited by fisheries: areas with essential habitats for important fishery species: these include areas with high concentration of at least one critical phase of a species exploited by fisheries, in particular:

- Nursery grounds: areas with high concentrations of recruits.
- Spawning areas: areas of aggregation of mature females.

2. Sensitivity to human activities: area highly susceptible to ecosystem services degradation by fishing, navigation or other human activities: these include areas having (i) assemblages and/or physical features particularly sensitive to the impact of fishing gear; (ii) high potential for negative interaction between the requirements of the conservation of species/habitats and some human activities; (iii) high value with regard to archaeological wrecked heritage vulnerable to degradation by fishing gears, looting or other; (iv) high value with regard to ecosystem services provision, such as climate change mitigation

Feasibility Criteria

Application of the feasibility criteria must not compromise compliance with existing obligations and commitments under regional and international agreements and conventions to protect biodiversity and designate marine protected areas in the Mediterranean Sea, including in areas beyond national jurisdiction.

1. Legal Status: the area is located in a zone where there are no uncertainties as to the delimitation of maritime boundaries or the solving of such uncertainties can be favoured through a common SPAMI management frame by the concerned countries.

2. Favourable context: the relationship between the concerned countries is favourable for the elaboration and submission of a joint SPAMI proposal³.

² Other uses may appear in the future following technological advances mainly concerning energy production (wind; currents; waves), carbon capture and exploitation of non-living resources.

³ The procedure set by the Protocol for the establishment of the SPAMI List requires that the SPAMI proposal be made by two or more neighbouring Parties concerned if the area is situated, partly or wholly, in the high sea and

3. Compliance with the provisions of International agreements or Conventions⁴.
4. Feasibility to enforce the protection and management measures having regard to the location and extension of the area.

by the neighbouring Parties concerned in areas where the limits of national sovereignty or jurisdiction have not yet been defined.

⁴ The establishment of a SPAMI on a given area may be challenging because of the restrictions that it could involve to freedom of navigation on the high seas, the right and the modalities of passage through straits used for international navigation and the right of innocent passage in territorial seas, as well as the nature and extent of the jurisdiction of the coastal State, the flag State and the port State.

ANNEX 2

LIST OF PRIORITY CONSERVATION AREAS LYING IN THE OPEN SEAS, INCLUDING THE DEEP SEA, LIKELY TO CONTAIN SITES THAT COULD BE CANDIDATES FOR THE SPAMI LIST

EBSA	N°	Priority conservation areas	Criteria	Remarks
Alborán Sea	1	<p>Alborán Seamounts: The seamounts in this portion of the Alborán Sea support a wide array of marine biodiversity, and the site contains sea bird and cetacean critical habitat.</p> <p>The southwestern portion of the Alborán Sea is highly productive and is also a transit corridor for bird, mammal and fish species travelling between the eastern Atlantic and Mediterranean Sea</p>	<p>Ecological value: Biological diversity Biological productivity Importance for life history Importance for threatened species Vulnerability Uniqueness</p>	
Balearic Islands area	2	<p>Southern Balearic: This area of the Western Mediterranean contains seamounts and provides critical spawning habitats for bluefin tuna and critical sea bird and cetacean habitats as well.</p>	<p>Ecological value: Importance for life history Importance for threatened species Vulnerability Uniqueness</p>	
Gulf of Lions area	3	<p>Gulf of Lions shelf and slope: This highly productive shelf region of the greater Gulf of Lions also contains deep sea canyons that have a high biodiversity significance. The area also shares important cetacean habitats with the contiguous Pelagos Sanctuary, and is probably inhabited by the same cetacean populations that occur in the Sanctuary. It thus represents the natural continuation westward, involving waters off France and Spain, of cetacean conservation measures foreseen in the Pelagos Sanctuary. It is also an important sea bird area.</p>	<p>Ecological value: Biological productivity Importance for life history Importance for threatened species Vulnerability Uniqueness</p>	Contiguous to the Pelagos Sanctuary
Tyrrhenian Sea	4	<p>Central Tyrrhenian: This portion of the Tyrrhenian Sea, adjacent to the Pelagos Sanctuary, is highly productive, supporting sea bird, marine mammal and shark species.</p>	<p>Ecological value: Biological productivity Importance for life history Importance for threatened species Vulnerability Uniqueness</p>	Contiguous to the Pelagos Sanctuary
Tunisian Plateau	5	<p>Northern Strait of Sicily (including Adventure and nearby Banks): This portion of the south-central Mediterranean contains critical sea bird and cetacean habitats, deep sea corals, seamounts, and highly productive, very shallow offshore banks.</p>	<p>Ecological value: Uniqueness Biological productivity Vulnerability Importance for life history Importance for threatened species</p>	

	6	Southern Strait of Sicily: The Tunisian Plateau region of the Sicily Strait supports a high productivity and nursery areas for several shark species as well as critical sea bird habitats.	Ecological value: Biological productivity Importance for life history Importance for threatened species Vulnerability	
Adriatic Sea	7	Northern and Central Adriatic: This portion of the Adriatic has a high natural productivity that supports an extensive food web, including sea birds, loggerhead sea turtles and several shark species. Considering the high level of degradation of the North-western Adriatic Sea, establishing a protected area in this site would require significant marine restoration effort.	Ecological value: Biological productivity Importance for life history Importance for threatened species	
Ionian Sea	8	Santa Maria di Leuca: In addition to supporting a broad array of Mediterranean diversity, this northern extent of the Ionian has significant deep sea coral habitats.	Ecological value: Fragility Naturalness Importance for life history Importance for threatened species	
	9	Northeastern Ionian: The northeastern Ionian Sea includes cetacean critical habitats and important nursery areas for several shark species.	Ecological value: Importance for life history Importance for threatened species	
Aegean Sea	10	Thracian Sea: This portion of the Aegean Sea is highly productive and includes key habitats for sea birds, the Mediterranean monk seal and other marine mammals, as well as deep sea coral habitats. The corresponding EBSA encompasses the Greek National Marine Park of Alonissos and the Northern Sporades.	Ecological value: Biological productivity Importance for life history Importance for threatened species Uniqueness	
Levantine Sea	11	Northeastern Levantine Sea and Rhodes Gyre: This area encompasses important bluefin tuna spawning grounds as well as key marine mammal habitats. This oceanographic feature is the most productive in eastern Mediterranean pelagic waters and is likely to provide critical habitats for both fishery species and marine mammals.	Ecological value: Importance for life history Importance for threatened species Biological productivity Uniqueness	
	12	Eratosthenes Seamount: The seamount has been identified by the GFCM as a critical fisheries habitat and represents high productivity of pelagic and deepwater species, and rich and diverse benthic fauna.	Ecological value: Biological diversity Vulnerability	
Nile Delta Region	13	Nile Delta Region: This southern portion of the Levantine Sea includes recently discovered cold seeps, as well as important sea turtle - and possibly cetacean - habitats.	Ecological value: Uniqueness Importance for threatened species Importance for life history	

ANNEX 3

DRAFT TERMS OF REFERENCE FOR THE WORK GROUPS FOR IDENTIFYING AND CREATING SPAMIS IN THE OPEN SEAS, INCLUDING THE DEEP SEA

➤ Context

The first phase of the Joint Management between the Mediterranean Action Plan and the European Commission Project enabled, on the basis of the available scientific data, 13 priority conservation areas to be identified that lie in the open seas, including the deep sea, and are likely to contain areas that could be candidates for the SPAMI List.

This Project aims at accompanying the process of identifying and creating these SPAMIs, in particular preparing the presentation reports. In compliance with the SPA/BD Protocol, when a proposal has been formulated for an area lying wholly or partially in the high sea or in areas where the boundaries of national sovereignty or jurisdiction have not yet been defined, the neighbouring Parties must consult one another with a view to ensuring that the suggested protection and management measures, and the means of implementation, are consistent. To facilitate this process of consultation and coordination, it is suggested that *ad hoc* work groups be set up for each concerned site.

This working methodology aims at enhancing the governance of the areas that lie in the open seas using a sub-regional or local approach, organising skills networks between the neighbouring Parties concerned or making use of existing networks and initiatives, in order to ensure the conservation of the biodiversity of these areas and guarantee the sustainable use of their marine resources.

➤ Aims of the suggested methodology

Setting up these work groups has the general aim of preparing presentation reports for the areas identified as candidates for the SPAMI List.

The operational aims of these work groups are:

- ensuring coordination and monitoring of activities to be carried out on a suitable scale with the concerned Parties
- initiating sustainable consultation dynamics between the neighbouring Parties concerned; the dynamics must continue after the end of the Project, particularly as regards implementing the measures for managing the area
- developing a pilot experience in the Mediterranean that can be replicated in other priority conservation areas that lie in the open seas and have been identified during the first phase

- share the results of the experience with other partners, especially the various work programmes on regional seas

➤ Composition and organisation of work groups

By the end of the Extraordinary Meeting of Focal Points for SPAs in Istanbul, Turkey, on 1 June 2010, the sites concerned by the second phase will have been selected as well as the neighbouring countries participating in the work groups set up for each defined site.

At the start of each process, RAC/SPA will officially send out an announcement of the first meeting of the work group concerned and will ask the concerned Parties to appoint their delegation and inform RAC/SPA about this within the appointed time.

It is suggested that the work groups be made up of:

- representatives from the ministries and/or public agencies of the area's neighbouring Parties, responsible for implementing the SPA/BD Protocol
- representatives from research bodies, when studies have been done or will be done in the concerned area
- representatives of civil society
- representatives from the competent international organisations
- all those representatives whose inclusion the Focal Points will deem necessary.

RAC/SPA will be responsible for running these work groups; it will act as facilitator within these groups and as their Secretariat.

➤ Work groups' assignments

It is expected that the work groups will carry out the following assignments:

- *Steering studies*

The Project's second phase provides for several studies, particularly an analysis of the legal context of each selected area. The work groups will examine and validate the terms of reference proposed by RAC/SPA. They will also ensure, liaising with RAC/SPA, that the reports are monitored and validated.

- *Data collection*

During the first meeting of the work group, a state of knowledge of the area will be produced and the national and international experts who can be mobilised to write the presentation reports will be inventoried.

- *Oceanographic studies*

The Project's document provides for the organising and supporting of oceanographic studies in the selected areas to collect data that will enable the demarcation of the area to be refined and to supplement the presentation reports. The work groups will be responsible for preparing these assignments; RAC/SPA will give logistical backing to the organisation.

- *Demarcating the areas*

On the basis of the scientific data available, supplemented if necessary by new collection drives, the work groups, backed by the experts who have been mobilised, will go ahead with demarcating the sites with a view to preparing the presentation reports.

- *Preparing the presentation reports*

The presentation reports will be crafted by a group of national and international experts, complying with the format of the SPAMI presentation reports adopted by the Contracting Parties to the Barcelona Convention.

➤ Planning

Two consultation meetings are anticipated per work group:

- A first meeting at the start

During this framing meeting, the terms of reference and the choice of the various consultants will be validated. Also the need to organise a data collection drive will be looked into. If need be, the modalities for implementing this drive will be examined.

- A second consultation meeting on the basis of the draft presentation report

This meeting must end in the validating of the presentation report that will then be submitted to the competent authorities in each country in view of a joint presentation, according to the procedure defined by the SPA/BD Protocol.