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EXPERT WORKSHOP TO IDENTIFY OPTIONS
FOR MODIFYING THE DESCRIPTION OF
ECOLOGICALLY OR BIOLOGICALLY
SIGNIFICANT MARINE AREAS AND
DESCRIBING NEW AREAS

Brussels, 3-5 February 2020

**DISCUSSION DOCUMENT ON POTENTIAL MODALITIES FOR THE MODIFICATION OF
DESCRIPTIONS OF ECOLOGICALLY OR BIOLOGICALLY SIGNIFICANT MARINE AREAS
AND FOR THE DESCRIPTION OF NEW AREAS**

1. In [decision 14/9](#), the Conference of the Parties (COP) welcomed the report of the Expert Workshop to Develop Options for Modifying the Description of Ecologically or Biologically Significant Marine Areas, for Describing New Areas, and for Strengthening the Scientific Credibility and Transparency of this Process (Berlin, 5-8 December 2017), and requested the Executive Secretary, subject to the availability of financial resources, to identify options for modifying the description of ecologically or biologically significant marine areas, for describing new areas, and for strengthening the scientific credibility and transparency of this process, noting the above-mentioned report and annex II to [decision 14/9](#), and to submit them to the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) and to the Conference of the Parties for consideration.
2. Pursuant to this request, the Executive Secretary is convening the Expert Workshop to Identify Options for Modifying the Description of Ecologically or Biologically Significant Marine Areas and Describing New Areas, to take place in Brussels, from 3 to 5 February 2020.
3. This document contains potential modalities for the modification of descriptions of ecologically or biologically significant marine areas (EBSAs) and for the description of new EBSAs. The present document is provided to inform the deliberations of the expert workshop.
4. The potential modalities contained in this document were developed on the basis of previous discussions on this issue in the context of the Convention on Biological Diversity. An overview of previous discussions on this issue under the Convention is provided in [CBD/EBSA/WS/2020/1/INF/1](#).
5. The information contained in this document is provided purely to support discussions at the expert workshop. The use of this document as a basis for discussion is at the discretion of experts present at the workshop.

A. REASONS FOR MODIFICATION OF EBSA DESCRIPTIONS

1. Reasons for the modification of an EBSA description¹ (which can entail a modification to the textual description of the EBSA, a modification to the ranking of the area against the EBSA criteria and/or a change in the polygon of the EBSA) are the following:

(a) Newly available/accessible scientific and technical information, including through advanced expertise, methodological approaches or analytical methods, as well as newly accessible traditional knowledge, on features associated with an EBSA;

(b) Change in the information that was used to describe an EBSA;

(c) Change in the ecological or biological feature(s) of an EBSA;

(d) Scientific error(s) identified in an EBSA description;

(e) Modification(s) to the template² used to describe EBSAs;

(f) Technical, linguistic or editorial errors in an EBSA description.

¹ An area described as meeting the EBSA criteria, considered by the Conference of the Parties to the Convention and requested by the Conference of the Parties for inclusion in the CBD EBSA repository.

² <http://www.cbd.int/doc/meetings/mar/ebaws-2015-01/other/ebaws-2015-01-template-en.dot>

B. ACTORS WHO CAN PROPOSE MODIFICATION OF EBSA DESCRIPTIONS

1. For reasons (a) through (f) above, the following actors can propose the modification of an EBSA description:³

(a) For modification in areas within national jurisdiction: the State(s) within whose jurisdiction(s) the modification is located;

(b) For modification in areas beyond national jurisdiction: any State and/or competent intergovernmental organization, [without prejudice to developments under the United Nations Convention on the Law of the Sea];

2. Additionally, for reason (f), the Secretariat may unilaterally propose the modification of an EBSA.

³ An area described as meeting the EBSA criteria, considered by the Conference of the Parties to the Convention and requested by the Conference of the Parties for inclusion in the CBD EBSA repository.

C. MODIFICATION IN AREAS WITHIN NATIONAL JURISDICTION

1. For reasons (a) through (e) described in section A above:

(a) The proposal for modification of an EBSA description⁴ is submitted to the Secretariat, together with information on the scientifically sound nationally agreed peer-review process⁵ that supports the proposed modification;

(b) The Secretariat disseminates information about the proposed modification to all Parties through a notification with a period of two months for open comment on the proposed modification. The proponent may wish to issue a response to any of the comments, and the comments and responses related to the proposed modification will be posted on the EBSA website;

(c) The Secretariat also issues notifications biannually regarding proposals for modifications received by the Secretariat;

(d) The Secretariat, in consultation with the EBSA Informal Advisory Group, compiles a report, including analysis of comments received, to be made available to the Subsidiary Body on Scientific, Technical and Technological Advice and the Conference of the Parties, [for consideration] [for information] [with a view to inclusion] [to include] in the repository;

(e) The previous EBSA description and the modality by which it was included in the repository, will remain available in the repository.

2. For reason (f) described in section A above:

(a) Once received by the Secretariat, the Secretariat posts information about the proposed modification on the EBSA website and disseminates a notification regarding the proposed modification;

(b) Following consultation with the EBSA Informal Advisory Group, the proposed modification is implemented on the EBSA website within one month of issuance of the above notification;

(c) A report on modifications for reason (f) is made available to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Conference of the Parties for information.

⁴ An area described as meeting the EBSA criteria, considered by the Conference of the Parties to the Convention and requested by the Conference of the Parties for inclusion in the CBD EBSA repository.

⁵ Voluntary guidelines on peer-review processes to be developed by the Executive Secretary with advice from the Informal Advisory Group on EBSAs for the consideration of the Subsidiary Body on Scientific, Technical and Technological Advice and the Conference of the Parties.

D. MODIFICATION IN AREAS BEYOND NATIONAL JURISDICTION
***and, where a State wishes, within its national jurisdiction**

1. For reasons (a) through (e) described in section A above:
 - (a) The proposal for a modification of an EBSA description⁶ is submitted to the Secretariat;
 - (b) The Secretariat posts information about the proposed modification on the EBSA website and issues notifications biannually regarding proposals for modifications received by the Secretariat;
 - (c) Once 15 proposed modifications are received, the Secretariat initiates the preparation of an expert workshop to review the proposed modifications. The EBSA Informal Advisory Group provides scientific advice on the planning of the workshop. Experts who participated in the workshop at which the EBSAs were originally described will also be alerted. The output of the workshop is submitted to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Conference of the Parties for consideration;
 - (d) If 15 proposed modifications are not received within the timeframe of [XXX], the Secretariat prepares a report on those modifications received, which will be opened for public comment/peer-review for two months. A report on modifications, including comments received, is prepared together with the EBSA Informal Advisory Group and regional experts,⁷ which is submitted to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Conference of the Parties for consideration;
 - (e) The previous EBSA description(s) and the modality by which it was included in the repository, will remain available in the repository.

2. For reason (f) described in section A above:
 - (a) Once received by the Secretariat, the Secretariat posts information about the proposed modification on the EBSA website and disseminates a notification regarding a modification proposed for reason (f);
 - (b) Following consultation with the EBSA Informal Advisory Group, the proposed modification is implemented on the EBSA website within one month of issuance of the above notification;
 - (c) A report on modifications for reason (f) is made available to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Conference of the Parties for information.

⁶ An area described as meeting the EBSA criteria, considered by the Conference of the Parties to the Convention and requested by the Conference of the Parties for inclusion in the CBD EBSA repository.

⁷ Experts who participated in the regional workshops, based on their nomination by the CBD national focal points and relevant organizations, in which the EBSAs proposed for modification were originally described.

E. MODIFICATION STRADDLING MULTIPLE NATIONAL JURISDICTIONS

1. For reasons (a) through (e) describes in section A above:

(a) The proposal for a modification of an EBSA description⁸ is submitted to the Secretariat, together with information on the scientifically sound nationally agreed peer-review process⁹ that supports the proposed modification;

- The proposal for modification is to be developed [in collaboration with] [encouraging consultation, and collaboration as appropriate, and including notification by the Executive Secretary to] the other States in which the EBSA exists.

(b) The Secretariat disseminates the proposed modification to all Parties through a notification with a period of two months for open comment on the proposed modification. The proponent(s) may wish to issue a response to any of the comments, and the comments and responses related to the proposed modification will be posted on the EBSA website;

(c) The Secretariat also issues notifications biannually regarding proposals for modifications received by the Secretariat;

(d) The Secretariat, in consultation with EBSA Informal Advisory Group, compiles a report, including analysis of comments received, to be made available to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Conference of the Parties, [for consideration] [for information] [with a view to inclusion] [to include] in the repository;

(e) The previous EBSA description and the modality by which it was included in the repository, will remain available in the repository.

2. For reason (f) described in section A above:

(a) Once received by the Secretariat, the Secretariat posts information about the proposed modification on the EBSA website and disseminates a notification regarding a modification proposed for reason (f);

(b) Following consultation with the EBSA Informal Advisory Group, the proposed modification is implemented on the EBSA website within one month of issuance of the above notification;

(c) A report on modifications for reason (f) is made available to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Conference of the Parties for information.

⁸ An area described as meeting the EBSA criteria, considered by the Conference of the Parties to the Convention and requested by the Conference of the Parties for inclusion in the CBD EBSA repository.

⁹ Voluntary guidelines on peer-review processes to be developed by the Executive Secretary with advice from the Informal Advisory Group on EBSAs for the consideration of the Subsidiary Body on Scientific, Technical and Technological Advice and the Conference of the Parties

F. MODIFICATION STRADDLING MARINE AREAS WITHIN AND BEYOND NATIONAL JURISDICTION

1. For reasons (a) through (e) described in section A above:
 - (a) The proposal for a modification of an EBSA description¹⁰ is submitted to the Secretariat;
 - (b) The Secretariat posts information about the proposed modification on the EBSA website and issues notifications biannually regarding proposals for modifications received by the Secretariat;
 - (c) Once 15 proposed modifications are received, the Secretariat initiates the preparation of an expert workshop to review the proposed modifications. The EBSA Informal Advisory Group provides scientific advice on the planning of the workshop. Experts who participated in the workshop at which the EBSAs were originally described will also be alerted. The output of the workshop is submitted to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Conference of the Parties for consideration;
 - (d) If 15 proposed modifications are not received within the timeframe of [XXX], the Secretariat prepares a report on those modifications received, which will be opened for public comment/peer-review for two months. A report on modifications, including comments received, is prepared together with the EBSA Informal Advisory Group and regional experts,¹¹ which is submitted to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Conference of the Parties for consideration;
 - (e) The previous EBSA description(s) and the modality by which it was included in the repository, will remain available in the repository.
2. For reason (f) described in section A above:
 - (a) Once received by the Secretariat, the Secretariat posts information about the proposed modification on the EBSA website and disseminates a notification regarding a modification proposed for reason (f);
 - (b) Following consultation with the EBSA Informal Advisory Group, the proposed modification is implemented on the EBSA website within one month of issuance of the above notification;
 - (c) A report on modifications for reason (f) is made available to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Conference of the Parties for information.

¹⁰ An area described as meeting the EBSA criteria, considered by the Conference of the Parties to the Convention and requested by the Conference of the Parties for inclusion in the CBD EBSA repository.

¹¹ Experts who participated in the regional workshops, based on their nomination by the CBD national focal points and relevant organizations, in which the EBSAs proposed for modification were originally described.

G. ACTORS WHO CAN PROPOSE DESCRIPTION OF AN EBSA

- (a) Within national jurisdiction: the State(s) within whose jurisdiction(s) the proposed area is located;
- (b) In areas beyond national jurisdiction: any State and/or competent intergovernmental organization, [without prejudice to developments under the United Nations Convention on the Law of the Sea];
- (c) In areas straddling within and beyond national jurisdiction: the State(s) within whose jurisdiction(s) the proposed area is partially located.

H. DESCRIPTION OF EBSAS IN AREAS WITHIN NATIONAL JURISDICTION

(a) The proposal is submitted to the Secretariat, using the EBSA template, together with information on the scientifically sound nationally agreed peer-review process¹² that supports the proposal;

(b) The Secretariat disseminates the proposal to all Parties through a notification with a period of two months for open comment on the proposal. The proponent may wish to issue a response to any of the comments. The comments and responses related to the proposal will be posted on the EBSA website;

(c) The Secretariat also issues notifications biannually regarding proposals for new areas received by the Secretariat;

(d) The Secretariat, in consultation with EBSA Informal Advisory Group, compiles a report, including analysis of comments received, to be made available to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Conference of the Parties, [for consideration] [for information] [with a view to inclusion] [to include] in the repository;

(e) Alternately, and in line paragraph 36 of decision X/29, new EBSAs may be described through a regional workshop, the outputs of which are submitted for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice and by the Conference of the Parties.

¹² Voluntary guidelines on peer-review processes to be developed by the Executive Secretary with advice from the Informal Advisory Group on EBSAs for the consideration of the Subsidiary Body on Scientific, Technical and Technological Advice and the Conference of the Parties

I. DESCRIPTION OF EBSAS IN AREAS BEYOND NATIONAL JURISDICTION

**and, where a State wishes, within its national jurisdiction*

(a) The proposal for an EBSA description is submitted to the Secretariat, using the EBSA template;

(b) The Secretariat posts information about the proposal on the EBSA website and issues notifications biannually regarding proposals for new areas received by the Secretariat;

(c) Once 15 proposals are received, the Secretariat initiates the preparation of an expert workshop to review the proposals. The EBSA Informal Advisory Group provides scientific advice on the planning of the workshop. The output of the workshop is submitted to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Conference of the Parties for their consideration;

(d) If 15 proposals are not received within the timeframe of [XXX], the Secretariat prepares a report on these proposals, which will be opened for public comment/peer-review. A report on the proposals is prepared together with the EBSA Informal Advisory Group to be submitted to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Conference of the Parties for consideration;

(e) Alternately, and in line paragraph 36 of decision X/29, new EBSAs may be described through a regional workshop, the outputs of which are submitted for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice and by the Conference of the Parties.

J. DESCRIPTION OF EBSAS FOR FEATURES STRADDLING MULTIPLE NATIONAL JURISDICTIONS

(a) The proposal is submitted to the Secretariat, using the EBSA template, together with information on the scientifically sound nationally agreed peer-review process¹³ that supports the proposal;

(b) The Secretariat disseminates the proposal to all Parties through a notification with a period of two months for open comment on the proposal. The proponents may wish to issue a response to any of the comments, and the comments and responses related to the proposal will be posted on the EBSA website;

(c) The Secretariat also issues notifications biannually regarding proposals for new areas received by the Secretariat;

(d) The Secretariat, in consultation with the EBSA Informal Advisory Group, compiles a report, including analysis of comments received, to be made available to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Conference of the Parties, [for consideration] [for information] [with a view to inclusion] [to include] in the repository;

(e) Alternately, and in line paragraph 36 of decision X/29, new EBSAs may be described through a regional workshop, the outputs of which are submitted for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice and by the Conference of the Parties.

¹³ Voluntary guidelines on peer-review processes to be developed by the Executive Secretary with advice from the Informal Advisory Group on EBSAs for the consideration of the Subsidiary Body on Scientific, Technical and Technological Advice and the Conference of the Parties.

K. DESCRIPTION OF EBSAS FOR FEATURES BOTH WITHIN AND BEYOND NATIONAL JURISDICTION

(a) The proposal for an EBSA description is submitted to the Secretariat, using the EBSA template;

(b) The Secretariat posts information about the proposal on the EBSA website and issues notifications biannually regarding proposals for new areas received by the Secretariat;

(c) Once 15 proposals are received, the Secretariat initiates the preparation of an expert workshop to review the proposals. The EBSA Informal Advisory Group provides scientific advice on the planning of the workshop. The output of the workshop is submitted to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Conference of the Parties for their consideration;

(d) If 15 proposals are not received within the timeframe of [XXX], the Secretariat prepares a report on these proposals, which will be opened for public comment/peer-review. A report on the proposals is prepared together with the EBSA Informal Advisory Group to be submitted to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Conference of the Parties for consideration;

(e) Alternately, and in line paragraph 36 of decision X/29, new EBSAs may be described through a regional workshop, the outputs of which are submitted for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice and by the Conference of the Parties.
