

Esbjerg Declaration

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MINISTERIAL DECLARATION OF THE FOURTH INTERNATIONAL CONFERENCE ON THE PROTECTION OF THE NORTH SEA

THE MINISTERS responsible for the protection of the environment of the North Sea^{<1>} and the Member of the European Commission responsible for environmental protection (hereafter the Ministers) met at Esbjerg on 8 and 9 June 1995 for the Fourth International Conference on the Protection of the North Sea (4NSC) in the presence of Observers from Inter-Governmental Organizations and Non-Governmental Organizations (NGOs) attending the 4NSC;

REAFFIRMING the political commitments made at the three preceding International Conferences on the Protection of the

North Sea held in the Federal Republic of Germany in 1984 (Bremen Declaration), in the United Kingdom in 1987 (London Declaration) and in the Netherlands in 1990 (Hague Declaration);

RECALLING the Statement of Conclusions arising from the 1993 Intermediate Ministerial Meeting (IMM93) held in Copenhagen, 7-8 December 1993 having addressed the issues identified by the Hague Declaration for a ministerial meeting in 1993:

1. to discuss the 1993 Quality Status Report of the North Sea (QSR);
2. to evaluate the actions taken within IMO on Annex I and Annex II of MARPOL 73/78 and to decide which additional measures are required, including declaring the North Sea a Special Area under these Annexes; and
3. to discuss the problems encountered with the implementation of the Third North Sea Conference (3NSC) Declaration with regard to nutrients and pesticides; the ministers of agriculture having also participated in IMM93;

RECALLING ALSO that the Hague Declaration identified the following issues, *inter alia*, to be addressed by the 4NSC:

1. the progress made in reducing pollution of the North Sea and in implementing measures agreed during previous Conferences;
2. the national experience regarding control and enforcement of measures taken with respect to the reduction of inputs of hazardous substances and the need for further improvements;
3. the current environmental status of the North Sea and the need for further measures based, *inter alia*, on the 1993 QSR; and
4. global perspectives of the experience gained through the joint efforts of the participants;

NOTING with appreciation the substantial work that has been undertaken in preparation for this Conference by the lead countries, the European Commission and the observer organizations, in particular the Oslo and Paris Commissions^{<2>}; **WELCOMING** the Statement of the 7th Wadden Sea Conference to the 4NSC as a valuable contribution to their work, the recommendations of which have been taken up in the preparation of this Declaration;

NOTING that the efforts to improve the status of the Wadden Sea are of vital importance for the protection of the North Sea, and **WELCOMING** the continued trilateral cooperation of the Wadden Sea States for the protection of the Wadden Sea and their recommendation of North Sea policies important for the protection of the Wadden Sea area;

WELCOMING the decisions taken at the 11th Conference of the Rhine Ministers (Berne, 8 December 1994); and **NOTING** with appreciation the ongoing work of the International Commission for the Protection of the Rhine against Pollution and the importance of the work for the improvement of the chemical and ecological quality of the North Sea;

NOTING with equal appreciation the ongoing work of the International Commission for the Protection of the Elbe and **WELCOMING** the recent signing of the Meuse and Scheldt Conventions, which constitute an adequate framework for international cooperation requested to implement measures taken for reducing inputs to the North Sea;

TAKING NOTE of the conclusions and findings of the Exclusive Economic Zones (EEZ) Task Force; and welcoming with satisfaction the progress being made by the North Sea States in the extension of jurisdiction in the North Sea by establishing EEZs in order to increase the protection of the marine environment as a result of the 3NSC on the protection of the North Sea, held in The Hague 7-8 March 1990, the Paris Declaration of 22 September 1992 on the Co-ordinated Extension of Jurisdiction in the North Sea, and the IMM93;

ALSO TAKING NOTE of the decisions of the meetings of the Council of the European Union (Environment and Transport) on the upgrading of maritime safety and the prevention of marine pollution, and in particular the decision, taken at the extraordinary meeting of 25 January 1993, to urge the Member States of the European Union to take into consideration the possibility of establishing an EEZ, or at least of extending the jurisdiction of the coastal State to implement and enforce marine environment protection provisions more effectively;

TAKING NOTE of the entry into force on 16 November 1994 of the United Nations Convention on the Law of the Sea;

CONSCIOUS that the political impetus on the implementation of concerted measures to protect the marine environment of the North Sea should be continued;

CONSCIOUS ALSO that an overall strategy for such measures should be established;

ACKNOWLEDGING the need to achieve sustainable management of all human activity in the North Sea and its catchment;

AGREEING that the following are the priority issues to be addressed:

1. the protection of species and habitats;
2. fisheries;
3. the prevention of pollution by hazardous substances;
4. further reduction of nutrient inputs;
5. the prevention of pollution from ships;
6. the prevention of pollution from offshore installations; and
7. management of radioactive substances, including waste;

AGREEING ALSO that the future political cooperation in the protection of the North Sea should be included in the strategy;

TAKING INTO CONSIDERATION the measures taken and the instruments adopted since 1990 as outlined in the 4NSC

Progress Report submitted to the Ministers in advance of this Conference;
HAVE ADOPTED the following Declaration:

For the Government of the Kingdom of Belgium:

Magda De Galan
Minister of the Environment

For the Government of the Kingdom of Denmark:

Svend Auken
Minister for Environment and Energy

For the Government of the French Republic:

Jean-Luc Laurent
for the Minister of Environment

For the Government of the Federal Republic of Germany:

Angela Merkel
Minister for the Environment, Nature Conservation and Nuclear Safety

For the Government of the Kingdom of the Netherlands:

Annemarie Jorritsma-Lebbink
Minister of Transport, Public Works and Water Management

For the Government of the Kingdom of Norway:

Thorbjørn Berntsen
Minister of Environment

For the Government of the Kingdom of Sweden:

Anna Lindh
Minister of the Environment

For the Government of the Swiss Confederation:

Hans Ulrich Schweizer
for the Minister of Swiss Federal Departement of the Interior

For the Government of the United Kingdom of Great Britain and Northern Ireland:

John Gummer
Secretary of State for the Environment

For the European Commission:

Ritt Bjerregaard
Member of the European Commission

INTRODUCTION

Since the Hague Declaration in 1990, substantial further progress has been made in converting the political initiatives launched by the Bremen, London and Hague Declarations into compulsory provisions of international and European Union law. These new and comprehensive requirements have substantially transformed the approach to the future protection of the North Sea in many fields by establishing or substantially extending legally binding frameworks as described below. A marked feature of these frameworks has been their wide embrace, requiring thorough reviews of the relevant aspects of the environment and the development of comprehensive programmes. Although these changes have been the logical development of trends that had already started, the degree of change has been such as to bring about what is effectively a new situation.

The signing in Paris in September 1992 of the new OSPAR Convention represented important progress, particularly in:

1. the obligation accepted by all North Sea States and the European Commission to adopt the precautionary principle and the "polluter pays" principle in their work of protecting the marine environment; and
2. the possibility of addressing through the Convention all matters relating to the protection of the marine environment, especially in a comprehensive assessment of its quality status.

In the fields of the protection of species and habitats, fisheries, hazardous substances, nutrients and shipping specifically addressed by this Declaration, instruments adopted by the European Union and OSPAR since the 3NSC have also

particularly contributed to the creation or improvement of these frameworks.

The Ministers therefore approach their work in this conference against the background both of these significant changes in the frameworks for the protection of the North Sea and of the importance of involving Norway and Switzerland fully in the work on the North Sea issues. As much use as possible must be made of the new machinery that has been created in the 1992 OSPAR Convention and under the European Union legislation but, at the same time, methods of working must be found, in particular through OSPAR and future cooperation on the North Sea, to ensure that measures of direct importance to the North Sea are developed in a way which will ensure the continued and full cooperation of Switzerland and Norway.

I. THE PROTECTION OF SPECIES AND HABITATS IN COASTAL AND OFFSHORE AREAS

1. The 3NSC agreed on measures to improve the protection of coastal and marine wildlife. Other measures agreed on at the North Sea Conferences and in other forums on the reduction of the negative impacts of, *inter alia*, pollution, shipping and fishing have to some extent also improved the basis for the protection of the species and habitats in the North Sea area. Significant contributions have also been made both by national legislation and action, and by international action, including the Berne, Bonn and Ramsar Conventions and the Convention on Biological Diversity. Significant recent international measures for the North Sea include the following:

1. the Council Directive 92/43/EEC on Habitats of May 1992 will make an important contribution to the protection of species and habitats in coastal waters and land areas of the EU Member States;
2. the Agreement on the Conservation of Small Cetaceans of the Baltic and the North Seas has entered into force and an action plan to implement the Agreement was agreed at the first meeting of the Contracting Parties in September 1994; and
3. in the framework of the Trilateral Wadden Sea cooperation progress has been made, especially by implementing a management plan for seals, the preparation of a general management plan, in the establishment of ecological targets and the development of a Red List of Wadden Sea species and biotopes.

3. The 1993 QSR has given a comprehensive overview of the North Sea, which focuses, *inter alia*, on the effects of pollution on species, ecological consequences of fishing, sea-bed disturbances, litter and changes in habitats. OSPAR is now working, through the North Sea Regional Task Team, on an assessment of all aspects of the marine environment of the North Sea as part of its overall assessment of the marine environment of the convention's maritime area.

OSPAR will undertake work on species and habitats by collecting and evaluating information on the impact on the marine environment (including species and habitats) of human activities identified by OSPAR, other than those leading to inputs of substances.

4. EU Member States, in support of the EU Birds and Habitats Directives, AGREE to collaborate to the full realisation of NATURA 2000 (an EU-wide coordinated ecological network of areas for species and habitat conservation), *inter alia*, in the coastal waters of the North Sea and to cooperate in the management and monitoring of the effectiveness of this network in addition to implementation of the other relevant provisions of the Directives. Such measures will be undertaken in partnership with Norway.

5. The Ministers RECOGNIZE that the marine ecosystem of the North Sea is an interdependent whole the protection of which, nevertheless, has to be addressed within the framework of the various national, European Union and wider international legal systems. The Ministers thus AGREE on two levels of action which have to be coordinated:

1. action within territorial waters: a significant component of this will be the implementation in EU Member States of the Birds and Habitats Directives, including coordination of this work through NATURA 2000; and
2. action within the rest of the North Sea: this may require new forms of cooperation between North Sea States.

6. The Ministers INVITE the European Commission and the European Environment Agency to further develop and agree on a classification system for marine biotopes in the North Sea, compatible with the classification system used in the Habitats Directive, to be used as a basis for the identification of marine habitats and species that need special protection measures.

7. The Ministers further INVITE the European Commission to consider whether the marine biotopes classification system when completed could be taken into account in a future revision of the annexes to the Habitats Directive.

8. An essential component of action in this field is the full implementation and adequate enforcement of the measures already agreed.

9. General environmental management measures adopted on the level of the North Sea basin as a whole may be insufficient to secure adequate protection for certain species and their habitats. The Ministers therefore AGREE to develop an integrated view on the specific conservation measures necessary for ecologically important or key biodiversity indicator species and their habitats which are, or may become, threatened or vulnerable in the North Sea, including coastal and offshore areas.

To this end, the Ministers INVITE OSPAR to assess by 1997:

1. the coordinated and other work necessary to improve the protection of marine species and their habitats outside territorial waters; and
2. the action needed to coordinate that work with the corresponding work within territorial waters.

In accordance with their general obligations under the 1992 OSPAR Convention, they AGREE to take, within their national jurisdictions, the necessary action to implement such protection of species and habitats against the adverse effects of human activities and to harmonise their activities for this purpose.

They further INVITE OSPAR to consider by the year 2000 the machinery for organising such harmonisation.

In the course of these activities, the following should be given early attention, and timescales should be defined where appropriate:

1. collecting and evaluating relevant information, reviewing current measures and developing further initiatives, making maximum use of available information;
2. developing criteria to identify ecologically important or key biodiversity indicator species and their habitats which are, or may become, threatened or vulnerable in the North Sea, including coastal and offshore areas;
3. identifying and mapping the most threatened and/or ecologically important species and habitats in collaboration with the International Council for the Exploration of the Sea (ICES), European Environment Agency and/or other relevant organizations;
4. defining ecological objectives for the protection of the identified marine species and habitats in order to sustain or restore them at a favourable conservation status;
5. drawing up sets of measures that contribute substantially to the realization of the ecological objectives, including consideration of suitable protection regimes;
6. evaluating the use of protected areas in the North Sea basin as a means to protect threatened and vulnerable species, *inter alia*, based on the findings of the possible "undisturbed area" project;
7. developing the existing monitoring programme and concomitant research to assess the progress with respect to realizing the ecological objectives; and
8. periodically reviewing and reporting back on: the identification of species and habitats; the setting of ecological objectives; the monitoring programme; the implementation of any management regimes adopted.

II. FISHERIES

10. In the waters of the Member States of the European Union, legal competence for the establishment of fisheries management policies falls to the European Commission and is implemented within the Union's Common Fisheries Policy and, within Norwegian waters, legal competence for management of fisheries lies with Norwegian authorities.

11. The North Sea is a very important and rich sea for fisheries which have great socio-economic importance to local communities. There is concern about the impact of fisheries on the commercially important fish stocks, on other fish stocks and on the marine ecosystem in general. Current fisheries practices result in the exploitation of some commercially important fish species and some other fish species beyond sustainable levels, and also incur undesirable by-catches of marine mammals, seabirds and benthic organisms.

12. Council Regulation (EEC) No. 3760/92 of 20 December 1992 establishes a Community system for fisheries and aquaculture which provides for rational and responsible exploitation of the living marine resources on a sustainable basis, in appropriate economic and social conditions for the sector taking account of its implications for the marine ecosystem and of the needs of both producers and consumers, as do the relevant Norwegian policies and the bilateral fisheries agreement between the EU and Norway.

13. A further integration of fisheries and environmental policies must be elaborated in order to protect the North Sea environment and ensure the sustainability of the fish stocks and the associated fisheries.

14. Improvements of fisheries management policies aiming at the protection and sustainable use of the North Sea marine ecosystem can best be achieved by the adoption of appropriate medium-term and long-term objectives and associated strategies for their achievement.

15. Fisheries management policies must be supported by the political will to make them sufficiently strict, to implement them fully and to enforce them comprehensively. If not, it cannot be expected that fish stocks will be maintained within biologically safe limits or that associated negative effects on other biota will be minimized. Ministers AGREE that it is necessary to redouble efforts to develop sustainable management policies, to implement them fully and enforce them comprehensively, and to seek to deepen and broaden support for sustainable and effectively applied fisheries policies from the public and the fishing industry.

16. There is a recognized connection between fisheries and the marine ecosystem but gaps exist in the scientific knowledge of the impact of fisheries upon the ecosystem and of the impacts of environmental changes and pollution upon fisheries.

The Ministers RECOMMEND:

1. that the precautionary principle be applied in fisheries management policies in accordance with the existing commitments of EU Member States, the corresponding commitments of Norway and, additionally, possible results of the elaboration of the FAO Code of Conduct for Responsible Fisheries;
2. that the North Sea fisheries management policies implemented by the EU within the Common Fisheries Policy and by Norway by means of relevant national regulations, should aim at establishing, as soon as possible, exploitation rates for fish stocks within safe biological limits to promote, where required, the rebuilding of depleted stocks and, otherwise, to maintain stocks above their minimum biologically acceptable level;
3. that policies of the European Union and the competent Norwegian authorities should be such as to minimize by-

- catches and other negative impacts on marine mammals, seabirds and benthic organisms and to minimize discarding of fish and benthic organisms;
4. that the competent management authorities undertake those actions described in Annex 1.1;
 5. that competent authorities facilitate research, involving ICES where appropriate, on the topics indicated in Annex 1.2, and in this context, give high priority to additional cooperative research to examine relationships between fisheries and fish stocks, and the other components of the ecosystem, taking into account socio-economic aspects;
 6. improving the awareness of fishermen and other agents in the fisheries management process of the ecological impact of fishing activities;
 7. that the implementation of fisheries management policies needs to be supported by more effective control and enforcement mechanisms; and

In addition to these recommendations, the Ministers:

8. WELCOME and ENCOURAGE the elaboration within FAO of a Code of Conduct for responsible fisheries, including guidelines on the application of the precautionary approach;
9. APPRECIATE that ICES has provided advice on the scientific criteria for the establishment, on an experimental basis, of undisturbed areas in the North Sea for scientific purposes, in order to assess the recovery and redevelopment of the marine ecosystem; INVITE the European Commission in cooperation with relevant Norwegian authorities to consider a proposal before 1997 for the choice of location and the establishment of such areas in the North Sea; and NOTE that ICES and appropriate national scientific and nature conservation agencies should participate in the development of the management and monitoring of such undisturbed areas, and that a decision on the funding of the monitoring regime is a precondition for the acceptance of such a proposal; and
10. NOTE that the EU and Norway have agreed, within the framework of their bilateral fisheries agreement, actions to be jointly undertaken, as indicated in Annex 1.3.

III. THE PREVENTION OF POLLUTION BY HAZARDOUS SUBSTANCES

17. The Ministers AGREE that the objective is to ensure a sustainable, sound and healthy North Sea ecosystem. The guiding principle for achieving this objective is the precautionary principle.

This implies the prevention of the pollution of the North Sea by continuously reducing discharges, emissions and losses of hazardous substances thereby moving towards the target of their cessation within one generation (25 years) with the ultimate aim of concentrations in the environment near background values for naturally occurring substances and close to zero concentrations for man-made synthetic substances.<3>

18. The Ministers AGREE that in this work scientific assessment of risks is a tool in setting priorities and developing action programmes.

19. The Ministers CONSIDER that the commitments of previous International Conferences on the Protection of the North Sea to reduce discharges, emissions and losses of hazardous substances by 50% (70% or more for substances that cause a major threat to the marine environment, and at least for dioxins, mercury, cadmium and lead) have been an effective first step contributing towards reducing the pollution of the North Sea, however CONCERNED that although the previous conferences in principle have dealt with all substances which are toxic, persistent and liable to bioaccumulate, the concrete decisions on measures have only dealt with a limited number of such substances, CONFIRM the conclusions of the 1993 QSR that there is a need for further action.

20. The Ministers are AWARE of the assessment and conclusion in the 4NSC Progress Report that for several hazardous substances the reduction targets set by the 3NSC are not expected to be fully met. The Ministers are also AWARE that losses of hazardous substances in particular from diffuse sources constitute a matter of concern.

21. Therefore the Ministers AGREE to remain committed to reach the reduction targets set by the 3NSC as soon as possible and that there is a need for a strategy to maintain and to improve the state of the North Sea.

22. The Ministers CONFIRM the goal set in the Final Declaration of the 1992 OSPAR Meeting at Ministerial level, i.e. of reducing by the year 2000, discharges and emissions of substances which are toxic, persistent and liable to bioaccumulate (especially organohalogen substances) and which could reach the marine environment to levels that are not harmful to man or nature with the aim of their elimination.

23. The Ministers AGREE that the strategy exercised in particular through the existing competent national and international bodies should comprise the following elements:

1. urgent measures for the short term as laid down in Annex 2, paragraph 4; and
2. long term action to maintain and improve the state of the North Sea, including:
 - instruments and mechanisms to reach those goals;
 - management and assessment tools to set priorities;
 - means of assessing progress; and
 - periodic reporting on the above elements as appropriate.

24. The Ministers further AGREE to take the necessary actions to fulfil the objective (see paragraph 17) including:

1. to pursue the development and use of clean technology for production processes;
2. to pursue the development and use of treatment technology;
3. to give priority to the development of environmentally sound products taking into account the whole life cycle of substances or products;
4. to substitute the use of hazardous substances by less-hazardous substances or preferably non-hazardous substances where these alternatives are available^{<4>}; and
5. to employ usages and practices that avoid losses of hazardous substances to the environment.

25. The Ministers ACKNOWLEDGE that the development and use of internationally and, where appropriate, nationally determined Best Available Techniques (BATs) and Best Environmental Practices (BEPs) together with legally binding or other programmes and measures are the main instruments for translating their goals into operational and enforceable requirements and that voluntary measures may also be valuable tools in reaching these goals.

They also ACKNOWLEDGE that BEPs are available at present only for a very limited number of diffuse sources. They further RECOGNIZE that if the application of BATs and BEPs does not lead to acceptable concentrations or effects, additional more stringent measures are required.

The Ministers thus AGREE on the need:

1. to stimulate the further development of definitions on BEPs for diffuse sources;
2. to make the best use of the choice between legal instruments and economic instruments and effective voluntary agreements; and
3. to develop further within the framework of national and international organizations techniques and management tools to set further priorities for action to prevent or reduce discharges, emissions and losses of hazardous nature (substances and complex mixtures).

26. The Ministers NOTE with pleasure that the representatives of industry, agriculture and other sectors welcome the objectives and are willing to pursue at the national and international level agreement on instruments and tools for achieving these objectives between such sectors and authorities, involving the environmental NGO community.

27. The Ministers of EU Member States AGREE, within the framework of Council Directive 91/414/EEC concerning the Placing of Plant Protection Products on the Market, to give priority to review pesticides that have been detected in the North Sea or might pose a risk to the marine environment (see Annex 2, Appendix 1) and to carry through any action thus indicated.

28. The Ministers furthermore AGREE to pay particular attention to:

1. pesticides detected in the North Sea; and
2. atmospheric transport of pesticides

in the implementation of PARCOM Recommendation 94/7 on the elaboration of national Action Plans and BEPs for the Reduction of Inputs to the Environment of Pesticides from Agricultural Use.

29. The Ministers further AGREE to take detailed action on these issues as described in Annex 2.

IV. FURTHER REDUCTION OF NUTRIENT INPUTS TO THE NORTH SEA

Nutrients as such play an essential role in aquatic environments. The problems to be addressed arise when inputs from land become excessive and/or the ratio between the nutrients is substantially changed. Typical examples of such problems are increased algal growth, changes in the biological community structure and biodiversity including the occurrence of harmful algae, oxygen depletion and mass mortality of benthic organisms and fish. Such adverse effects of eutrophication have been documented in many coastal areas of the North Sea.

30. The Ministers WELCOME the progress reached in reduction of inputs of nutrients to the North Sea especially as a result of implementation of National Action Plans, *inter alia*, based on recommendations of OSPAR^{<5>} and recent EU legislation^{<6>}.

Nevertheless the Ministers are aware of the assessment and conclusion in the 4NSC Progress Report that:

1. all North Sea riparian States except the UK (which is not under an obligation to do so) have drawn up national action plans;
2. all States, except France (which will achieve a 25% reduction) expect to reach reductions in phosphorus inputs of the order of 50% by 1995 into nationally defined problem areas; and
3. the 50% reduction target for nitrogen will not be achieved by 1995, with all North Sea riparian States concerned expecting to achieve between 20% and 30% reductions of nitrogen inputs into potential problem areas.

31. Therefore the Ministers AGREE to remain committed to reach the reduction targets set by the previous Conferences and to strengthen the implementation of measures as soon as possible. Fundamental elements in fulfilling these goals in the EU

and European Economic Area are, *inter alia*,:

1. to apply in the North Sea and its catchment the measures for sensitive areas under the Urban Waste Water Directive and to apply the measures for vulnerable zones under the conditions of the Nitrates Directive, including the criterion of contribution to pollution as mentioned in Article 3 of the Nitrates Directive<7>. These measures will be implemented for the whole North Sea and its catchment, except for those parts of the North Sea where comprehensive scientific studies, to be delivered by 1997, demonstrate to the satisfaction of the Committees set up under the respective Directives or the relevant European Economic Area body that nutrient inputs do not cause eutrophication effects or contribute to such effects in other parts of the North Sea. It is expected that these measures will, in newly identified areas, be applied as soon as technically possible after 1998;
 2. full implementation of Council Directive 91/271/EEC on Urban Waste Water Treatment in accordance with the timetable stipulated therein or as amended in the future; and
 3. action to achieve the reduction for nitrate losses from agriculture under the national action plans required by Council Directive 91/676/EEC. These states will take complementary action necessary to meet the commitment in coordination with these action plans.
- In parallel, Member States to EU will endeavour to optimise the application of existing EU wide provisions, i.e. Regulation 2078/92 on agri-environmental measures and Regulation 1756/92 on set-aside schemes, to this end.

32. The Ministers NOTE with pleasure that OSPAR has undertaken and made progress in developing a comprehensive strategy to combat and to prevent eutrophication. The Ministers agree on the main principles and elements of this strategy to comprise both a source-oriented approach and a target-oriented approach in order to preserve the ecological quality of the North Sea.

33. The Ministers INVITE OSPAR to adopt a strategy to combat and to prevent eutrophication, preferably at the OSPAR Meeting in June 1995 taking into account the proposals referred to in the 4NSC Progress Report. The Ministers further invite OSPAR to make the strategy operative along these lines and principles; this should include turning the strategy into operational programmes and measures and to pay appropriate attention to their enforceability (i.e. descriptions of BATs and BEPs, Recommendations and Decisions). In doing so, OSPAR should take account of relevant international requirements and proposals (such as EU Council Directives).

34. The Ministers URGE national and appropriate international bodies to integrate the outcome of this strategy in their work.

35. To this end the objective to combat and to prevent eutrophication due to losses, including diffuse losses, of nutrients through all important pathways should be further integrated into other sector policies. Special emphasis should be given to agricultural policies. Furthermore, emphasis should also be given to other relevant sector policies such as transport policy.

36. The Ministers therefore INVITE the European Commission, Norway and Switzerland to examine their agricultural policies, and to this end:

1. to consider how agricultural policies and policies for rural development, including market policies and aid policies, can contribute to the objective of reducing losses of nutrients; and
2. to ensure that these policies are adjusted and implemented to reach this objective.

37. The Ministers RECALL that many North Sea Member States agreed at IMM93 to aim to achieve balanced fertilisation for nitrogen and phosphorus in agricultural production by the year 2000 or 2002 at the latest, subject to an agreement on definitions.

The Ministers NOTE the progress in OSPAR in establishing an operational definition of balanced fertilisation. They ENCOURAGE OSPAR to proceed urgently with its work to establish such an operational definition. They NOTE that in many geographical areas there is a tension between meeting the nutrient needs of crops and the need to limit soil enrichment and losses of nutrients to the aquatic and atmospheric environments to environmentally acceptable levels. They EMPHASISE that the operational definition should resolve this tension at the appropriate geographical level. They further EMPHASISE that the protection of the environment should be given high priority. They finally AGREE that the concept of balanced fertilisation should take account of the principles in the further strategy to combat and prevent eutrophication in the North Sea.

38. The Ministers furthermore AFFIRM that they consider atmospheric deposition to contribute substantially to the anthropogenic input of nitrogen to the North Sea. The Ministers EMPHASIZE the agreement already stated at the IMM93 Statement of Conclusions concerning atmospheric deposition and:

1. INVITE the European Commission, Norway and Switzerland to continue to progress the work on limiting atmospheric emissions of nitrogen oxides including emissions from the transportation sector;
2. INVITE the Commission to the UN-ECE Convention on Long-range Transboundary Air Pollution to pursue its work on reductions of emissions of nitrogen oxides, especially with regard to the North Sea; and
3. NOTE that OSPAR in its Progress Report<8> to the 4NSC has reported that ammonia emissions represent 30 to 50 per cent of the total emission of nitrogen to the atmosphere. In order therefore to meet the need for an overall reduction of ammonia emissions as seen by some North Sea States, the Ministers therefore INVITE OSPAR in

cooperation with other appropriate bodies to consider the justification for further reduction targets for the different sources of ammonia emissions e.g. livestock production, and in the light of a justification to consider BEPs for the reduction of these emissions.

39. The Ministers NOTE the initiative of States concerned by the recent flooding events, as reflected in the Arles Declaration of 4 February 1995 and welcome the monitoring carried out in the North Sea by some States on the possible impact of these events on the North Sea environment.

40. The Ministers ACKNOWLEDGE that besides legal instruments economic instruments as well as voluntary agreements with appropriate sectors are other important instruments, which should be further improved and brought into use. Effective voluntary agreements should give results equivalent to those of legal instruments, or similarly satisfying results.

V. THE PREVENTION OF POLLUTION FROM SHIPS

41. In WELCOMING the progress made in implementing the decisions taken at the previous conferences it is, however, realized that despite such progress and despite measures taken by the International Maritime Organization (IMO) operational, accidental and illegal discharges from shipping activities in the North Sea are still at an unacceptably high level, and their emissions require control.

The Ministers therefore AGREE, as a matter of urgency, to take concerted action within IMO, aiming at a further reduction of discharges and emissions to the North Sea.

42. The Ministers further AGREE:

1. to work in concert to promote within the IMO a review of existing regulations and procedures, with a view to identifying ways in which future environmental regulation of shipping might be conducted more effectively;
2. to cooperate in exercising flag state, port state and coastal state powers of enforcement in the EEZs or equivalent maritime areas aiming, *inter alia*, at facilitating the enforcement and prosecution of offenders of MARPOL 73/78;
3. to confirm that the precautionary principle also applies to shipping activities and welcome and support the work within IMO to develop guidelines on the implementation of the precautionary principle in all relevant IMO activities;
4. to intensify their Port State Control and take action in the appropriate forums to coordinate their efforts; and
5. to take concerted action within IMO in order:
 - to reduce air pollution from ships in the North Sea;
 - to improve the quality of fuel oil;
 - to ultimately phase out the use of tributyltins (TBT) on all ships worldwide; and
 - to promote environmentally safe antifouling technologies.

43. Since shipping moves freely between the different national jurisdictions in the North Sea, improved cooperation between North Sea States is essential to enforcing the applicable international rules and standards for the prevention, control and reduction of pollution from vessels. Therefore the Ministers WILL TAKE action to develop means (either in a legal instrument or under some other cooperative arrangement) whereby the enforcement authorities and courts in the different jurisdictions can be enabled to work together more effectively, in the exercising of the powers available to flag states, port states and coastal states (including those in EEZs or equivalent jurisdictions).

44. Special Areas under MARPOL 73/78 Annexes:

1. Concerning Annex I:
 - The Ministers RECOGNIZE the importance in dealing with oily discharges and therefore agree to take concerted action within IMO to designate the North Sea (i.e., the North Sea, the Skagerrak and the English Channel) as a Special Area for the purpose of MARPOL 73/78 Annex I; and
 - In this connection it will be necessary to minimize the effects on adjoining land and sea areas of oil discharges by vessels before entering the outer boundary of the North Sea Special Area. Furthermore its implementation should include measures to improve enforcement, particularly through Port State Control;
2. Concerning Annex II:

Noting that further improvement of the environmental condition of the North Sea is necessary, the Ministers AGREE to take concerted action within IMO:

 - to actively support the current revision of Annex II of MARPOL 73/78, including the recategorization of substances covered by the Annex and present discharge requirements more stringent; and
 - to designate the North Sea as a Special Area for the purpose of Annex II of MARPOL 73/78, if by the year 2000, the results of the said revision are deemed insufficient; and
3. Concerning the future Annex on Air Pollution:

The Ministers RECOGNIZE the ongoing work in IMO to minimize the sulphur content in fuel oil and they emphasize that a global cap, resulting in a true reduction of the sulphur content in fuel oil is needed; and Furthermore the Ministers WILL TAKE concerted action within IMO to designate the North Sea as a Special Area to the greatest extent that meets IMO's criteria under the future MARPOL 73/78 Annex on air pollution, regarding airborne discharges of sulphur from ships.

45. Regarding accidents at sea, the Ministers WILL COOPERATE with the appropriate forums on reporting of ships carrying hazardous cargoes, identification of cargo lost overboard, cargo stowage and securing and salvage capacity.

46. Since illegal discharge needs to be unattractive compared with disposal of ship wastes to shore reception facilities, the Ministers further AGREE to continue to secure adequacy of reception facilities and to implement incentives to ships for using such facilities. They also AGREE to ensure that cooperation with adjacent regions on these topics will be established.

The Ministers RECOGNIZE that in certain circumstances there could be a need to consider protection of environmentally sensitive areas against particular risks from shipping activity and AGREE to give this special attention at IMO and nationally

47. The Ministers AGREE that existing measures to ensure the prompt and adequate payment of compensation to the victims of marine pollution are insufficient and AGREE to take concerted action within the IMO to extending ship owners' liability to obtain improvements, particularly with respect to compulsory insurance for shipowner liabilities<9>.

48. The Ministers further AGREE to take detailed action on these issues as described in Annex 3.

VI. THE PREVENTION OF POLLUTION FROM OFF-SHORE INSTALLATIONS

49. The Ministers NOTE with satisfaction that considerable progress has been made to implement the call from the Hague Declaration:

1. in the reduction of discharges of oil with cuttings where PARCOM Decision 92/2 on the Use of Oil Based Muds (OBM) has played a significant role, further improvements may be expected from the full implementation of that Decision in 1996; and
2. in the development within OSPAR, of a harmonised mandatory control system for the offshore use and discharge of chemicals, as a result of a constructive cooperation between governments and industry in the development of the Chemical Hazard Assessment and Risk Management (CHARM) project.

50. The Ministers RECALL the 1993 QSR conclusions that:

1. oil (from cuttings, produced water, flaring operations, and leaks in existing installations) and its effects on fish is still a matter of concern, and that reduction efforts should be continued; and
2. the offshore industry also uses a wide range of chemicals, and that the quantities discharged are uncertain. Despite claims that, in many cases, the use of chemicals does not lead to significant discharges, the detection of elevated levels of contaminants down-current of platforms demonstrates that this is not the case.

51. The Ministers REALIZE that pollution caused by discharges from offshore installations still have effects on the marine environment in the view of:

1. remaining discharges of oil contaminated cuttings, especially where oil based muds are still used;
2. the large amount and expected increase in discharges of produced water containing oil, chemicals and heavy metals, with emission standards applicable for aliphatic oil components only; and
3. the large amount of chemicals used and discharged offshore.

52. The Ministers therefore CALL upon oil and gas companies involved in the North Sea:

1. to develop and implement effective environmental management systems in order to protect the marine environment; and
2. to further develop and to put into use environmentally sound techniques in order to eliminate the cases where alternatives to oil based muds are not available.

53. The Ministers also AGREE to invite OSPAR:

1. to investigate further the extent and effects of pollution caused by produced water, and to develop further the descriptions of BAT and BEP by reviewing PARCOM Recommendation 92/6;
2. to aim at minimizing, and to investigate the need for, and the possibilities of, a stabilisation or a reduction of, the pollution caused by produced water as part of that review;
3. to ban the discharge of oil contaminated cuttings into the maritime area by the year 1997; in exceptional cases, where the use of OBM is necessary strictly for safety or geological reasons, the discharge of oil contaminated cuttings can be allowed if this discharge is consistent with PARCOM Decision 92/2;
4. to investigate the environmental impact from, the need for and possible means of cleaning up seabeds contaminated by oily cuttings;
5. to adopt a Harmonized Mandatory Control System (HMCS) for the use and discharge of chemicals offshore, if possible at OSPAR 1996, taking account of the CHARM model and its related developments, including identifying the substances and preparations currently being used offshore, collecting, compiling and making available to the national authorities data and relevant information on these substances and establishing a program for the screening and prioritization of such substances and preparations under the new control system in the light of the quantities

used and their intrinsic hazard. This should also address the aim of substitution by non-hazardous chemicals where these are available¹⁰; and

6. to continue to investigate the extent and effects of pollution caused by chemicals used and discharged offshore and to keep the HMCS under review in the light of this investigation.

54. The Ministers are AWARE that an increasing number of offshore installations in the North Sea are approaching the time of their decommissioning. Even if the offshore installations are emptied of noxious and hazardous materials, they might still if dumped or left at sea, pose a threat to the marine environment. Disposal of such installations on land by recycling recyclable materials and by ensuring safe and controlled disposal of unavoidable residues would be in accordance with generally agreed principles of waste management policy.

The Ministers AGREE that more environmentally acceptable and controllable land-based solutions are preferable and in furthering a precautionary approach the Ministers AGREE¹¹ ¹² ¹³:

1. that decommissioned offshore installations shall either be reused or be disposed of on land;
2. to invite OSPAR to implement this agreement by 1997; and
3. to also take concerted action within the London Convention 1972 with the aim that the revised Convention would require the disposal on land of decommissioned offshore installations.

VII. MANAGEMENT OF RADIOACTIVE SUBSTANCES, INCLUDING WASTE

55. The Ministers NOTE that since the 3NSC:

1. the annex to the London Convention 1972 has been amended to ban the dumping at sea of all radioactive waste, subject to review in 25 years time; this amendment has been adopted by all North Sea States;
2. the 1992 OSPAR Meeting at Ministerial level recognized the need to reduce discharges from nuclear installations to the marine environment, and agreed to work towards further reductions of such discharges by applying BAT; and
3. work has begun within OSPAR to examine the need for further regulation of non-nuclear processes that involve the discharges of radioactive substances to the marine environment.

56. The Ministers WELCOME the adoption in March 1995 by the Board of Governors of the International Atomic Energy Agency (IAEA) of the Safety Fundamentals for Radioactive Waste Management. This statement of the fundamental principles for the management of radioactive waste, builds on the principle that the impact of ionizing radiation should be kept as low as reasonably achievable (ALARA).

57. The Ministers AFFIRM that within this statement of principles, the following are of particular significance for the protection of the marine environment:

1. inter-dependencies among all steps in radioactive waste generation and management shall be appropriately taken into account;
2. consideration for future generations is of fundamental importance in the management of radioactive waste;
3. particular attention to be paid to controlling the various ways by which humans might be exposed to ionizing radiation, to the impact of exposure to such radiation of species other than humans, to adverse effects on natural resources and to non-radiological environmental impact, such as chemical pollution or alteration of natural habitats;
4. generation of radioactive waste shall be kept to the minimum practicable; and
5. radioactive waste shall be managed in such a way as to provide an acceptable level of protection for human health and the environment: the preferred approach to radioactive waste management is concentration and containment of radionuclides rather than dilution and dispersion in the environment. However, as part of radioactive waste management, radioactive substances may be released within the authorized limits as a legitimate practice, into the air, water and soil and also through the reuse of materials.

58. The Ministers, in application of the precautionary principle and recognising the need to reduce radioactive discharges to the marine environment, AFFIRM the commitment of the North Sea States to applying these Safety Fundamentals.

The Ministers CONSIDER that these Safety Fundamentals contain a logical sequence for decisions on the various options for the management of radioactive wastes, including the basic approach that where consistent with the ALARA principle and taking into account social and economical factors, preference should be given to all options for the prevention of the generation of radioactive wastes and for their concentration and containment over other options of disposal that would involve dilution and dispersion in the environment such as discharges into a water body.

59. The Ministers EMPHASIZE their commitment to the agreement of OSPAR to undertake, as a matter of urgency, a detailed examination of the options for measures, within an approach based on the application of BAT, that could be adopted to reduce or eliminate discharges and/or emissions of radioactive substances, including wastes, from nuclear installations to the maritime area.

60. The Ministers also AFFIRM their commitment to the application of the standards and practices agreed in the light of these principles by the competent international organisations, such as EURATOM, IAEA, Nuclear Energy Agency and

OSPAR, each within their respective competence. In particular, for the EU Member States, the EURATOM Treaty and the arrangements under it are central to the tasks of ensuring international agreement on the proper standards to protect humans and the rest of the natural environment and of the national application of those agreed principles and standards, under appropriate international supervision.

61. The Ministers WELCOME the progress being made in OSPAR towards a better understanding of the impact on the marine environment of radioactive inputs to the sea, both current and historic, and the new study being undertaken on anthropogenically enhanced concentrations of natural radionuclides.

62. The Ministers WILL actively SUPPORT the efforts being undertaken under the auspices of the IAEA to seek agreement for a global convention on the management of radioactive waste, with a view to achieving early progress.

VIII. FUTURE COOPERATION FOR THE PROTECTION OF THE NORTH SEA

63. The Ministers have reviewed the work of this Conference and its three predecessors. They ARE CONVINCED that the North Sea Conferences have provided an effective and efficient means of bringing about the action that was necessary for the protection of the North Sea. They CONSIDER, in particular, that the strengths of the conferences have lain in:

1. the ability to address all questions that might affect the ecosystems that constitute the North Sea;
2. the flexibility of working methods that it has been possible to develop;
3. the political impetus given to action in a number of regulatory bodies; and
4. the coordinated action by the North Sea States to ensure that questions appropriate to other, more formal forums could be taken forward in those forums.

64. The Ministers CONSIDER it is essential to continue this work in a way that preserves these advantages, but which also takes account of the 1992 OSPAR Convention, which includes the North Sea in its coverage, and which provides for many of the matters which are essential to the protection of the North Sea.

65. The Ministers ACKNOWLEDGE, with gratitude, the offer from Norway to host a further North Sea Conference.

66. The Ministers CONCLUDE that:

1. it is essential to continue a forum which can consider, in an integrated way, all aspects of the North Sea, and which can involve all the various interests concerned;
2. such a forum can best be constituted by conferences of the Ministers with responsibility for the protection of the North Sea environment but, in order to avoid duplication of effort, it is desirable to improve the coordination of such meetings with the work of the European Commission and OSPAR;
3. the next meeting of such a North Sea Conference should be held in Norway at some date in the period 2000 - 2002, and could most conveniently be held back-to-back with any OSPAR Meeting at Ministerial level that may be held in that period, in order to improve coordination between the two bodies;
4. Ministerial Conferences should be complemented by regular meetings of senior officials to review progress in implementing the conclusions of this and earlier North Sea Conferences, to consider any new problems that arise and ways of resolving them and to consider whether to recommend any new initiatives; and
5. with regard to reporting, the Ministers consider that adequate and transparent reports on trends and status are important for the follow-up of agreements made at the North Sea Conferences as well as a basis for further progress.

They NOTE that the 4NSC Progress Report points out that there is a lack of harmonized procedures for collecting data, data handling and reporting and that comparisons, *inter alia*, between States therefore are difficult.

They therefore AGREE to develop and implement a system for reporting regularly on measures taken to implement their commitments, the result from these measures and the effects observed in the environment as a consequence.

They emphasize that such a system must be based on a common set of procedures and to the greatest extent possible, make use of and be harmonized with reporting procedures of the European Commission, European Environmental Agency and OSPAR.

67. They INVITE Norway, as a host country for the 5th North Sea Conference, in cooperation with the European Commission and the European Environmental Agency, to offer its services as lead country within OSPAR, to promote and coordinate the necessary reporting systems and procedures as a basis for transparent, reliable and comparable reports including relevant sources, basic figures, calculation methods and emission factors.

68. The Ministers NOTE that Norway will, as host country for the Conference, arrange for a secretariat to prepare for it and to support the meeting of senior officials. They welcome Norway's intention to seek arrangements which will ensure close coordination between that secretariat and the OSPAR Secretariat.

69. The Ministers WELCOME the proposal that Norway arrange an Intermediate Ministerial Meeting on the integration of fisheries and environmental issues with the participation of ministers responsible for environmental protection and ministers responsible for fisheries before the end of 1996.

70. The Ministers AGREE on the following terms of reference for the meetings of senior officials:

1. there shall be regular meetings of senior officials representing the North Sea States and the European Commission. These meetings may be called the Committee of North Sea Senior Officials;

2. until the Fifth North Sea Conference, the meetings shall be held in Norway, and the chairman shall be nominated by Norway;
3. the meetings shall, in principle, be held once a year, but may be held more or less frequently by agreement between the North Sea States and the European Commission on the proposal of the chairman; and
4. The tasks of the meetings shall be:
 - to organize the work necessary to follow up the 4NSC Ministerial Declaration where no request for such follow-up action has been addressed to another body; this should cover in particular the enforcement of internationally agreed rules for shipping as mentioned in paragraph 43;
 - to review progress in the implementation of the actions agreed upon by the First, Second, Third and Fourth International Conference for the Protection of the North Sea;
 - to take an overview of both the marine environment of the North Sea (particularly in the light of work on the North Sea component of the OSPAR Quality Status Report for the year 2000) and the action being taken to protect it;
 - where new developments or improved understanding suggest that additional action is needed and action is not already being taken within a competent international organization, to consider:
 1. what form that action should take; and
 2. the most efficient means of ensuring the necessary actions, using to the full the possibilities of competent international organisations;
 - to recommend arrangements for initiatives to be taken accordingly; and
 - to prepare for the Fifth International Conference for the Protection of the North Sea.

71. The European Council, at its meeting in Essen in December 1994, took note of the potential relevance of a network approach in selected sectors of environmental protection (Joint Environmental Projects (JEPs)).

72. The Ministers NOTE that, in consideration of whether JEPs could satisfy any criteria that may be agreed, particular attention should be paid to possible projects that would contribute to realising the objectives of this Declaration, and that coordination between North Sea States in this work would be helpful.

ANNEX 1

FOLLOW-UP ACTIONS RELATED TO THE STRATEGY ON FISHERIE

To respond effectively to the current situation of fisheries and the marine ecosystem in the North Sea, the Ministers AGREE to request the competent management authorities to undertake the following actions:

1. MANAGEMENT ACTIONS

1.1 *Undisturbed areas*

With respect to the selection of possible locations for undisturbed areas, the following aspects should be taken into account in addition to scientific criteria:

- social and economic aspects;
- legal, control and enforcement aspects;
- financial aspects; and
- the coming proposal of the European Commission for further measures in the plaiibox.

1.2 *Reduction of exploitation rates of fish stocks*

1.2.1 To establish appropriate medium-term and long-term objectives defining maximum fishing mortality rates and associated minimum spawning stock biomasses for the commercially important North Sea fish stocks, such that the probability of sustainable exploitation of these stocks is significantly enhanced.

1.2.2 To establish specific management strategies consistent with the achievement of these objectives including, as appropriate, the application of direct limitation of fishing effort, of multiannual and multispecies Total Allowable Catches (TACs), of annual TACs and associated quotas and of appropriately specified technical measures.

1.2.3 To implement proven methods leading to improvement in the selectivity of fishing gears thereby reducing the fishing mortality rates of juvenile fish and the associated discarding thereof.

1.2.4 To establish or maintain, wherever and whenever appropriate, geographical areas closed to fishing for appropriate periods during the year for the protection of juvenile fish and/or spawning aggregations of fish.

1.2.5 To introduce modifications to the management system for TACs and quotas such that discarding of fish is likely to be reduced.

1.2.6 To adapt the capacity and effort of the fishing fleets to the point at which the sustainable exploitation of the stocks is ensured.

1.2.7 To improve control of fishing activities, including the monitoring and recording of quantities of fish landed and discarded.

1.3 Reduction of fishery-induced mortality on birds, mammals and non-target benthic organisms

To implement proven methods which reduce the mortality of birds, mammals and non-target benthic organisms provided that such implementation does not disproportionately inhibit the capture of the target species.

1.4 Increase awareness of ecological impact

To establish means by which fishermen and other agents in the fisheries management process can be made aware of the potential ecological impact of fisheries and possibilities for its minimisation.

2. RESEARCH

2.1 Selectivity of fishing gears with respect to fish

To continue existing work on the development of more selective fishing gears with the aim of reducing the catch of unwanted fish and benthic organisms, including development of the applications within fishing gears of appropriate mesh sizes, square-mesh netting, grid technology and separator mechanisms.

2.2 Reduction of mortality rate of birds, mammals and benthic organisms

To continue existing work on the development of means by which the mortality of non-target organisms caused by fishing gears is reduced, including development of active and passive sonic devices and of escape routes from fishing gears.

2.3 Possible effects of industrial fisheries

To investigate the possible effects of industrial fisheries on the sustainability both of those species constituting the targets of such fisheries and of other species for which the targets of industrial fisheries constitute a major food source.

2.4 Discards

To assess the age composition and absolute quantities of discards of both target and non-target species in the demersal and pelagic fisheries.

2.5 Enlargement of knowledge on the state of fish stocks and the populations of other biota

To ensure that routine assessment, including multispecies assessment, of the state of all relevant fish stocks and other biota can be carried out.

2.6 Investigation of the possible effects of hazardous substances

To undertake investigations of the effects of hazardous substances on the sustainability of marine fish resources and other marine biota, including consideration of effects on mortality rate, production of juveniles and growth rate.

2.7 Undisturbed areas

To conduct further research, additional to that recently carried out by ICES, into the scientific criteria for the establishment and the usefulness of undisturbed areas, and appropriate research and monitoring programmes. This research should not be allowed to delay work on the possible establishment of such areas.

3. JOINT ACTIONS TO BE UNDERTAKEN BY THE EU AND NORWAY WITHIN THE FRAMEWORK OF THE BILATERAL FISHERIES AGREEMENT

3.1 Convene joint scientific working groups to develop common views in respect of management on common stocks.

3.2 Work jointly towards a responsible and sustainable utilization of North Sea fish stocks.

3.3 Set up a working group to evaluate the effectiveness of management measures presently in use for demersal stocks in the Community and Norwegian parts of the North Sea.

3.4 Assess the probable effectiveness of any new measures that may contribute to the recovery of key stocks.

3.5 Set up a working group on catch reporting and catch statistics which will work on reducing discrepancies between reported catches and ICES catch statistics, by assessing misreporting, inadequate accounting of discards, by-catches and other factors contributing to the total out-take of the stocks.

3.6 Jointly evaluate the management regimes for North Sea herring in order to improve the management regimes of the direct herring fisheries as well as fisheries in which herring constitutes a significant by-catch.

3.7 Increase exchange of catch statistics which may contribute to promotion of effective control of relevant fisheries.

3.8 Consult on fishery regulations in the North Sea, with a view to achieving, as far as possible, the harmonisation of regulatory measures in the fishery zones of the two parties.

3.9 Through increased co-operation in relevant research and management institutions, to promote the development and introduction of fishing gear and fisheries practices which will improve selectivity and reduce unwanted and/or harmful by-catches of fish, marine mammals as well as birds.

ANNEX 2

FOLLOW-UP ACTIONS RELATED TO THE STRATEGY ON THE PREVENTION OF POLLUTION BY HAZARDOUS SUBSTANCES

1. DEFINITION OF HAZARDOUS SUBSTANCES

In the context of this declaration hazardous substances are defined as substances, or groups of substances, that are toxic, persistent and liable to bioaccumulate. In this definition toxicity should be taken to include chronic effects such as carcinogenicity, mutagenicity and teratogenicity and adverse effects on the function of the endocrine system.

2. INSTRUMENTS AND MECHANISMS

2.1 Further development and application of BATs and BEPs

2.1.1 The Ministers INVITE OSPAR to establish:

- a comprehensive strategy giving guidance on which types of measures under BEP are appropriate for groups of diffuse sources, in particular distinguishing between sectoral controls ("practices") and product controls ("marketing and use restrictions"); and
- a compilation of international measures already agreed that should be regarded as (part of) BEP for particular diffuse sources;

2.1.2 In order to further the development and application of BATs and BEPs the North Sea States, the European Commission and OSPAR ARE INVITED to take into account in their work (in so far it is not inconsistent with existing EU law) the following:

- further improvements of BATs and BEPs should pay attention to all aspects of a product's life cycle including possibilities for use of cleaner process technology, environmentally sound products and substitution of the use of hazardous substances by the use of less-hazardous substances or preferably non-hazardous substances where these alternatives are available or by the application of environmentally sound practices;
- the dynamic nature of BATs and BEPs implies the need of establishing procedures for regular reviews of specific sectors - at least every 10 years, the first time not later than 10 years after their adoption - with the aim of further improvements, if suitable new techniques or practices have become available;
- the description of BATs and BEPs should be such as to ensure flexibility in developing and describing BATs and BEPs and should include product and performance standards where appropriate;
- the development of BATs and BEPs need to take account of discharges, emissions and losses to all media (water and air, and also land in so far as they end up as inputs to the sea), as well as aspects of waste, energy, and raw material consumption, as appropriate; and
- the establishment of procedures is needed in order to assess adequate compliance and reporting as regards the application (legal implementation or application in practice) of internationally agreed BATs and BEPs.

2.2 Cooperation with industry, agriculture and other sectors

2.2.1 The Ministers RECOGNIZE that a policy focused on environmentally sound production which poses new challenges is already spreading in the environmental management of companies. But still a more proactive stance is required and the integration of environmental considerations in corporate policy is essential. Companies must continuously improve their environmental performances.

The Ministers APPEAL to individual corporate responsibility and initiative. In particular, the Ministers encourage the installation of Environmental Management Systems (e.g. in the framework of Regulation 1836/93/EEC allowing voluntary participation by companies in the industrial sector in a Community Environmental Management and Audit System), as well as eco-labelling schemes.

Federations of industries, agriculture and other sectors ARE CALLED upon to take note of environmental agreements, objectives and targets and to channel such information to their members.

3. LIST OF TOOLS

3.1 Competent international bodies such as the European Commission, the Organization for Economic Co-operation and Development, OSPAR and the UN-ECE LRTAP ARE INVITED to develop further tools for assessing environmental risks of emissions and effluents containing complex mixtures of substances (i.e. assessment of toxicity, biodegradability and liability to bioaccumulate), and to develop further and use tools for the evaluation of risks of hazardous substances in the environment in order to set priorities;

3.2 OSPAR IS INVITED to include in its action plan the designation of priority sectors/areas, responsible for discharges, emissions and losses of hazardous substances for which development or improvement of BAT and BEP is urgent. Time frames should be adopted for the realization of the progressive reduction and/or elimination of discharges and emissions as well as for the prevention of losses;

3.3 OSPAR IS INVITED to develop further and to implement the necessary monitoring programmes in order to detect hazardous substances or their effects in the North Sea;

3.4 OSPAR IS INVITED to develop further background values for natural substances and ecotoxicological reference values and to provide comparisons with observed concentrations in the North Sea and assessments thereof on a regular basis, *inter alia*, to be used in setting priority for actions to be taken; and

3.5 The Ministers NOTE that some North Sea States have introduced national pollutant registers covering relevant aggregated data on discharges, emissions and losses from production plants and from products, and they invite other North Sea States to consider introducing similar systems.

4. URGENT MEASURES TO BE IMPLEMENTED BY THE YEAR 2000

4.1 The Ministers AGREE:

1. to continue to take action with the aim of achieving by the year 2000, those reduction targets set by the 3NSC which have as yet not been met;
2. to ensure that by the year 2000 at the latest, all relevant permits covering hazardous substances are at least in

accordance with internationally agreed BATs (processes) or BEPs (activities) to the extent adopted by North Sea States;

3. to invite OSPAR:
 1. to adopt, by the year 2000 at the latest, BAT/BEP Recommendations for those sectors and activities identified in OSPAR 1994 Action Plan where BAT/BEP have not yet been established; and
 2. to consider to include other sectors and activities in its Action Plan with a view to establish by the year 2000 at the latest BAT/BEP Recommendations, e.g. for the graphic industry and for the use of halogenated solvents;
4. to invite the European Commission in its forthcoming work on BAT for sectors covered by the future Directive on Integrated Pollution Prevention and Control to take account of the work carried out in the framework of OSPAR with regard to industrial sectors;
5. to invite OSPAR and the European Commission to review their existing BAT/BEPs at least every 10 years, first time not later than 10 years after their adoption, taking into account an evaluation of the actual implementation of these BATs/BEPs, in so far as it is not inconsistent with existing EU law;
6. to invite OSPAR to take further action for a substantial reduction of the order of 50% or more, between 1985 and 2000, of the discharges, emissions and losses of PAHs of concern to the marine environment:
 1. through the identification of all anthropogenic sources of concern in that context; and
 2. by the adoption of measures giving high priority to the implementation of these measures with regard to potential major sources of such PAHs, such as:
 - primary aluminium and iron and steel industry;
 - creosote in industrial wood conservation and for private/household use;
 - coaltar in protective coatings, in road tarmac, asphalt and roofing materials;
 - wood and coal burning, and oil/coal-fired furnaces;
 - diesel engines; and
 - offshore installations;
7. to take action to further reduce discharges of priority hazardous substances such as cadmium, mercury, other heavy metals and dioxins, *inter alia*, by:
 1. promoting effective collection of disused NiCd batteries and by inviting OSPAR to review PARCOM Decision 90/2 on Programmes and Measures for Mercury and Cadmium Containing Batteries in the light of Council Directive 91/157/EEC on Batteries and Accumulators containing certain Dangerous Substances;
 2. promoting implementation of the PARCOM Recommendation 93/2 on the further restrictions on the discharge of mercury from dentistry by installation of amalgam separators before 1997;
 3. inviting the European Commission to consider limits for cadmium content in fertilizers; and
 4. inviting the European Commission to consider setting more stringent limits for the various heavy metal contents of sewage sludge for agricultural use;
8. to take concerted action within the framework of the competent international forums to substitute the use of the following hazardous substances by less hazardous or preferably non-hazardous substances where these alternatives are available:
 - highly chlorinated, short chained paraffins (10-13 carbon atoms);
 - trichlorobenzene;
 - musk xylenes;
 - nonylphenols and nonylphenoethoxylates, and related substances; and
 - brominated flame retardants;
9. to take action by<14>
 0. promoting nationally, as far as possible, the substitution of less hazardous (or preferably non-hazardous) products for, and
 1. inviting the European Community to consider limiting effectively the marketing and use of, the following hazardous products:
 - small NiCd-batteries (<500g);<15>
 - mercury oxide batteries; and
 - mercury thermometers;<16>
10. to adopt appropriate measures to prevent and reduce the generation of waste and to diminish the hazards presented by the waste that is generated; particular attention should be given to wastes, including discarded packing and in particular short-lived packaging materials, which involve the use of materials which can present hazards in manufacture, use and disposal;
11. to encourage the relevant industrial sectors to develop and implement systems, e.g. through voluntary agreements, to promote the recycling of plastics;
12. to continue efforts to trace sources, such as contaminated lands and waste disposal sites, of PCBs and DDT and, where appropriate, to take urgent action to prevent discharges, emissions and losses from such sources;
13. to invite OSPAR and the European Commission as a matter of urgency to launch investigations and/or risk assessments to improve the knowledge of the consequence of substances suspected to have endocrine or hormone-like effects, for example nonylphenol, certain phthalates and certain pesticides, and to adopt the

necessary measures;

14. to take action within the appropriate international forums to develop necessary measures to reduce discharges, emissions and losses of hazardous substances by furthering within the framework of the UNEP-process the development of a global instrument for the reduction and/or elimination of emissions and discharges of certain persistent organic pollutants (POPs), and an assessment of the global environmental impact of other significant POPs, in both cases giving consideration to the circumstances of developing states and countries with economies in transition.

Annex 2, APPENDIX 1

Pesticides referred to in paragraph 27

#	Substance	CAS-no	Detected in the North Sea
1.	Chloridazon	1698608	*
2.	Cyanazine	-	
3.	1,3-Dichloropropene	542756	*
4.	Dichlorvos	62737	*
5.	Diuron	330541	*
6.	Dimethoate	60515	*
7.	Disulfoton	298044	*
8.	1,2-Dichloropropane	78875	*
9.	Hexazione	-	
10.	Metabenzthiazuron	1929880	*
11.	Metazachlor	67129082	*
12.	Metholachlor	51218452	*
13.	Metoxuron	19937596	*
14.	Mevinphos	7786347	*
15.	Organotin pesticides -		*
16.	Propachlor	1918167	*

The following substances have not been included as they are either not allowed on the market or already under review under the provisions of Council Directive 91/414/EEC concerning the Placing of Plant Protection Products on the Market: Alachlor, atrazine, azinphos-ethyl, chlorotoluron, dinosep, dinitro-o-cresol, 2,4-D, 2,4-DP, 2,4,5-T, isoproturon, lindane, linuron, MCPA, MCPP, paraquat, parathion-ethyl, simazine and thiobendazole.

ANNEX 3

FOLLOW-UP ACTIONS RELATED TO THE STRATEGY ON THE PREVENTION OF POLLUTION FROM SHIPS

1. SHIP OPERATIONS

1.1 Fuel oil quality

The Ministers OBSERVE that there are continuing problems regarding quality and contamination of fuel oil, *inter alia*, with chemical waste, and WILL TAKE further initiatives within IMO to introduce methods of ensuring that the quality of fuel oil is suitable for the safe operation of ships and to further develop standards for fuel oil that take both safety and the protection of the environment into account. The Ministers WILL UNDERTAKE national efforts aimed at preventing contamination of fuel oil.

1.2 Reduction of wastes

1.2.1 The Ministers WILL TAKE concerted action within IMO to develop measures for prevention and reduction of waste generation, for recycling and for closed loop processes in the conduct of shipping operations, with the final aim of the elimination of discharges; and

1.2.2 In order to prevent and/or to reduce the disposal of garbage, in particular plastics, to the North Sea, the Ministers AGREE:

i) to take further action to improve surveillance and control of waste from ships in order to prevent illegal disposal at sea and to request IMO to develop and implement techniques for waste treatment onboard;

- to request the Port Authorities or other competent authorities to develop waste stream management plans in every harbour;
- to increase information on existing regulations and environmental effects in order to raise the public awareness of

- the problem; and
- to develop regulations making it mandatory for ships to deliver all garbage to a port reception facility before leaving port, taking into account the problems of ferries and other such special cases.

1.3 *Use of antifouling paints containing TBT*

1.3.1 On the information provided by the 1993 QSR on the effects on marine life due to tributyl tin (TBT) compounds the Ministers CONCLUDE that more stringent goals and measures are urgently needed;

1.3.2 RECOGNISING the importance of a proper antifouling coating as an efficient means for limiting fuel oil consumption, i.e. emissions of greenhouse gases, the Ministers WILL PROMOTE research on the environmentally safe antifouling technologies and further AGREE to develop alternatives for protection and/or cleaning and agree to develop guidelines for sound dockyard practices;

1.3.3 Furthermore, aiming at a worldwide phase out of the use of TBT on all ships, the Ministers AGREE to undertake concerted action within the IMO; and

1.3.4 If no adequate progress has been made before the end of 1997 within IMO, the Ministers AGREE to consider solutions based on the phasing out of the use of TBT on ships flying the North Sea States' flags trading exclusively within the North Sea area.

1.4 *Identification of ships*

The Ministers SUPPORT the work of IMO on fitting identification transponders to ships.

1.5 *Air pollution*

The Ministers UNDERTAKE to promote early adoption and expeditious ratification of the future Annex on Air Pollution of the MARPOL 73/78 Convention.

1.6 *Ballast water*

The Ministers AGREE to work nationally, regionally and/or through IMO to develop measures aimed at preventing the introduction of alien or new aquatic organisms from ships' ballast water.

1.7 *Discharge of Sewage*

The Ministers AGREE to encourage all North Sea states which have not yet done so:

- to ratify Annex IV of MARPOL 73/78, and to bring about early entry into force of the revised text of that Annex; and
- to control sewage discharges (in accordance with the discharge requirements of Annex IV of MARPOL 73/78) from ferries engaged in scheduled international voyages between North Sea ports and which are certified to carry more than 50 persons.

2. PORT STATE CONTROL

2.1 The Ministers AGREE to consider the development of policies to increase the effectiveness of Port State Control including the use of resources for targeting vessels to be inspected, with suitable information systems within the EU and under the Memorandum of Understanding on Port State Control (Paris MOU); and

2.2 NOTING the agreement achieved at the Fifth Ministerial Conference on Port State Control (Copenhagen, 14 September 1994), taking also into account the EEC Draft directive on Port State Control, the Ministers AGREE:

- to pursue policies to increase the effectiveness of Port State Control; and
- to pay special attention to old tankers and all oil tankers which are not required to be provided with segregated ballast tanks in accordance with Annex I of MARPOL 73/78 when selecting ships for inspection.

3. RECEPTION FACILITIES

3.1 *Financial arrangements*

3.1.1 The Ministers AGREE to continue to secure the availability and continue to improve the quality of shore reception facilities for residues and wastes and to study alternative methods of charging the costs of the use of these facilities aiming to encourage their use.

Thus the Ministers AGREE to the following approach:

- to welcome studies in particular a study of the Netherlands which is envisaged to be finalised in 1996 (on, *inter alia*, the possible merits of mandatory disposal under certain conditions and charging methods) as a basis for further consideration of charging policies;
- to consider in association with port authorities or other competent authorities whether financial arrangements could be used to encourage appropriate use of these facilities and how these financial arrangements could be harmonised for application by all North Sea States so as to avoid distortions of competition between North Sea ports;
- to work out as far as possible, such a system for the financial arrangements for the use of reception facilities for the North Sea ports.

3.2 *Exchange of information and control*

The Ministers ENCOURAGE Ports or other competent authorities to exchange information, using relevant information systems (e.g. Promotion in Ports of MARPOL 73/78), regarding large or excessive amounts of waste onboard ships leaving ports.

4. QUANTIFICATION AND CONTROL OF WASTES

4.1 With the aim to obtain a further reduction of waste disposed of at sea, the Ministers AGREE:

- to initiate surveys of the amount of waste generated on the various types of vessels, and to use the information to improve the control of on-board waste management;
- to collect data on the quantities and types of waste received at reception facilities, and to use the data collected to improve the management of these facilities;
- to use data from the above studies to gain a more accurate picture of the amount of waste being discharged by vessels at sea; and
- to exchange data between North Sea States.

5. NAVIGATION AND ROUTEING MEASURES

5.1 Recognising the need for adequate measures to protect environmentally sensitive areas which are also at risk from shipping, the Ministers AGREE:

- to cooperate in order to make use of the range of routeing measures available through IMO, including "areas to be avoided" and "deep water routes";
- to actively support the work of the European Union on establishing criteria for the identification of such areas; and
- to monitor sites where routeing measures are established, in order to assess ships' compliance with these measures.

6. ENFORCEMENT

6.1 Cooperative Arrangements

Taking into account the progress made in the establishment of EEZs, the Ministers AGREE to develop common procedures through a legal instrument and/or other cooperative arrangement, including a coordinated reporting system on criminal cases, with the aim of facilitating in a harmonised way the rendering of assistance, the admissibility of different forms of evidence and cooperation between the North Sea States and with third States in the exercise of Flag State, Port State and Coastal State powers of enforcement, taking into account the relevant provisions of UN Convention of the Law of the Sea.

6.2 Prosecution of offenders

6.2.1 The Ministers AGREE in supporting the application of the Bonn Agreement Manual on Oil Pollution at Sea - Securing Evidence on Discharges from Ships, 1993 and to study the progression of its use with a view to investigate its usefulness at a future date; and

6.2.2 The Ministers AGREE to improve the availability of evidence on which to take enforcement action, and to this end to promote improvements in sensor techniques for the detection at a distance of breaches of the international rules and standards for the prevention of marine pollution from vessels, through cooperation between operators of airborne surveillance and other enforcement authorities, as well as national prosecutors and courts.

6.3 Zero discharges

Recognising that existing regulatory standard are proving difficult to enforce, the Ministers AGREE:

- to pursue further research aimed at the complete elimination of intentional pollution of the marine environment by oil and other harmful substances;
- to study the concept of a more structural approach, including the possibilities of a zero discharge regime, improved enforcement in ports, mandatory disposal of wastes in the case of excessive waste stocks, and the financing of such disposal (directly or indirectly); and
- to take concerted action to provide IMO with the results of such studies which would provide the basis to work within IMO towards more structural measures, such as waste prevention, recycling and closed loop processes in the conduct of shipping operations.

6.4 Airborne surveillance

NOTING the progress achieved in developing airborne surveillance systems for detection of marine pollution and identification of polluters in their states;

NOTING also with concern the limited success in tracing offenders as compared to the total number of illegal discharges and the limited amount of successful legal proceedings against these offenders, the Ministers AGREE to work within the Bonn Agreement to use aerial surveillance as a more effective deterrent against illegal discharges. To this end the Ministers INVITE the Bonn Agreement:

- to improve the documentation and the interpretation of sensor recordings;

- to improve estimation of volumes of floating oil and other harmful substances;
- to continue to develop methods to classify floating oil and to detect substances other than oil; and
- to work together in improving the possibilities to identify those responsible for an illegal discharge.

6.5 *Beached Birds Surveys*

Recognising the usefulness of the monitoring of the oiling rate of beached birds as an indicator of the effectiveness of policies to reduce oil pollution at sea, and noting the work of OSPAR in this respect, the Ministers AGREE to ENCOURAGE.

- the national and international coordination of monitoring of beached birds; and
- the analyses and dissemination of the monitoring results.

7. DEALING WITH EMERGENCIES

7.1 *Identification of cargo lost overboard*

The Ministers AGREE to promote studies on the feasibility for identification and recovery of hazardous and/or noxious cargo lost overboard.

7.2 *Cargo stowage and securing*

NOTING that the IMO has agreed to make a cargo securing manual, drawn up to a standard at least equivalent to the current code of practice for stowing and securing of cargo, mandatory under the International Convention on the Safety of the Life at Sea (SOLAS) the Ministers AGREE to work within IMO to ensure that these regulations are fully implemented and adequately monitored.

7.3 *Availability of salvage vessels*

The Ministers AGREE to consider the availability of salvage tugs within the North Sea and, where necessary, to develop proposals for improving salvage capacity, either unilaterally, bilaterally or regionally.

The Ministers are also LOOKING FORWARD to the results of the work started within the framework of the Bonn Agreement on salvage capacity.

7.4 *Emergency towing arrangements*

NOTING that IMO has adopted a new regulation (V/15-1 of SOLAS 74) concerning emergency towing arrangements on tankers which shall be fitted at both ends on board all new tankers of more than 20.000 tons deadweight constructed on or after 1 January 1996 and towing arrangements shall be fitted on existing tankers at the first scheduled dry docking after 1 January 1996, but not later than 1 January 1999. The Ministers AGREE to ensure that these provisions apply to ships flying North Sea States' flags as soon as possible, and to work within IMO so that this SOLAS-regulation will be made applicable to ships of other types as well.

7.5 *OPRC Convention*

The Ministers of those North Sea States which have ratified the 1990 Convention on Oil Pollution, Preparedness Response and Cooperation URGE other North Sea States to do so by 1997.

8. INSURANCE, COMPENSATION AND LIABILITY

8.1 *Compensation for victims of marine pollution and other hazards caused by ships*

8.1.1 The Ministers AGREE that there is a whole range of problems related to insufficient compensation of damage as a result of shipping accidents, and will take further initiative within IMO with a view to extending the liability of ship owners and to introduce rules on general compulsory insurance^{<17>}; and

8.1.2 The Ministers AGREE to secure adequate and effective compensation, by:

- signing and ratifying the 1992 Protocols to the Civil Liability Convention 1969 and the International Convention on the establishment of an International Fund for Oil Pollution Damage 1971, and by urging other States to do so;
- participating actively in IMO's work on the Convention for Compensation for Damage caused by Hazardous and Noxious Substances; and by seeking to ensure the adoption of the Convention by the target date of 1996;
- participating actively in IMO's work on the 1996 Protocol for the Convention on Limitation of Liability for Maritime Claims Convention 1976; and
- considering whether requirement for compulsory insurance and strict liability for pollution damage should be extended to other ship owner liabilities.

8.2 *Wreck removal and related matters*

The Ministers AGREE to work within IMO to promote the early adoption of a Convention on the removal or marking of hazardous wrecks, including their cargo and fuel oil, which should contain provisions about rights and obligations to remove or mark hazardous wrecks and establish rules governing the respective financial responsibilities.

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1. For the purposes of this Declaration the North Sea comprises the body of water:

- southwards of latitude 62° N, and eastwards of longitude 5° W at the north west side;

- northwards of latitude 57°44.8' N from the northern most point of Denmark to the coast of Sweden; and
- eastwards of longitude 5°W and northwards of latitude 48°30' N, at the south side.

2. In this Declaration, references to OSPAR, until the Convention for the Protection of the Marine Environment of the North-East Atlantic enters into force, are references to the Oslo Commission and to the Paris Commission, as appropriate.
3. The United Kingdom shares the ideal of these aims, but does not accept that they are currently practicable.
4. In this Declaration, "available" in the context of substitution is to be understood in the same sense as in the definition of Best Available Techniques in the OSPAR Convention 1992.
5. PARCOM Recommendation 88/2 of 17 June 1988 on the reduction in inputs of nutrients to the Paris Convention area. PARCOM Recommendation 89/4 of 22 June 1989 on a coordinated programme for the reduction of nutrients. PARCOM Recommendation 92/7 of 22 September 1992 on the Reduction of Nutrient Inputs from Agriculture into Areas where these Inputs are likely, directly or indirectly, to Cause Pollution.
6. Council Directive 91/271/EEC concerning Urban Waste Water Treatment and Council Directive 91/676/EEC concerning the Protection of Waters against Pollution caused by Nitrates from Agricultural Sources.
7. France and the United Kingdom consider that Urban Waste Water Treatment and Nitrates Directives, together with the OSPAR Convention 1992 provides the protection for the North Sea that is needed in respect of this proposal and will enable significant further improvements to be made; and consider that this proposal adds nothing to what will be achieved by them fulfilling their obligations under these Directives.
8. OSPAR 1995: Report of the Oslo and Paris Commissions to the Fourth International Conference on the Protection of the North Sea.
9. Concerning extension of shipowners' responsibility, France wishes to wait for the results of the HNS negotiations. The statement could be obsolete by entry into force of the HNS Convention and its protocols.
10. See footnote 4 at paragraph 24.iv) on the understanding of the term 'availability'.
11. Norway was unable to accept this provision on the grounds that disposal on land is not necessarily the best solution from an environmental point of view for all installations.
12. The United Kingdom does not accept this proposal, since the environment will be better protected by adoption in each case the best practicable environmental option identified by a thorough case-by-case examination, as provided for in Annex III of the OSPAR Convention 1992.
13. France declares, as its understanding of the effects of the statement concerning the disposal on land of decommissioned offshore installations to be, that this statement only applies to metallic structures and that the removal of such metallic structures has to take full account of the IMO resolution A.672 (16), 16 October 1989, and other relevant IMO guidelines.
14. Being strongly attached to the Treaty of Rome, France would wish the Member States of the European Union not to embark in denigration campaigns on products for which use and marketing have not been banned. For this reason, France cannot agree with the steps mentioned in this paragraph.
15. Reservation by France.
16. Reservation by France.
17. See footnote 8 at paragraph 47.
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