

## ANNEX 20

## PSSA PROPOSAL REVIEW FORM

*The Technical Group will ask that the proposing Member Government provide a response to the issues raised below, including the appropriate citations to its submission. This, in combination with comments and information offered by other Member Governments regarding the proposed PSSA, will enable a thorough discussion and assessment of the proposal by the Technical Group.<sup>1</sup>*

**1 General**

- 1.1 Name of area proposed to be designated as a PSSA: \_\_\_\_\_
- 1.2 Proposing Member Government(s): \_\_\_\_\_
- 1.3 Document containing proposal: \_\_\_\_\_
- 1.4 Related documents: \_\_\_\_\_
- 1.5 Navigational chart number which depicts area: \_\_\_\_\_

**2 Summary of the Proposal and Other Necessary Background Information**

- 2.1 What are the objectives of the proposed designation? (paragraph 7.4)<sup>2</sup>
- 2.2 Is the description of the area complete and is it, and the existing or proposed associated protective measure (APM), clearly depicted on a chart or chartlet? (paragraph 7.5.1.1)
- 2.3 Does the application provide an adequate summary of the need for protection, including a demonstration of the identified vulnerability to international shipping? (paragraph 7.4)
- 2.4 Is the APM adequately described, including how it will address the identified vulnerability? (paragraph 7.4)

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<sup>1</sup> As with the PSSA Guidelines, references to “Member Government” and “measure” are in the singular and it is intended that such usage encompasses both the singular and plural of these terms.

<sup>2</sup> The paragraphs are citations to the appropriate paragraphs in the Revised PSSA Guidelines.

- 2.5 Are the reasons included as to why the APM is the preferred method for providing protection? (paragraph 7.4)
- 2.6 Are there other Member States that have a common interest in the proposed area? (paragraph 3.1)
- 2.7 If the answer to 2.6 is yes, have they been consulted to formulate a coordinated proposal, with integrated measures and procedures for cooperation? (paragraph 3.1)

### **3 Ecological, Socio-economic, or Scientific Criteria (Guidelines Section 4)**

Do the supporting documentation and references establish that the area is vulnerable to damage or the identified threat of damage from international shipping activities for at least one of the following reasons? (paragraph 4.1)

(In addressing this point, at least one of the criteria needs to exist throughout the entire proposed area, though the same criterion need not be present throughout the entire area.) (paragraph 4.4)

*Ecological criteria (beginning at paragraph 4.4.1)*

- 3.1 Uniqueness or rarity: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.2 Critical habitat: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.3 Dependency: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?

- 3.4 Representativeness: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.5 Diversity: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.6 Productivity: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.7 Spawning or breeding grounds: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.8 Naturalness: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.9 Integrity: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.10 Fragility: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.11 Bio-geographic importance: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?

*Social, cultural, and economic criteria (beginning at paragraph 4.4.12)*

- 3.12 Social or economic dependency: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.13 Human dependency: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.14 Cultural heritage: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?

*Scientific and educational criteria (beginning at paragraph 4.4.15)*

- 3.15 Research: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.16 Baseline for monitoring studies: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.17 Education: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?

**Conclusion:** Does the proposed area fulfil at least one of the above criteria in section 3 throughout the entire proposed area? If so, which criterion, why, and based on what information? The Technical Group should provide a brief summary of this element in its report to the Committee.

#### **4 Vulnerability to Impacts from International Shipping (Guidelines, Section 5)**

Do the supporting documentation and references support that the area is vulnerable to damage or the identified threat of damage from international shipping? In addressing this question, the following factors, as well as the time for which the information applies, should be considered:

##### *Vessel traffic characteristics*

- 4.1 Operational factors: What types of maritime activities exist in the area that may reduce the safety of navigation? (paragraph 5.1.1)
- 4.2 Vessel types: What types of vessels pass through or adjacent to the area? (paragraph 5.1.2)
- 4.3 Traffic characteristics: What are the data provided on the vessel traffic characteristics (e.g., volume or concentration of traffic, vessel interactions, distance offshore, other dangers to navigation)? (paragraph 5.1.3)
- 4.4 Harmful substances: What information is there on harmful substances being carried? (paragraph 5.1.4)

##### *Natural factors*

- 4.5 Hydrographic conditions: What information is provided on the hydrographical conditions? (paragraph 5.1.5)
- 4.6 Meteorological conditions: What information is provided on the meteorological conditions? (paragraph 5.1.6)

- 4.7 Oceanographic conditions: What information is provided on the oceanographic conditions? (paragraph 5.1.7)

**Conclusion:** Are there factors relating to vessel traffic characteristics and natural conditions that result in the attributes of the proposed area being vulnerable to damage from international shipping and if so, what are they and based on what information? The Technical Group should provide a short summary of the information provided and its assessment.

**5 Associated Protective Measure Proposed to Protect the Area from the Identified Vulnerability (Sections 6 and 7)**

- 5.1 Is there an IMO measure already in place to protect the area from the identified vulnerability? (paragraph 7.2 and 7.5.2.1)

- 5.1.1 If so, how does it protect the attributes of the area from the identified vulnerability by international shipping? (paragraph 7.2)

- 5.2 Is there a new IMO measure being proposed to protect the area? (paragraphs 7.1 and 7.5.2)

- 5.2.1 Is there a draft of the proposal for such a measure appended to the submission? (paragraph 7.5.2.2)

If yes, what is the measure?

- 5.2.2 What is its legal basis? (paragraphs 7.1, 7.5.2.2, 7.5.2.3)

5.2.2.1 Is it:

- .1 An existing IMO measure? (paragraph 7.5.2.3(i))

If so, under what IMO instrument is it being proposed? (paragraph 7.6.1)

- .2 A measure that does not yet exist at IMO, but could become available through amendment of an IMO instrument or adoption of a new IMO instrument? (paragraph 7.5.2.3(ii))

If so, what steps have been set forth in its application that the proposing Member Government has taken or will take to have the amendment or instrument approved or adopted by IMO? (paragraphs 7.1 and 7.5.2.3(ii)) Is the measure proposed consistent with the requirements being proposed? (paragraph 7.6.1)

- .3 A measure proposed for adoption in the territorial sea or by IMO pursuant to UNCLOS Article 211(6) where generally applicable measures would not adequately address the particularized need of the proposed area? (paragraph 7.5.2.3(iii))

If it is a measure under Article 211(6), what steps have been set forth in its application that the proposing Member Government has taken or will take to obtain adoption of this measure? Is the measure proposed consistent with the requirements of this Article? (paragraph 7.6.1)

- 5.2.2.2 Is the proposed measure consistent with the legal instrument under which the APM is being proposed? (paragraph 7.6.1)

- 5.2.2.3 How does the associated protective measure provide the needed protection from the threats of damage to the attributes of the area posed by international shipping activities and is it specifically tailored to do so? (paragraph 7.5.2.4)
- 5.3 To what category or categories of ships does the APM apply? (paragraph 7.5.2.5)
- 5.4 Are there any possible impacts of the proposed measure on the safety and efficiency of navigation? (paragraph 7.6)
- 5.5 Is there a possibility that the existing or proposed APM might result in undesirable adverse effects by international shipping on the environment outside of the proposed PSSA? (paragraph 8.2.2)
- 5.6 After considering the full range of protective measures available and reviewing the existing or proposed associated protective measure, are there any other more appropriate APMs than that being proposed to address the identified vulnerability (e.g., more environmentally protective or having less impact on international shipping)? (paragraph 8.2.1)

**Conclusion:** Is the proposed APM the appropriate measure to address the identified vulnerability to the attributes of the area and if so, why? (paragraph 8.2.3) Is there an identified legal basis for this measure and what is it? The Technical Group should provide a short summary of its assessment of the APM and the linkage among the three elements of the PSSA proposal (i.e., the attributes of the area, the identified vulnerability and the APM).

## **6 Miscellaneous Issues**

- 6.1 Is the size of the area commensurate with that necessary to address the identified need? (paragraph 8.2.3)



- 6.2 Has the Member Government taken steps to date to protect the area (e.g., with respect to its vessels, as a condition of port entry, or intended to apply to vessels in the area, consistent with international law)? (paragraph 7.8)
- 6.3 What are the enforcement actions that may be taken pursuant to domestic law for the failure of a ship to comply with an APM? (paragraph 7.9)
- 6.4 Does the area include a buffer zone? Why is a buffer zone necessary? How were the boundaries of the buffer zone drawn? (paragraph 6.3)
- 6.5 If the answer to 6.4 is yes, how does it directly contribute to the protection of the area? (6.3)
- 6.6 Has the area been declared a World Heritage Site, a Biosphere Reserve, or included on a list of areas of international, regional, or national importance or is the area the subject of international, regional, or national conservation action or agreements? (paragraph 6.2) If so, please describe.

## **7 Conclusion**

The Technical Group's report should contain a recommendation to the Committee, based on its assessment of the proposal, regarding whether the proposed area should be designated as a PSSA "in principle", while awaiting action by the appropriate Subcommittee or Committee on the APM. If the PSSA is based on an existing measure, the Group – again, after its assessment – may recommend to the Committee that it designate the area as a PSSA. Finally, if the Group decides to recommend against designation, it should provide the Committee with a statement of reasons for its recommendation and, if appropriate, request additional information.

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