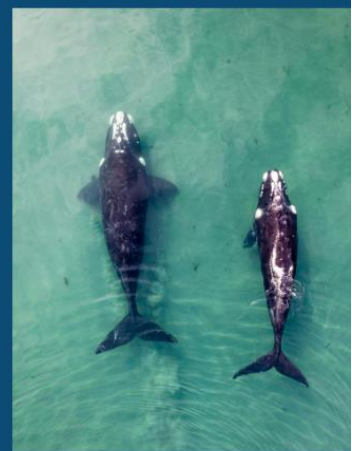

Handbook for describing ecologically or biologically significant marine areas (EBSAs) and modifying EBSA descriptions under the Convention on Biological Diversity



Convention on
Biological Diversity

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DISCLAIMER

The Conference of the Parties to the Convention on Biological Diversity has stressed that description, and modification of the descriptions, of ecologically or biologically significant marine areas is strictly a scientific and technical exercise. It does not imply the expression of any opinion whatsoever concerning the legal status of any country, territory, city or area, including maritime zones, or of their authorities, or concerning the delimitation of its boundaries, and it does not have any economic or legal implications. It has further stressed that any action or activity carried out on the basis of the outcomes of the EBSA process shall be without prejudice to, and shall not be relied upon as a basis for asserting or denying any claims to, sovereignty, sovereign rights or jurisdiction, including in respect of any disputes relating thereto.

Furthermore, it is important to note that this handbook does not have any formal status and is not intended to be a substitute for text contained in [decision 16/16](#). Please refer to decision 16/16 for the modalities for the modification of descriptions of ecologically or biologically significant marine areas and the description of new areas, as adopted by the Conference of the Parties (COP) to the Convention on Biological Diversity at its sixteenth meeting.

If there are any questions or concerns, please contact the Secretariat at secretariat@cbd.int.

INTRODUCTION

Since 2010, the Convention on Biological Diversity (CBD) has been facilitating the process to describe ecologically or biologically significant marine areas (EBSAs) on the basis of a set of criteria adopted by the Conference of the Parties to the CBD in [decision IX/20, annex I](#). The EBSA process has been extremely valuable in improving our understanding of the ecological and biological significance of various components of the ocean and for providing a solid scientific basis for governments and competent intergovernmental authorities to select, as appropriate, adequate measures for the conservation and sustainable use of marine biodiversity. EBSAs provide information that is not only useful for management, but also provide a focus for research and monitoring of various features in the ocean. Furthermore, the EBSA process has facilitated scientific collaboration, networking and capacity-building at various scales around the world. Information on progress and achievements of the EBSA process was synthesized and published in a report in 2022, which is available [here](#).

The initial modalities for the EBSA process were provided by the CBD COP in decision X/29 in 2010. However, the modalities for the EBSA process were changed by the COP at its 16th meeting in 2024. This handbook explains the newly adopted modalities as reflected in the annex to [decision 16/16](#) and provides clear steps to follow to describe new EBSAs and modify existing EBSAs. Specifically, it outlines: (i) key facts about EBSAs and the EBSA process, (ii) step-by-step instructions to describe new EBSAs and modify existing EBSAs, (iii) overarching considerations for the EBSA process, and (iv) information on the EBSA repository and EBSA information-sharing mechanism.



1. KEY FACTS ABOUT EBSAs AND THE EBSA PROCESS

What are EBSAs?

An EBSA is an area of the ocean recognized for its unique ecological and/or biological features, such as essential habitats, food sources or breeding grounds for specific species.

An EBSA is an area that meets at least one of the seven internationally agreed scientific criteria, known as the “EBSA criteria”, which have been designed to be broad and applicable to a wide range of marine systems:¹

1. Uniqueness or rarity
2. Special importance for life history stages of species
3. Importance for threatened, endangered or declining species and/or habitats
4. Vulnerability, fragility, sensitivity or slow recovery
5. Biological productivity

¹ Decision IX/20, annex I

6. Biological diversity
7. Naturalness

These areas can vary greatly in size and location, ranging from coastal waters to the high seas and from the ocean surface to the seabed. EBSAs encompass a wide range of species, habitats and oceanographic features, including dynamic and ephemeral phenomena, as well as areas that are important seasonally or throughout the year. EBSAs have included features such as seamounts, hydrothermal vents, coral reefs, migratory corridors, seasonal fish spawning areas and coastal upwellings, among many other types of ecosystems.

Why is the CBD doing this work?

On the basis of a mandate from the CBD COP, the CBD Secretariat has been leading this work as part of its efforts to support CBD Parties in conserving and sustainably using marine and coastal biodiversity, including through competent intergovernmental organizations. The EBSA process remains the only global intergovernmental process to date that identifies, describes and maps the inherent ecological and biological value of marine ecosystems across a wide range of marine habitats, species, taxa and regions. The identification of these special places in the ocean has been described as one of the most important areas of work under the CBD. Covering almost two-thirds of the planet's surface, the ocean is home to a vast diversity of marine life, but faces severe threats such as habitat destruction, overharvesting, pollution and climate change. Effective conservation and sustainable use require the identification of areas where conservation and management efforts should be prioritized, which calls for a robust understanding of marine ecosystems in different regions, including those with the greatest diversity and abundance of species as well as those having the rarest and most unique marine life.

The CBD COP has emphasized the importance of the engagement of experts from Parties, other Governments, competent intergovernmental organizations, indigenous peoples and local communities and other relevant stakeholder groups in the EBSA process. As such, the EBSA process provides important opportunities to catalyze partnerships, foster scientific collaboration and build capacities at different scales.

Using EBSA information

EBSA descriptions provide scientific information about the ecological and biological features of specific marine areas. They do not prescribe management measures, such as the establishment of marine protected areas, nor do they characterize threats or recommend specific restrictions on human activities. Decisions on any such measures or policies are purely a matter for States and competent intergovernmental organizations.

EBSA information provides an opportunity for prioritizing marine areas that would benefit from planning, conservation or management efforts to safeguard biodiversity and support sustainable use. Using the latest science and knowledge, EBSA information aims to support planning across different spatial scales, from local to national, regional and global, and inform various types of management tools, including MPAs, other effective area-based conservation measures (OECMs), environmental impact assessments, and sectoral management measures, for example. It can also feed into scientific research and monitoring, or bring attention and awareness to these areas of importance.

EBSA information plays a key role in advancing the goals and targets of the Kunming-Montreal Global Biodiversity Framework,² in particular Target 1 (spatial planning), Target 2 (ecosystem restoration) and Target 3 (area-based conservation). EBSA information has not only been used at the national and sub-national levels by CBD Parties, but has also been used in a range of global and regional intergovernmental processes focused on issues related to the marine environment and sustainable development. Importantly, EBSA information can contribute to the implementation of the Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement).

How have EBSAs been described in the past?

The original modalities for the EBSA process, as mandated by the CBD COP in 2010, were based on the convening of regional expert workshops to facilitate the description of EBSAs. These workshops gathered a wide range of participants, including national, regional and global experts nominated by governments, intergovernmental and non-governmental organizations, universities, and indigenous peoples and local communities. During an EBSA workshop, expert participants would synthesize a wide range of information and, with the support of a specialized data team, develop maps and descriptions of areas potentially meeting the EBSA criteria. By the end of the workshop, the maps and descriptions would be reviewed and adopted by the entire workshop and the descriptions of these areas potentially meeting the EBSA criteria were provided for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) and the COP to the CBD, which decided whether to formally recognize the proposed areas as EBSAs and have them included in the EBSA repository. This process, which looked at features across almost the entirety of the global ocean, led to the description of more than 300 EBSAs.

How have things changed?

The description of EBSAs has always relied on the scientific data and expert knowledge available at the time of the workshop, which served as the primary mechanism for identifying EBSAs. However, advances in marine research tools and monitoring technologies, as well as new biodiversity information generated through other processes at the national and international levels, prompted CBD Parties to seek ways to incorporate new scientific information into the EBSA process.

In response, CBD Parties adopted new modalities for the EBSA process at COP 16 in November 2024 which change how EBSAs can be described and modified. The new modalities allow existing EBSA descriptions to be updated based on new scientific information and new areas to be identified through approaches beyond the regional workshops. This ensures that EBSA information can continue to support planning and management with the best available science and knowledge and contribute to other international processes, in view of the rapidly changing ocean.

The new EBSA process still includes many of the same elements as the previous process, such as regional workshops, but also includes other mechanisms for review of proposed EBSA descriptions and modalities to modify EBSAs, as well as ways to share information on national-level work that has not gone through consideration by SBSTTA and COP.

² Decision 15/4



2. STEP-BY-STEP INSTRUCTIONS TO DESCRIBE NEW EBSAs AND MODIFY EXISTING DESCRIPTIONS OF EBSAs

This section provides step-by-step instructions for describing new EBSAs and modifying existing EBSAs, in line with the modalities contained in the annex to decision 16/16. Please also refer to the [overarching considerations](#) for important information on the EBSA process.

Timelines for various elements of the modalities to describe new EBSAs and modify EBSA descriptions for inclusion in the EBSA repository

The CBD Secretariat can receive submissions for new EBSA descriptions and modifications of existing areas at any time. However, those interested in developing a submission to be included in the repository (which must be considered by SBSTTA and COP) should account for the time required to complete the processes outlined in these step-by-step instructions in advance of the relevant meeting of SBSTTA at which they would be considered. These processes include:

- *A 6-month comment period on the submission:* Submissions in areas within national jurisdiction intended to be included in the repository and submissions in areas beyond national jurisdictions must be open for comments by Parties, other Governments, competent intergovernmental bodies and relevant organizations for a period of 6 months.
- *Time for an EBSA workshop to be convened (if applicable):* In addition to the above-noted comment period, submissions in areas beyond national jurisdiction must be discussed at an EBSA workshop prior to being provided for consideration to SBSTTA and COP. Submissions in areas within national jurisdiction intended to be included in the EBSA repository may also be discussed at an EBSA workshop, if the proponent chooses to do so.
- *Preparation and posting of pre-session documents for SBSTTA,* which include the outcomes of the workshop. Documents for consideration of SBSTTA must be provided at least six weeks prior to a given meeting of SBSTTA. As these documents need to go through internal review and editing prior to posting, any submissions that are to be considered by SBSTTA must have completed all of the required steps at least 3 months in advance of the SBSTTA meeting.

Proponents should plan accordingly as the timing of their submission to the Secretariat will determine at which SBSTTA and COP their respective submissions can be considered. However, it should also be noted that providing a submission far in advance of a given meeting of SBSTTA and COP also does not guarantee that the submission can be considered at those meetings, as the agendas of SBSTTAs and COPs are set by their respective Bureaux and the convening of regional EBSA workshops and their scopes are also based on a number of factors, including the availability of financial resources.

2.1 Areas within national jurisdiction

For submissions in *areas within national jurisdiction*, the EBSA process offers two pathways. Proponents (see the section on [Proponents](#)) can choose whether they wish for the area in question to be included in the EBSA repository or the EBSA information-sharing mechanism:

- ⇒ **EBSA repository:** For this pathway, submissions must be considered by SBSTTA and COP (i.e., SBSTTA and COP must take a decision on the submission). Descriptions included in the EBSA repository gain the status of a CBD EBSA.
- ⇒ **EBSA information-sharing mechanism (ISM):** For this pathway, submissions do not need to be considered by SBSTTA and COP. Rather, submissions to be included in the ISM are provided simply for information of SBSTTA and COP, and SBSTTA and COP will not take a decision regarding these submissions.

Intended for inclusion in the EBSA repository³

To describe a new area or modify an existing EBSA in areas within national jurisdiction for inclusion in the repository, please follow these steps (refer to [Flowchart 1](#) for a visual representation):

- ⇒ *Optional step:* Before sending the submission to the Secretariat, the proponent may ask the Secretariat to issue a notification informing of their intent to develop a submission. This notification would be sent to Parties (CBD National Focal Points), other Governments, indigenous peoples and local communities, and relevant organizations. This optional step could help elicit information and expertise that can support the development of a strong submission and could also provide an opportunity for other States to flag potential concerns regarding the submission before it is submitted.
- ⇒ *Optional step:* The proponent may request that a CBD EBSA workshop be used as an opportunity to develop or refine a submission before it is formally sent to the Secretariat. This would be an opportunity to get input on a draft submission, even if the proponent may wish to further develop the submission before providing it to the Secretariat. Of course, this is subject to the time available at a given workshop to discuss such draft submissions. The proponent can also develop their submission via any other means that they wish to pursue on their own (e.g., a proponent-led workshop).

Step 1: The proponent (CBD National Focal Point; see section on [Proponents](#)) sends the submission to the Secretariat. The submission must:

- ✓ Use the EBSA template⁴
- ✓ Include geographical coordinates and a map indicating the area that is being modified or described
- ✓ Include information on the process by which the submission was developed, including any scientific peer-review process
- ✓ Include any information on consultations with indigenous peoples and local communities conducted with their free, prior and informed consent, in cases where information based on traditional knowledge is included

Step 2: The Secretariat adds a record of the submission as it was received to the ISM and issues a notification to provide information regarding the submission and **invite comments by Parties, other Governments and relevant organizations for a period of six months**. Comments received in response to the notification will be sent to the proponent and posted in the ISM by the Secretariat. The comments will be screened by the Secretariat to ensure that they are relevant to the submission. The intention here is for comments to focus on

³ Decision 16/16, annex, paras 8-12

⁴ <https://www.cbd.int/marine/ebsa/ebsa-template-en.dotx>

scientific input to strengthen the submission, as a form of peer-review. This may also serve as an opportunity to identify any potential concerns regarding jurisdictional issues that the submission may cause.

Step 3: Upon receiving comments, if any, the proponent may choose any of the following:

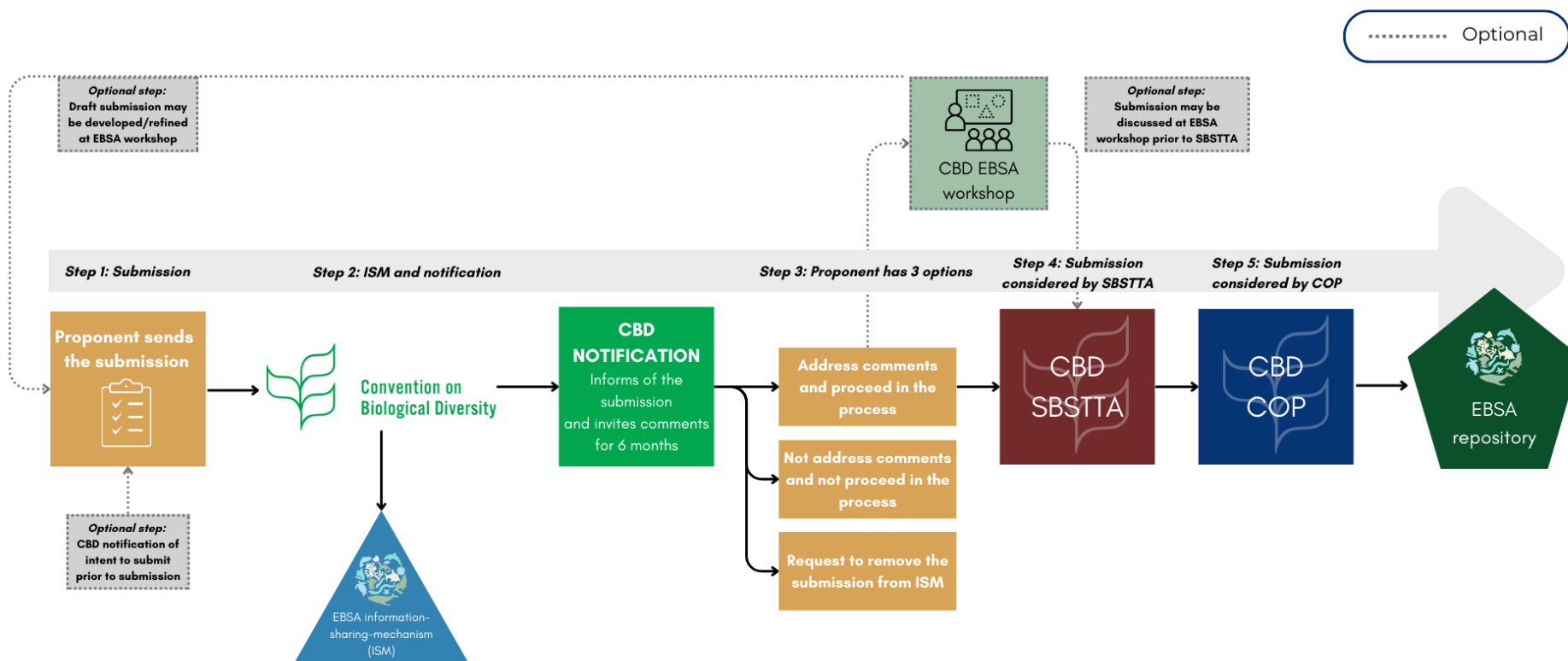
- ✓ Address comments (which may include responding to comments without revising the submission) and, if necessary, send a revised submission to the Secretariat
- ✓ Not address comments and not proceed further in the process. If the proponent does not proceed further, a record of the submission and the comments received in response to the notification remain in the ISM, and the actual submission and comments will be available from the Secretariat upon request.
- ✓ Request the Secretariat remove the original submission (and comments) from the ISM

⇒ *Optional step:* If the proponent continues the process, they may choose to discuss the submission at a CBD EBSA workshop (see section on [Workshops](#)), the outputs of the workshop would then be provided to SBSTTA.

Step 4: After addressing the comments, the submission is provided to SBSTTA for consideration. SBSTTA may recommend to the COP that it include the draft description in the repository, or do not recommend that the submission be considered by COP. SBSTTA may also recommend other action that it deems relevant with respect to the submission.

Step 5: If SBSTTA recommends to the COP that it include the draft description in the repository, then the submission will be provided to COP for consideration, which then decides whether to request the Secretariat to include the submission in the repository. If it is included in the repository, the area is given the status of a CBD EBSA. A record of the submission as well as the comments received remain in the EBSA information-sharing mechanism regardless of whether or not it is included in the repository, unless the proponent requests it to be removed.

Flowchart 1: Steps to describe new EBSAs and modify existing EBSAs in areas within national jurisdiction, for inclusion in the EBSA repository



Intended for inclusion in the EBSA information-sharing mechanism⁵

To describe a new area or modify an existing EBSA in areas within national jurisdiction for inclusion in the information-sharing mechanism (ISM), please follow these steps (refer to [Flowchart 2](#) for a visual representation):

- ⇒ *Optional step:* Before sending the submission to the Secretariat, the proponent may ask the Secretariat to issue a notification informing of their intent to develop a submission. This notification would be sent to Parties (CBD National Focal Points), other Governments, indigenous peoples and local communities, and relevant organizations. This optional step could help elicit information and expertise that can support the development of a strong submission and could also provide an opportunity for other States to flag potential concerns regarding the submission before it is submitted.
- ⇒ *Optional step:* Submissions can also be developed/refined at a CBD EBSA workshop, before sending the submission to the Secretariat. This would be an opportunity to get input on a draft submission, even if the proponent may wish to further develop the submission before providing it to the Secretariat. Of course, this is subject to the time available at a given workshop to discuss such draft submissions. The proponent can also develop their submission via any other means that they wish to pursue on their own (e.g., a proponent-led workshop).

Step 1: The proponent (CBD National Focal Point; see section on [Proponents](#)) sends the submission to the Secretariat. The submission must include:

- ✓ Description of the features of the area addressed by the submission and how it meets the EBSA criteria
- ✓ Geographical coordinates and a map indicating the area that is being modified or described
- ✓ Information on the process by which the submission was developed, including any scientific peer-review process
- ✓ Any information on consultations with indigenous peoples and local communities conducted with their free, prior and informed consent, in cases where information based on traditional knowledge is included

Step 2: The Secretariat makes the submission available to Parties and other Governments only and issues a notification to provide information regarding the submission.

Step 3: After a period of five months, to allow for States to apply the provisions on jurisdictional claims or disputes in paragraph 5 of the annex to decision 16/16, the Secretariat adds the submission in the ISM. Please see this [section](#) for more details on the procedure regarding the use of the provisions of paragraph 5.

- ⇒ *Optional step:* After inclusion in the ISM, the proponent may wish to open the submission for comments by Parties, other Governments and relevant organizations for a period of six months, in which case the Secretariat issues a notification inviting comments. Any comments received will be transmitted to the proponent and posted in the ISM.

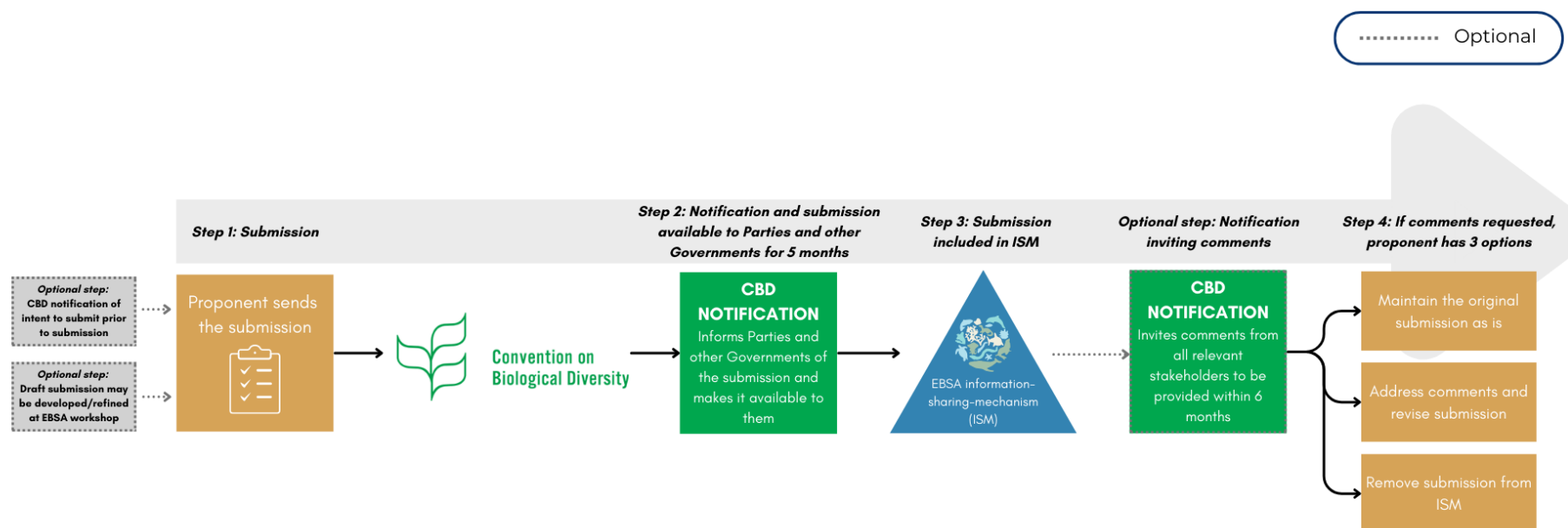
Step 4: Upon receiving any comments, the proponent may choose any of the following:

⁵ Decision 16/16, annex, paras 13-15

- ✓ Not to revise the submission and keep its original version in the ISM
- ✓ Address the comments and revise the submission to be updated in the ISM by the Secretariat
- ✓ Request the Secretariat to remove the submission from the ISM

Please note that, in cases of modifications of existing EBSAs, these steps cannot apply to the EBSA descriptions considered and endorsed by the COP that are held in the repository. This means that EBSA descriptions that are in the EBSA repository cannot be modified to be moved directly to the EBSA information-sharing mechanism. In order for an EBSA description contained in the repository to be modified and moved to the information-sharing mechanism, a proponent would need to provide a new submission for inclusion in the information-sharing mechanism and follow the steps indicated in this section.

Flowchart 2: Steps to describe new EBSAs and modify existing EBSAs in areas within national jurisdiction, for inclusion in the EBSA information-sharing mechanism



2.2 Areas beyond national jurisdiction⁶

For areas beyond national jurisdiction (ABNJ), all submissions must be considered by SBSTTA and COP. The COP will decide whether an EBSA description will be included in the EBSA repository. Descriptions included in the EBSA repository gain the status of a CBD EBSA. Please refer to the section on the [EBSA repository and ISM](#) for further details.

To describe a new area or modify an existing EBSA in ABNJ, please follow these steps (refer to [Flowchart 3](#) for a visual representation):

⇒ *Optional step:* Before sending the submission to the Secretariat, the proponent may ask the Secretariat to issue a notification informing of their intent to develop a submission. This notification would be sent to Parties (CBD National Focal Points), other Governments, indigenous peoples and local communities, and relevant organizations. This optional step could help elicit information and expertise that can support the development of a strong submission and could also provide an opportunity for other States to flag potential concerns regarding the submission before it is submitted.

Step 1: The proponent (see section on [Proponents](#)) sends the submission to the Secretariat. The submission must:

- ✓ Use the EBSA template⁷
- ✓ Include geographical coordinates and a map indicating the area that is being modified or described
- ✓ Include information on the process by which the submission was developed, including any peer-review process
- ✓ Include any information on consultations with indigenous peoples and local communities conducted with their free, prior and informed consent, in cases where information based on traditional knowledge is included

Step 2: The Secretariat adds a record of the submission, as received, to the ISM and **issues a notification that will inform of the submission and invite comments on the submission by Parties, other Governments, competent intergovernmental bodies and relevant organizations for a period of six months.** Comments will be sent to the proponent as they are received, and posted in the ISM, by the Secretariat. The comments will be screened by the Secretariat to ensure that they are relevant to the submission. The intention here is for comments to focus on scientific input to strengthen the submission, as a form of peer-review. This may also serve as an opportunity to identify any potential concerns regarding jurisdictional issues that the submission may cause.

Step 3: The submission and comments received are provided for discussion at a CBD EBSA workshop (see section on [Workshops](#)). Note that draft EBSA descriptions to be submitted in the future may also be developed at the workshop, subject to the availability of time and resources at the workshop in question.

⁶ Decision 16/16, annex, paras 16-20

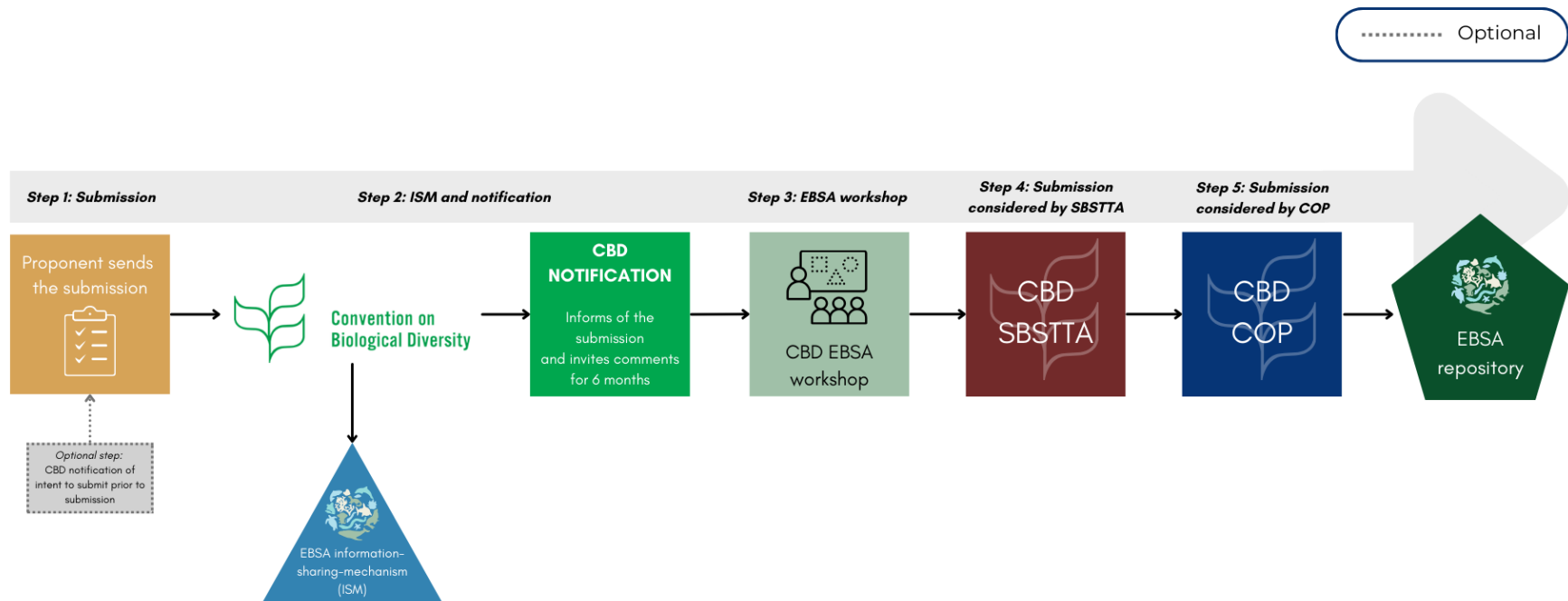
⁷ <https://www.cbd.int/marine/ebsa/ebsa-template-en.dotx>

Step 4: The workshop outcomes are then provided to SBSTTA for consideration. SBSTTA may choose to recommend to the COP that it include the submission in the repository, or not recommend that the submission be considered by COP.

Step 5: If SBSTTA recommends to the COP that it include the draft description in the repository, then the submission will be provided to COP for consideration, which then decides whether to request the Secretariat to include the submission in the repository. If it is included in the repository, the area is given the status of a CBD EBSA.

⇒ A record of the submission as well as the comments received remain in the ISM, regardless of whether or not it is included in the repository.

Flowchart 3: Steps to describe new EBSAs and modify existing EBSAs in areas beyond national jurisdiction



2.3 Editorial errors in an EBSA description⁸

EBSA descriptions may potentially contain minor mistakes, in particular linguistic and editorial errors. If this is the case, the steps below are to be followed:

- Step 1:** A State (CBD National Focal Point) informs the CBD Secretariat of the editorial error. If the editorial error is located in the national jurisdiction of a different State, the Secretariat will consult with the State within whose jurisdiction the correction is proposed.
- Step 2:** The CBD Secretariat then issues a notification to provide information regarding the editorial error and the requested correction.
- Step 3:** The CBD Secretariat implements the correction 3 months after the issuance of the notification.
- Step 4:** The CBD Secretariat adds a footnote to the corrected description to indicate that an editorial correction was made.
- Step 5:** A report on corrections made to address editorial errors will be submitted by the CBD Secretariat to SBSTTA and COP, for information.



3. OVERARCHING CONSIDERATIONS

This section focuses on the general and overarching considerations to be applied throughout the process of describing new EBSAs or modifying existing EBSAs. It covers: (i) who can develop a submission, (ii) important considerations when developing a submission, (iii) when and why to modify EBSA descriptions, (iv) the mechanism for submissions causing jurisdictional concerns, and (v) the role of EBSA workshops.

3.1 Proponents: Who can provide a submission?⁹

In **areas beyond national jurisdiction (ABNJ)**, submissions to modify an existing EBSA or to describe a new EBSA can be made by any State(s), individually or collectively, including through competent intergovernmental organizations. Competent intergovernmental organizations (which are composed of States) can submit a modification or description in ABNJ on behalf of, and with the approval of, their Parties/Member States. This means that submissions must be sent to the Secretariat by the CBD National Focal Point (with respect to States) or by the head of the Secretariat (e.g., Executive Secretary) of competent intergovernmental organizations.

In **areas within national jurisdiction**, submissions to modify an existing EBSA or describe a new area can only be made by the State within whose jurisdiction the modification or description is proposed. For any submission that includes areas within national jurisdiction, the State that has jurisdiction over this area must consent to and be involved in the submission. This also includes submissions that only partially include areas within national jurisdiction.

⁸ Decision 16/16, annex, para 21

⁹ Decision 16/16, annex, para 3

The Secretariat will not accept any submission regarding a modification or description that is wholly or partially within national jurisdiction that does not include, as a proponent, the State that has jurisdiction over the area. For this reason, all submissions must include a map of the area and geographic coordinates.

It is important to note that States may choose to collaborate with any other stakeholders that they may deem relevant when developing a submission.

3.2 Important considerations when developing a submission¹⁰

To strengthen the quality of the submission as well as avoid potential political concerns or other obstacles from arising later in the process, proponents should consider the following, at an early stage, when developing a submission to modify an existing EBSA description or describe a new area:

- Collaborating with competent intergovernmental organizations, other relevant organizations, experts, indigenous peoples and local communities, with their free, prior and informed consent, and women and youth organizations, in accordance with relevant national legislation, international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples and human rights law
- The need to avoid developing submissions that may raise sovereignty, sovereign rights or jurisdiction concerns
- The need for a strong scientific basis with sufficient information, and the importance of transparency
- The need to consider the regional dimensions of marine and coastal ecosystems and their ecological and biological features and processes, including regional differences in data availability, as well as collaboration across regions

3.3 Modifications of EBSA descriptions¹¹

Understanding modifications to EBSA descriptions

EBSA descriptions, which provide scientific and technical information about the features of a specific marine area, may need to be modified or updated as new information becomes available. For example, updates may be needed when new research or data becomes available that may have an impact on the shape of the area or its ranking against the EBSA criteria. Updates may also be needed if incorrect or inaccurate information was used in the original description, if the features described as an EBSA have changed, or if they have shifted location over time.

In summary, such a modification of an EBSA description may include changes such as:

- Changes to the textual description of the area
- Changes to the ranking of the area against the EBSA criteria
- Change in the location, shape, depth or size of the area

¹⁰ Decision 16/16, annex, para 4

¹¹ Decision 16/16, annex, para 2

- Removing the description from the repository or the information-sharing mechanism and moving it to the respective archive

Reasons to modify an EBSA description

EBSA descriptions may be modified for a number of specific reasons which aim to maintain the scientific and technical aspect of the EBSA process. **For areas beyond national jurisdiction**, modifications may be proposed for any of the following reasons (please see the [step-by-step instructions](#) for the steps to modify an EBSA in ABNJ):

- Newly available or accessible knowledge, including traditional knowledge, innovations and practices of indigenous peoples and local communities, on features associated with the area
- Change in the ecological or biological features of the area
- Scientific errors identified in the description

For areas within national jurisdiction, modifications may be proposed (preferably) for the same reasons as for ABNJ, and (possibly) for any other reason deemed valid by the State within whose jurisdiction the modification is proposed. Please see the [step-by-step instructions](#) for the steps to modify an EBSA within national jurisdiction.

In all cases, proponents must clearly indicate the reason(s) for the proposed modification in their submission.

For correcting minor editorial errors in an EBSA description, please refer to the [instructions](#) provided earlier in this document.

3.4 Mechanism for objections to submissions due to the existence of a claim or dispute relating to sovereignty, sovereign rights or jurisdiction¹²

The CBD COP has repeatedly stressed that the EBSA process is strictly a scientific and technical exercise, does not imply the expression of any opinion whatsoever concerning the legal status of any country, territory, city or area, including maritime zones, or of their authorities, or concerning the delimitation of its boundaries and does not have economic or legal implications and that the work of the EBSA process and EBSA information shall be without prejudice to, and shall not be relied upon as a basis for asserting or denying any claims to, sovereignty, sovereign rights or jurisdiction, including in respect of any disputes relating thereto.

Nonetheless, there may be instances where EBSA information may cause concerns relating to sovereignty, sovereign rights or jurisdiction. There are various ways in which such concerns can be addressed or resolved through the modalities, namely:

- The fact that submissions must include a map and geographic coordinates which ensures clarity about the exact area being addressed in a submission
- The fact that the CBD COP explicitly stressed the need for proponents to avoid developing submissions that may raise concerns regarding sovereignty, sovereign rights or jurisdiction
- The option of using bilateral diplomatic resolutions to such cases where a submission has raised such a concern. This could entail a proponent amending or withdrawing their submission.

¹² Decision 16/16, annex, para 5

However, the CBD COP still saw the need to develop a specific mechanism for objections to submissions due to the existence of a claim or dispute relating to sovereignty, sovereign rights or jurisdiction. Ideally, such a mechanism would not need to be used and such concerns could be addressed through the approaches noted above. However, if this is not possible the mechanism outlined in paragraph 5 of annex to decision 16/16 may be invoked. This mechanism functions as follows:

- ⇒ At any time, any State can formally communicate to the Executive Secretary an objection to the inclusion of a description of a new area or a modification of an existing description in the EBSA repository or the information-sharing mechanism (ISM), due to the existence of a claim or dispute relating to sovereignty, sovereign rights or jurisdiction involving an area in the submission.
 - Formal communication entails a letter from the CBD National Focal Point addressed to the Executive Secretary
- ⇒ In such a case, the submission will not be advanced any further and will not be included in the repository or the ISM, until the withdrawal of the objection is communicated to the Executive Secretary by the objecting State (via a letter from the CBD National Focal Point).
- ⇒ A record of the fact that a submission was received and objected to will be included in the ISM, regardless of whether the objection is withdrawn or not.

3.5 Workshops and their role in the EBSA modalities¹³

Previously, EBSAs were described through a series of regional workshops coordinated by the CBD Secretariat (as per [decision X/29](#) and [decision XI/17](#)). From 2011 to 2021, the Secretariat convened 15 such workshops in collaboration with Parties, other Governments, and international organizations, which resulted in the description of more than 300 areas meeting the EBSA criteria. These workshops were the foundation of the EBSA process and a valuable mechanism for coalescing scientific information and expertise and an important platform for exchange among experts.

The new modalities adopted in [decision 16/16](#) still have an important role for EBSA workshops, although there are certain elements of the modalities that do not require submissions to go through an EBSA workshop. The workshops are to be organized with advice from the Informal Advisory Group on Ecologically or Biologically Significant Marine Areas and in consultation with the SBSTTA Bureau. The COP has also stressed that the outcomes of these workshops are to be without prejudice to relevant international processes in the case of ABNJ.

In practical terms, the geographical focus, scope and location of the workshops are to be selected based on a number of factors, including the locations and areas of focus of submissions received as well as the availability of resources. Furthermore, participants for these workshops are selected based on their expertise, ensuring broad and inclusive participation that is not limited to representatives of the coastal States only.

As described in the step-by-step [instructions](#), submissions concerning ABNJ must be discussed at an EBSA workshop before being provided for consideration to SBSTTA and COP.

¹³ Decision 16/16, para 4

For [areas within national jurisdiction](#), submissions for inclusion in the EBSA repository may also be discussed at an EBSA workshop before being provided for consideration to SBSTTA and COP, however, it is at the discretion of the proponent whether they wish to do so. Additionally, for areas within national jurisdiction, both for inclusion in the repository and the information-sharing mechanism, proponents may choose to provide their draft submission for discussion at an EBSA workshop, prior to formally submitting it to the Secretariat.



4. THE EBSA REPOSITORY AND INFORMATION-SHARING MECHANISM¹⁴

As decided by the CBD COP in [decision 16/16](#), the EBSA repository contains:

- ⇒ Descriptions of areas meeting the EBSA criteria that the COP has considered and requested the Executive Secretary to include in the repository
- ⇒ An archive of previous versions of modified EBSAs descriptions originally held in the repository
 - In this case, both the updated version of the EBSA and the previous version of the EBSA will indicate that the EBSA has been modified

The EBSA ISM contains:

- ⇒ Records of submissions for modifications or descriptions in areas within national jurisdiction for inclusion in the EBSA repository, and the comments received on the submissions
- ⇒ Submissions for modifications or descriptions of areas within national jurisdiction for inclusion in the ISM, and the comments received on such submissions and any responses to those comments
- ⇒ Records of submissions for modifications or descriptions in areas beyond national jurisdiction
- ⇒ An archive of previous versions of modified EBSA descriptions originally held in the ISM
 - In this case, both the updated version of the EBSA and the previous version of the EBSA will indicate that the EBSA has been modified
- ⇒ Links to national processes and their related scientific information pertaining to areas meeting the EBSA criteria
- ⇒ Reports of the CBD EBSA workshops
- ⇒ Guidance related to the application of the EBSA criteria, and the use of information contained in the description of such areas
- ⇒ Other relevant scientific and technical information and other forms of knowledge, including, where available, the traditional knowledge of indigenous peoples and local communities, with their free, prior and informed consent, related to areas described as meeting the EBSA criteria
- ⇒ Information and experience relating to the application of other relevant and complementary intergovernmentally agreed scientific criteria

¹⁴ Decision 16/16, annex, paras 6 and 7