

## COMMITMENTS FOR THE “ ” MISSION

**Organisation employing the Mission Leader, hereafter known as the Organisation:**

**Mission Leader:**

**Laboratory or UMR (mixed research unit):**

**Mission name:**

**Vessel:**

**Planned dates:**

**Signatory authorised to retain the Organisation:**

The IFREMER Oceanographic Fleet Management (hereafter “DFO”) has planned to make naval resources available for performing the Mission stated above.

Consequently, the Organisation that employs the mission leader should make the following commitments.

## 1. Commitments bound to the United Nations Convention on the Law of the Sea

### 1.1 Work permit request

By applying articles 245 and 246 of the United Nations Convention on the Law of the Sea (UNCLOS) and to get consent from the coastal State, the Organisation agrees to prepare the work permit request dossier sent to the coastal State in compliance with article 248 of the UNCLOS.

The work permit request dossier will be specific to each coastal State if the Mission takes place in the waters of several coastal States.

The mission leader agrees to send the dossier(s) to the DFO **at least 8 months** before the provisional Mission start date, and the DFO must oversee that this dossier is sent to the Ministry for Foreign Affairs, to be subsequently sent on to the coastal State authorities.

In the absence of a work permit from the coastal State, the Organisation acknowledges that the DFO has the right to cancel or postpone the scheduling for all or part of the Mission.

### 1.2 Obligation to meet the conditions in articles 245, 246 and 249 of the UNCLOS

If the work permit is awarded by the coastal State, the Organisation agrees to make sure that the conditions set by the coastal State are met, particularly articles 245 (marine science research in the territorial sea of a coastal State) and 246 (marine science research in the exclusive economic zone or on the continental shelf of a coastal State) of the UNCLOS annexed to this document.

Any further documents requested by the coastal State will be sent in due time by the Organisation to the DFO, which will pass them on to the Ministry for Foreign Affairs.

In compliance with article 249 1.b) of the UNCLOS, the Organisation agrees to provide the DFO with the following to send to the relevant authorities: a Preliminary Cruise Report (PCR) including a description of the results and preliminary conclusions from the end of the mission, then a final mission report once the research work is complete.

## 2. Commitments linked to the APA regulation – Access to genetic resources and Fair and equal sharing of the Benefits resulting from their use (<https://absch.cbd.int>)

The Organisation is aware of the Nagoya Protocol which came into force on 12 October 2014 as a result of the Convention on Biological Diversity.

Consequently, in the event that the Mission involves use of genetic resources (GR) in the sense of the Nagoya Protocol, the Organisation makes sure that all the required formalities are completed for use of genetic resources within the Mission framework by its teams and by teams from all the organisations taking part in the Mission. It acts as a guarantor for Ifremer.

The Organisation provides information and makes sure that all Mission participants abide by the APA regulations that are applicable to the Mission. It makes sure that the APA information sheet, available on the French Oceanographic Fleet website, is brought to the attention of all the organisations taking part in the Mission.

## 2.1 Steps required implementing the Mission

If the Mission is subject to an APA regulation, the Organisation, represented by the mission leader, is responsible for:

- immediately contacting the DFO to update the information already sent out for the purposes of the Mission request dossier.
- if need be, making sure that all the APA steps required to carry out the Mission programme have been started **at least 8 months before the provisional Mission start date** (obtaining the PIC, MAT or any equivalent document, when appropriate) to be able to send a copy of the PIC, MAT (or any equivalent document) to the DFO **at least 30 days before the provisional Mission start date**.
- before handing in the final report for the Mission, making the due diligence declaration (DDD) required for all work carried out by its teams and by teams from all the organisations taking part in the Mission for its entire duration.

## 2.2 Documents to be provided for a Mission

To organise the Mission properly, the Organisation agrees to immediately provide the DFO with the following documents:

- A copy of the PIC (Prior Informed Consent) or any other equivalent document required, with the following elements:
  - Date and place of access to the GR;
  - Description of the GR;
  - Possible final users of the GR;
  - The existence or absence of rights and obligations linked to the APA, including any concerning applications and commercialisation at a later stage.
- A copy of the MAT (Mutually Agreed Terms) or any equivalent document required that certifies benefit-sharing as agreed with the competent authority. These terms will not include, if need be, any information that the Organisation believes to be sensitive or confidential. In the event of applying to a coastal State, the Organisation represented by the mission leader agrees to notify the DFO about this information. The Organisation promises that this information will not make Ifremer liable, as the operator of the French Oceanographic Fleet.

The Organisation acknowledges and accepts that in the event that copies of the PIC and MAT (or any equivalent documents) are not sent to the DFO within 30 days of the provisional Mission start date, the DFO may cancel, postpone or modify all or part of the Mission without incurring Ifremer's liability as operator of the French Oceanographic Fleet. Consequently, the GR could possibly be sampled but cannot be subject to a use according to the Nagoya Protocol. The situation will be examined case by case among the APA committees in the mission leader's Organisation, IFREMER and the DFO. *In any case, after explicit notification from the management committee of the FOF, the DFO retains the authority to oppose the start of the mission."*

A copy of the receipt for the Due Diligence Declaration (DDD), made for the Mission, which will not include, when appropriate, information that the Organisation believes to be sensitive or confidential.

### 3. Commitments on collecting and using data and images from missions

In accordance with its role as the sole operator of the Oceanographic Fleet, IFREMER's mission is to promote and add value to the TGIR French Oceanographic Fleet when informing the public about its activities. For this purpose, the Organisation is requested, through the intermediary of the Mission Leader, to provide the DFO with the "Cruise Summary Report" by the deadline with at least a set of 10 pictures illustrating the completed mission and its different valuation records.

The Organisation also agrees to meet the deadline to provide a copy of all sets of data, documents and reports requested by the countries involved in accordance with the work permits granted.

In compliance with the Digital Republic Law 2016-1321 of 7 October 2016, the Organisation, represented by the mission leader, agrees to make the data acquired within the Mission available to the public as soon as possible, at the very latest within 2 years of the data acquisition. Unless there are legal provisions to the contrary concerning the data banked by Ifremer, when the Organisation can justify its request to Ifremer, this deadline is likely to be renewed by two (2) year periods depending on the type of data collected.

Accordingly, during this period, requests to access the data from third parties will be sent to the Organisation.

Furthermore, by applying article L251-3 of the Research Code, the Organisation commits to sending the data collected in the maritime spaces under French sovereignty or jurisdiction to the organisations listed in this article.

The provisions presented below do not apply when a vessel is chartered by a private organisation.

### 4. Complementary insurance

IFREMER has underwritten insurance policies concerning the vessels and their associated equipment.

Bringing any extra equipment on board at the request of the Organisation will be entirely its responsibility and it must take out a specific insurance policy if need be.

The Organisation can ask IFREMER for a copy of the insurance policy summary concerning the Vessel by writing to: [dajf.pole-juridique@ifremer.fr](mailto:dajf.pole-juridique@ifremer.fr).

### 5. Mention of support from the French Oceanographic Fleet:

Any written (publication, poster, thesis, report, etc.) or oral communication (paper at a conference, seminar, etc.), including press releases, concerning the results from an oceanographic mission carried out on the French Oceanographic Fleet vessels **must** mention support from the French Oceanographic Fleet to perform the mission and the DOI number assigned to the mission. The list of the aforementioned communications should be sent to the Oceanographic Fleet Management to set up monitoring and promotion indicators for the TGIR French Oceanographic Fleet, sent to: [DFO\\_Campagnes@flotteoceanographique.fr](mailto:DFO_Campagnes@flotteoceanographique.fr)

## 6. Scope of the commitments and sanctions

The Organisation acknowledges and accepts the terms and obligations in this document.

Any breach of these obligations is likely to lead to a decision from the Fleet Management Committee:

- Either to suspend the right of access to the pooled funds for financing campaigns for a maximum of two years counting from notification of the decision;
- Or the mission leader will be forbidden from submitting a campaign request for five years.

The Organisation acts as a guarantor for the DFO in terms of compliance from the mission leader, their teams and by the teams of the organisations taking part in the mission, plus their annexed organisations, with the commitments contained in this document.

Signed in \_\_\_\_\_, on \_\_\_\_\_

For the Organisation:

Position:

Surname-First name:

Signature:

Stamp

Initials of the mission leader

Surname-First name

## Appendix

### **EXCERPT FROM THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA**

#### **SECTION 3. CONDUCT AND PROMOTION OF MARINE SCIENTIFIC RESEARCH**

##### Article 245

###### Marine scientific research in the territorial sea

Coastal States, in the exercise of their sovereignty, have the exclusive right to regulate, authorize and conduct marine scientific research in their territorial sea. Marine scientific research therein shall be conducted only with the express consent of and under the conditions set forth by the coastal State.

##### Article 246

###### Marine scientific research in the exclusive economic zone and on the continental shelf

1. Coastal States, in the exercise of their jurisdiction, have the right to regulate, authorize and conduct marine scientific research in their exclusive economic zone and on their continental shelf in accordance with the relevant provisions of this Convention.

2. Marine scientific research in the exclusive economic zone and on the continental shelf shall be conducted with the consent of the coastal State.

3. Coastal States shall, in normal circumstances, grant their consent for marine scientific research projects by other States or competent international organizations in their exclusive economic zone or on their continental shelf to be carried out in accordance with this Convention exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind. To this end, coastal States shall establish rules and procedures ensuring that such consent will not be delayed or denied unreasonably.

4. For the purposes of applying paragraph 3, normal circumstances may exist in spite of the absence of diplomatic relations between the coastal State and the researching State.

5. Coastal States may however in their discretion withhold their consent to the conduct of a marine scientific research project of another State or competent international organization in the exclusive economic zone or on the continental shelf of the coastal State if that project:

- (a) is of direct significance for the exploration and exploitation of natural resources, whether living or non-living;
- (b) involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment;
- (c) involves the construction, operation or use of artificial islands, installations and structures referred to in articles 60 and 80;
- (d) contains information communicated pursuant to article 248 regarding the nature and objectives of the project which is inaccurate or if the researching State or competent international organization has outstanding obligations to the coastal State from a prior research project.

6. Notwithstanding the provisions of paragraph 5, coastal States may not exercise their discretion to withhold consent under subparagraph (a) of that paragraph in respect of marine scientific research projects to be undertaken in accordance with the provisions of this Part on the continental shelf, beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, outside those specific areas which coastal States may at any time publicly designate as areas in which exploitation or detailed exploratory operations focused on those areas are occurring or will occur within a reasonable period of time. Coastal States shall give reasonable notice of the designation of such areas, as well as any modifications thereto, but shall not be obliged to give details of the operations therein.

7. The provisions of paragraph 6 are without prejudice to the rights of coastal States over the continental shelf as established in article 77.

8. Marine scientific research activities referred to in this article shall not unjustifiably interfere with activities undertaken by coastal States in the exercise of their sovereign rights and jurisdiction provided for in this Convention.

#### Article 247

##### Marine scientific research projects undertaken by or under the auspices of international organizations

A coastal State which is a member of or has a bilateral agreement with an international organization, and in whose exclusive economic zone or on whose continental shelf that organization wants to carry out a marine scientific research project, directly or under its auspices, shall be deemed to have authorized the project to be carried out in conformity with the agreed specifications if that State approved the detailed project when the decision was made by the organization for the undertaking of the project, or is willing to participate in it, and has not expressed any objection within four months of notification of the project by the organization to the coastal State.

#### Article 248

##### Duty to provide information to the coastal State

States and competent international organizations which intend to undertake marine scientific research in the exclusive economic zone or on the continental shelf of a coastal State shall, not less than six months in advance of the expected starting date of the marine scientific research project, provide that State with a full description of:

- (a) the nature and objectives of the project;
- (b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;
- (c) the precise geographical areas in which the project is to be conducted;
- (d) the expected date of first appearance and final departure of the research vessels, or deployment of the equipment and its removal, as appropriate;
- (e) the name of the sponsoring institution, its director, and the person in charge of the project; and
- (f) the extent to which it is considered that the coastal State should be able to participate or to be represented in the project.

## Article 249

### Duty to comply with certain conditions

1. States and competent international organizations when undertaking marine scientific research in the exclusive economic zone or on the continental shelf of a coastal State shall comply with the following conditions:

- (a) ensure the right of the coastal State, if it so desires, to participate or be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, when practicable, without payment of any remuneration to the scientists of the coastal State and without obligation to contribute towards the costs of the project;
- (b) provide the coastal State, at its request, with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;
- (c) undertake to provide access for the coastal State, at its request, to all data and samples derived from the marine scientific research project and likewise to furnish it with data which may be copied and samples which may be divided without detriment to their scientific value;
- (d) if requested, provide the coastal State with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;
- (e) ensure, subject to paragraph 2, that the research results are made internationally available through appropriate national or international channels, as soon as practicable;
- (f) inform the coastal State immediately of any major change in the research programme;
- (g) unless otherwise agreed, remove the scientific research installations or equipment once the research is completed.

2. This article is without prejudice to the conditions established by the laws and regulations of the coastal State for the exercise of its discretion to grant or withhold consent pursuant to article 246, paragraph 5, including requiring prior agreement for making internationally available the research results of a project of direct significance for the exploration and exploitation of natural resources.



## Article 250

### Communications concerning marine scientific research projects

Communications concerning the marine scientific research projects shall be made through appropriate official channels, unless otherwise agreed.

## Article 251

### General criteria and guidelines

States shall seek to promote through competent international organizations the establishment of general criteria and guidelines to assist States in ascertaining the nature and implications of marine scientific research.

## Article 252

### Implied consent

States or competent international organizations may proceed with a marine scientific research project six months after the date upon which the information required pursuant to article 248 was provided to the coastal State unless within four months of the receipt of the communication containing such information the coastal State has informed the State or organization conducting the research that:

- (a) it has withheld its consent under the provisions of article 246; or
- (b) the information given by that State or competent international organization regarding the nature or objectives of the project does not conform to the manifestly evident facts; or
- (c) it requires supplementary information relevant to conditions and the information provided for under articles 248 and 249; or
- (d) outstanding obligations exist with respect to a previous marine scientific research project carried out by that State or organization, with regard to conditions established in article 249.

## Article 253

### Suspension or cessation of marine scientific research activities

1. A coastal State shall have the right to require the suspension of any marine scientific research activities in progress within its exclusive economic zone or on its continental shelf if:

- (a) the research activities are not being conducted in accordance with the information communicated as provided under article 248 upon which the consent of the coastal State was based; or
- (b) the State or competent international organization conducting the research activities fails to comply with the provisions of article 249 concerning the rights of the coastal State with respect to the marine scientific research project.

2. A coastal State shall have the right to require the cessation of any marine scientific research activities in case of any non-compliance with the provisions of article 248 which amounts to a major change in the research project or the research activities.

3. A coastal State may also require cessation of marine scientific research activities if any of the situations contemplated in paragraph 1 are not rectified within a reasonable period of time.

4. Following notification by the coastal State of its decision to order suspension or cessation, States or competent international organizations authorized to conduct marine scientific research activities shall terminate the research activities that are the subject of such a notification.

5. An order of suspension under paragraph 1 shall be lifted by the coastal State and the marine scientific research activities allowed to continue once the researching State or competent international organization has complied with the conditions required under articles 248 and 249.

#### Article 254

##### Rights of neighbouring land-locked and geographically disadvantaged States

1. States and competent international organizations which have submitted to a coastal State a project to undertake marine scientific research referred to in article 246, paragraph 3, shall give notice to the neighbouring land-locked and geographically disadvantaged States of the proposed research project, and shall notify the coastal State thereof.

2. After the consent has been given for the proposed marine scientific research project by the coastal State concerned, in accordance with article 246 and other relevant provisions of this Convention, States and competent international organizations undertaking such a project shall provide to the neighbouring land-locked and geographically disadvantaged States, at their request and when appropriate, relevant information as specified in article 248 and article 249, paragraph 1(f).

3. The neighbouring land-locked and geographically disadvantaged States referred to above shall, at their request, be given the opportunity to participate, whenever feasible, in the proposed marine scientific research project through qualified experts appointed by them and not objected to by the coastal State, in accordance with the conditions agreed for the project, in conformity with the provisions of this Convention, between the coastal State concerned and the State or competent international organizations conducting the marine scientific research.

4. States and competent international organizations referred to in paragraph 1 shall provide to the above-mentioned land-locked and geographically disadvantaged States, at their request, the information and assistance specified in article 249, paragraph 1(d), subject to the provisions of article 249, paragraph 2.

#### Article 255

##### Measures to facilitate marine scientific research and assist research vessels

States shall endeavour to adopt reasonable rules, regulations and procedures to promote and facilitate marine scientific research conducted in accordance with this Convention beyond their territorial sea and, as appropriate, to facilitate, subject to the provisions of their laws and regulations, access to their harbours and promote assistance for marine scientific research vessels which comply with the relevant provisions of this Part.

Article 256

Marine scientific research in the Area

All States, irrespective of their geographical location, and competent international organizations have the right, in conformity with the provisions of Part XI, to conduct marine scientific research in the Area.

Article 257

Marine scientific research in the water column beyond the exclusive economic zone

All States, irrespective of their geographical location, and competent international organizations have the right, in conformity with this Convention, to conduct marine scientific research in the water column beyond the limits of the exclusive economic zone.