

# **DECLARATION**

## **NORTH SEA MINISTERIAL MEETING ON THE ENVIRONMENTAL IMPACT OF SHIPPING AND FISHERIES**

### **Göteborg, SWEDEN 4 and 5 May 2006**

We, Ministers of the North Sea States responsible for the protection of the North Sea, and the Member of the European Commission responsible for environmental protection (hereafter ‘the Ministers’), met in Göteborg on 4 and 5 May 2006 for a Ministerial Meeting focussed especially on the environmental impact of shipping, and fisheries on the North Sea, with participation by observers from international intergovernmental and non-governmental organisations,

AIMING to review in greater detail the protection of the marine environment of the North Sea from the impacts of shipping and fisheries and the way in which environmental policies can be further integrated with fisheries and shipping policies and to consider what further steps may be needed for this purpose,

CONSCIOUS that, although the North Sea Conferences and Ministerial Meetings have achieved substantial progress in improving the protection of the marine environment of the North Sea, there are still many important problems to be resolved,

FULLY AWARE that climate change will have a significant impact on the North Sea ecosystem,

DETERMINED to implement an integrated ecosystem approach to the management of human activities affecting the natural resources of the North Sea, in fulfilment of the global commitments made at the World Summit on Sustainable Development at Johannesburg in 2002 as well as at the North Sea Conference in Bergen 2002,

ACKNOWLEDGING the important role of the North Sea Conferences over more than 20 years in efforts to improve the environmental status of the North Sea, and STRESSING the need to continue, where appropriate to implement commitments made at the earlier North Sea Conferences and Ministerial Meetings but RECOGNISING that many North Sea problems must be addressed through solutions, not only at local and national levels, but also at the regional, European and the global levels, and therefore,

WELCOMING the initiatives for an EU Maritime Policy and the EU Commission proposal for a European Marine Strategy which stresses the role of regional solutions and STRESSING the importance of coordinated action in the International Maritime Organization,

RECOGNISING that, in order to use living marine resources in a sustainable way, all the sectors concerned need to take responsibility for their impacts on the quality of the marine environment,

RECOGNISING FURTHERMORE that the fisheries sector is governed in the EU by a policy falling under exclusive Community competence and therefore management action must follow the principles and be undertaken within the procedures of the Common Fisheries Policy,

WELCOMING, therefore, the statements from conferences in the North Sea region in particularly those of the OSPAR Commission, the Trilateral Waddensea Cooperation and the CPMR<sup>1</sup> North Sea Commission, addressing various problems concerning the North Sea environment,

ACKNOWLEDGING the important role local, national and regional authorities, organisations and stakeholders play in the work to improve the North Sea environment,

---

<sup>1</sup> *The Conference of Peripheral Maritime Regions*

APPRECIATING the positive contribution made by Intergovernmental organisations and Non-governmental organisations in their work to promote a healthy, diverse and productive environment in the North Sea,

COMMITTED to continue, at relevant levels, as appropriate, the individual and joint actions to improve the environment of the North Sea,

HAVE ADOPTED the following statement:

For the Government of the Kingdom of Belgium:

For the Government of the Kingdom of Denmark:

For the Government of the French Republic:

For the Government of the Federal Republic of Germany:

For the Government of the Kingdom of the Netherlands:

For the Government of the Kingdom of Norway:

For the Government of the Kingdom of Sweden:

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

For the European Commission:

# I

## The need for action

There is a need to improve the North Sea as a functional ecosystem in order to allow it to serve the region also in the future as a sustainable resource for fishing, transport and recreation. The basic value of protecting natural ecosystems and biodiversity will go hand in hand with sound economic and social development in the region.

The North Sea is a vital resource for the North Sea States and for the rest of Europe. It is one of the world's most productive seas. It supports diverse ecosystems and important fisheries. Its offshore oil and gas industry continues to be crucial for Europe's energy. The potential of offshore renewable energy from wind farms, wave and tidal sources is significant. The North Sea is the route of a high proportion of world shipping, and is therefore vital to Europe's trade. It is a major site for tourism and recreation, and a significant source of sand and gravel for construction. And it is, above all, the essential background to the daily lives of millions of people who inhabit its shores.

In addition to the socio-economic goods and services that the North Sea provides, its natural wealth has an intrinsic value for biodiversity in Europe. The North Sea ecosystems also support key functions for adjacent regions and populations, including spawning grounds, nursery and feeding grounds for fish, marine mammals and migratory birds, and through their role in nutrient cycles, sediment transport and adaptation to climate change.

Substantive efforts have been made to improve the environmental quality of the North Sea which have had considerable success in reducing adverse human impacts, however, the overall ecological quality of the region remains under severe anthropogenic pressure. These pressures are very diverse and vary in their significance. They include climate change, inputs of hazardous substances, nutrients and radioactive substances, fisheries and aquaculture, oil spills and discharges, the introduction of non-native species and litter. Combined effects of all these pressures have resulted in damage to food webs and substantial alterations to many ecosystems in the North Sea. Where degradation of the marine environment occurs, studies need to clarify any links between causes and effects. A recently discovered threat is the alarming disappearance of sugar kelp forests from the Norwegian coasts bordering the Skagerrak and the North Sea, the cause of which is currently being investigated.

Climate change affects the marine environment in many ways. There will be increased risks for storms and flooding in coastal areas, the warming of seawater will influence marine ecosystems. Changes in climate in conjunction with other stresses risk severe impacts on human communities and on ecosystems, leading to the need for further research and adequate management regimes.

In order to achieve sustainable development in and around the North Sea, action is required to safeguard the ability of the North Sea to continue to underpin the lives of the human inhabitants and wildlife of its region.

In addition, land-based pollutants continue to be a major threat to the North Sea. They represent about 80 per cent of all inputs of hazardous substances and nutrients. Nutrients are the predominant cause of eutrophication, which is found particularly in coastal areas in the North Sea. There are positive signs that inputs of hazardous substances and nutrients have been reduced, although this has not yet led to a reduction in the level of nutrient concentrations.

This Declaration is based on commitments to pursue an ecosystem approach to the management of human activities and the specific programmes and measures established to address these problems, not least as the result of initiatives by North Sea Conferences and Ministerial Meetings. Nevertheless, there is scope for further consideration of the environmental impacts of shipping and fisheries.

The high pressure from fisheries continues to threaten many economically important fish stocks and to affect other wildlife and habitats. The North Sea is one of the regional seas of the world where fish stocks are in greatest need of recovery. This has occurred despite the elimination of subsidies for the building of new fishing vessels and tougher restrictions on catches and the fishing technology that may be used.

The pressures from shipping come mainly from emissions to the air of engine exhausts gases, illegal discharges of oil and other hazardous substances, oil spills and other hazardous substances from maritime accidents, alien species spread through ballast-water discharges, and inputs from anti-fouling paint systems and litter. These problems from the shipping sector need to be considered in an integrated way and be addressed at the national, regional and international levels through the “Clean Ship” approach for sustainable shipping.

Taking into account the international/global character of shipping industry most of the environmental challenges have to be remedied at the IMO level. The North Sea States have had a leading role in developing new and stricter environmental rules at the IMO level.

There is an urgent need for an integrated approach to address all the problems of the marine environment, including comprehensive action to address the specific problems posed by shipping and fisheries.

This need for an integrated ecosystem approach will be met by among other things a European Marine Strategy and the broader EU Maritime policy to be proposed in the forthcoming Green Paper on a Future European Maritime Policy.

In order to promote an integrated ecosystem-based approach Ministers recommend that the Marine strategy and its proposal for a Directive should take into account the need for a regional approach and cost effective means, include proportionate monitoring programmes, timetables and environmental targets.

Ministers urge The European Commission in cooperation with the Regional Seas Organisations to bring forward, at the earliest opportunity, its generic qualitative descriptors, detailed criteria and standards for the recognition of good environmental status.

The developing European Maritime Policy, for which the Strategy will deliver the environmental pillar, is meant to provide the necessary articulation and interplay between different policy areas effecting the marine environment and will also contribute to delivering the necessary integrated policies. In this context, the North Sea States will effectively continue cooperating and coordinating their action for the protection of the North Sea, mainly within OSPAR.

## II

### The environmental impact of fisheries

An ecosystem approach to fisheries management considers all the components of the marine ecosystem in the North Sea (biological, chemical and physical) and their interactions. It recognises that man is part of the system and seeks to include stakeholders in setting and implementing management goals. However, the overall health of the ecosystem remains a major concern for any decision-making.

Historically fisheries management has failed to protect fish stocks in the North Sea ecosystem. Science in the ICES framework has confirmed that the state of environment affects fisheries and vice versa <sup>2</sup>. The continued development of a functional ecosystem approach needs to be carried out on a scientifically sound basis and in consideration of the precautionary principle. It will require a clear and legitimate role for stakeholders to participate in setting objectives as part of the governance framework and to take part in the implementation of agreed measures. An ecosystem approach to fisheries management is one element of a more integrated management concept, the ecosystem approach to the management of human activities.

#### *Ecosystem approach to fisheries management*

**The challenge is to make the ecosystem approach to fisheries management more operational and to implement it effectively. Implementing an ecosystem approach includes identifying and taking action on influences that are critical to the health of the North Sea ecosystem. There is a need to consider not only how fishing affects individual commercial species and the food web, but also how by-catch of non-commercial species, discarding and physical disturbance affects the marine ecosystem, including benthos, birds and marine mammals.**

1. The Ministers **stress** the importance of existing initiatives aiming at further development and implementation of an ecosystem approach to the management of fisheries in the North Sea.

2. The Ministers **note** that recent EU-funded research<sup>3</sup> has progressed with the development of a fisheries ecosystem plan specifically for the North Sea as a means to implement an ecosystem approach to fisheries management. To provide the basis for the wider ecosystem approach that underpins the proposed European Marine Strategy, and to achieve increased cooperation with other environmental management authorities and relevant organisations, the Ministers **request** that the competent authorities, in consultation with relevant stakeholders, and especially the North Sea Regional Advisory Council (North Sea RAC) develop a fisheries ecosystem plan for the North Sea based on scientific advice from ICES and national science bodies, adopt it at the latest by 2010 and implement it immediately thereafter.

3. The Ministers **will** encourage their national institutions, through the funding of research projects, to acquire the necessary scientific knowledge of the properties of the ecosystem to be used in the progressive implementation of an ecosystem-based approach to fisheries management. Information on the ecology of species, their associated habitats, as well as their temporal and spatial distribution should be used as it becomes available to ensure that the critical phases of life-cycle of the major fish stocks and their associated habitats are identified and protected while recognising that, in line with the precautionary approach, lack of this information must not delay action to protect the environment.

Special attention should also be given to the development of fishing gear and fishing methods that will help minimise physical disturbance of the seabed and incidental by-catches of non-target fish, seabirds

---

<sup>2</sup> Yearly reports from the ICES Advisory Committee on Fisheries Management (ACFM), ICES Advisory Committee on the Marine Environment (ACME), ICES Advisory Committee on Marine Ecosystems (ACE) and various ICES working group reports ([www.ices.dk](http://www.ices.dk))

<sup>3</sup> European Fisheries Ecosystem Plan (EFEP) project. Contract No. QLRT-CT-2001-01685. <http://www.efep.org>

and other marine organisms and reduce by-catches of marine mammals to less than 1% of the best population estimate.

4. The Ministers **welcome** the further development of detailed arrangements for the establishment and application of the OSPAR Ecological Quality Objectives, including those related to fish communities, and recommend that the competent authorities extend these by including more fishery indicators, such as those developed by the European Commission to monitor the environmental performance of the Common Fisheries Policy (CFP) and by the equivalent indicators used in Norwegian fisheries management.

5. The Ministers **note** the special role played by industrial fish stocks as key elements of the North Sea ecosystem by constituting the main food item of a wide range of marine species. The Ministers also **note** with concern the recent abrupt decline of the stocks of sandeel and Norway pout and the recent decline in seabird populations. Ministers **request** the competent authorities to continue the current management regime, i.e. to adjust fishing pressure on these stocks in the light of scientific advice, and reinforce research on the impact of the decline of sandeel and Norway pout on the food web and the reasons behind the abrupt decrease in the productivity of these two fish species. Competent authorities should take actions that regulate fishing pressure on these fish species according to real-time assessments of stock levels and to reinforce research on the current stock declines and on the consequent deterioration of the associated food web.

#### *Prior Environmental Assessments of fisheries*

**Legislation is in place through Environmental Impact Assessments (EIA) and Strategic Environmental Assessment (SEA) to ensure that certain projects, plans and programmes are assessed in advance with a view to promoting sustainable development. Fisheries are changing the structure and functioning of the North Sea ecosystem. Size and composition of fish stocks have changed, the magnitude and long term consequences for the future use of the ecosystem are uncertain and the means to restore the system are not yet elaborated. Fisheries management should be implemented within a framework of broader integrated management tools also applicable to a wider set of human activities in the North Sea and around its shores.**

6. As part of a general framework, the Ministers **commit** themselves to develop further and implement the use of spatial planning as a tool in the deployment and management of different actions, including fisheries, in coastal and marine areas at national and regional level, taking into account the OSPAR work on spatial planning.

7. The Ministers **request** EU and Norway and responsible national agencies to strongly support the use of ecosystem-based management advice, which includes assessments of environmental impacts of fishing activities on the ecosystem.

8. An environmental assessment of fishing plans or programmes is a key element of the management of fishing within an ecosystem approach. The Ministers **request** the EU, Norway and competent authorities to test and introduce by 2010 technical guidelines for the assessment of the effects of fishing activities on the North Sea ecosystem, including tools for assessment of the impact of fishing activities on sensitive species and habitats, and to continue to develop these as necessary. The Ministers further **invite** those countries and authorities to undertake voluntary environmental assessments of new strategic fisheries plans and programmes if they would not require such an assessment under prevailing legislation. In this context, the Ministers further **invite** the competent authorities to request ICES to assess and compare the collateral impacts of different fishing methods and gears in the North Sea.

#### *Marine Protected Areas and closed areas*

**Marine Protected Areas (MPAs) and closed areas<sup>4</sup> are valuable tools in the sustainable management of marine resources and in the maintenance and conservation of marine biodiversity and ecosystems. They may have different goals in this context. In fisheries management the purpose of closed areas is generally to prevent capture of juvenile fish, to protect spawning aggregations or to protect other sensitive species and habitats from adverse fishing impact. MPAs are tools for biodiversity protection against the threats from a whole set of activities, including or not fisheries.**

9. The Ministers **welcome** OSPAR's work to establish, by 2010, an ecologically coherent system of well-managed Marine Protected Areas (MPAs) designated for the conservation and/or restoration of the marine environments in the OSPAR Maritime Area.

The Ministers **request** the competent authorities, including fisheries management authorities, to collaborate closely in implementing the management regimes associated with these MPAs.

10. Spatial management of fisheries including closed areas, should take into account the risk of displacement of effort on neighbouring stocks. The Ministers **encourage** the competent authorities to support further research on closed areas as a management tool for the restoration of depleted fish stocks.

11. Furthermore, the Ministers **request** the competent authorities to consult with the North Sea RAC and other relevant bodies and request scientific advice from ICES concerning the designation, by 2008, of experimental closed areas of sufficient size and duration in addition to the strategies for recovery of demersal stocks.

12. The Ministers further **invite** the competent authorities to examine, by 2008, areas to be closed temporarily to the relevant fishing activities for the protection of juvenile fish (real time closures<sup>5</sup>), acknowledging that closed areas are regularly in use in some North Sea countries.

13. The Ministers **acknowledge** the that there will be a need to develop management plans for fishing activities in certain MPAs designated primarily for nature conservation purposes. In some cases, such MPAs may also benefit fish populations as long as beneficial effects are expected on the ecosystems that host fish stocks. The Ministers therefore **request** the competent authorities, in cooperation with the North Sea RAC and other relevant bodies to collect relevant data on the impacts of fishing on species and habitats in such MPAs in order to establish the scientific basis for such management plans.

#### *Reduced fishing pressure including effort management regimes*

**There is a need to reduce the capacity of the fishing fleet and to keep fishing pressure and fishing mortality within sustainable levels. Reduced fishing pressure is necessary to alleviate the impact on the marine environment. Effort-based management systems have been identified and successfully introduced elsewhere to complement catch limitations in order to protect fish stocks.**

14. The Ministers **welcome** and **urge** the competent authorities to effectively implement the effort limitation regimes currently in place in the North Sea in the framework of the cod recovery plan. The Ministers also **encourage** the competent authorities to apply effort regimes to other fisheries, such as the ones directed towards flatfish.

---

<sup>4</sup> 'Closed areas' refers to a portion of the sea including the seabed where certain fishing practices are prohibited or strongly restricted

<sup>5</sup> 'Real time closure' refers to a measure to stop fishing activities in order to protect juvenile fish and in some cases spawning fish

15. The Ministers **urge** competent authorities to effectively implement the measures outlined in the cod recovery plan. In addition, the Ministers **request** the competent authorities to undertake by 2007 an in depth evaluation of the effectiveness of the current cod recovery plan and to subsequently consider, on the basis of the results of such evaluation, to review the plan including its components on catch and effort limitations and associated technical conservation measures.

16. The Ministers **recognise** the need for more comprehensive knowledge of the relationship between applied fishing effort and the level of fishing mortality and **encourage** the competent authorities and stakeholders to finance further projects on the development of appropriate methods to measure the efficiency of different fishing fleets and to define the correlation between fishing effort and fishing mortality.

### *Discards*

**One major effect of fishing on the marine ecosystem is the high incidence of by-catch and discards, especially of younger fish. In many fisheries more fish are caught than are landed and registered. In some cases, only the most valuable fish are being landed and the remainder is discarded. Fish caught beyond available quotas are also discarded and this is one of the drawbacks of the management systems based primarily on limiting landings. The quantities and species composition of discards are measured and their monitoring is mandatory in the EU. In Norwegian fisheries, discarding is banned and legislation requires that all commercially caught fish shall be landed and registered.**

17. The Ministers are concerned that the level of by-catch and discards continues to be a major problem in the North Sea and **agree** that the overcapacity in many fleets is a significant contributory factor that requires further action and note that any further action to reduce capacity will be beneficial to discards. The Ministers therefore **urge** the competent authorities to intensify research and effort to develop more selective fishing gear and innovative fishing techniques with the overall objective of minimising discards and by-catch.

18. The Ministers **recognise** that a fundamental condition to an ecosystem approach to fisheries management is to know the size and composition of the catches and **stress** the importance of examining, by observer programmes and monitoring, the composition of fisheries discards and by-catch, to evaluate their implications for stock recovery and to enable a more complete assessment of wider ecosystem effects.

19. In situations where discarding of fish exceeding available quotas is high while prosecuting legitimate fisheries directed to other species, the competent authority should consider the setting of a management system based primarily on effort limitation but where catch limitation measures are given sufficient flexibility so that fish caught in excess of quota may be legally landed under strict control conditions. The Ministers **request** the competent authorities to give consideration to the initiatives of fishermen organizations to set up an effort regime of that sort in Kattegat by 2007 and to extend it, where possible, to other fisheries in the North Sea.

20. The Ministers **acknowledge** that a substantial proportion of discards is an unintended by-product of existing regulations and **recommend** that the competent authorities re-examine current management regimes to minimise this adverse effect. The Ministers **invite** the competent authorities to examine the Norwegian regime on discards and to, introduce measures to minimise discarding, including discard bans on a pilot basis by 2008. The Ministers further **invite** competent authorities to consider, in the light of the results of these pilot projects, an extension of the discards bans.



21. The Ministers further **agree** that the competent authorities, as a further step to reduce discarding, should immediately investigate all possible effective means to ban high-grading<sup>6</sup> and commission a progress report on its effectiveness by 2008.

#### *Marine litter and ghost fishing*

**Fishing may constitute an important source of litter pollution when fishing gear is lost at sea. Lost gear continues to trap fish for no-one's benefit (ghost fishing). When fishing, especially with bottom trawls, fishermen haul considerable amounts of litter of fisheries and non-fisheries origin from different sources that is generally thrown back in the sea. By adequately installing appropriate litter collection schemes on board, fishermen may contribute substantially to removing litter from the sea. Successful projects have been carried out in this field, such as the Save the North Sea Project.**

22. Ministers **request** competent authorities to investigate methods through EU Directive 2000/59/EC<sup>7</sup>, or if this proves not to be possible, through fishing for litter initiatives, to enable the fishing industry to contribute more positively to reducing the amount of litter in the sea, especially litter which is hauled up with their nets. If this approach proves not to be feasible, Ministers **request** the competent authorities to develop financially supported fishing for litter initiatives for the landing of non-operational waste.

23. Ministers **note** that the FAO work is in progress on a Code of Conduct for measures, including reporting regimes, necessary to minimise gear losses. The Ministers **agree** that the competent authorities in cooperation with the fishing industry should develop a mandatory reporting system for lost fishing gear where such a system is not yet in place.

24. The Ministers **request** the competent authorities to develop a programme for the marking and identification of fishing nets, including where possible with electronic equipment, and considering also the cost-effectiveness of such a programme, in order to trace lost nets, thereby facilitating their recovery.

25. The Ministers are concerned by the negative impacts of lost gear and **urge** competent authorities to assess the impact of ghost-fishing on marine ecosystems and establish a programme for regularly conducting retrieval of lost gear.

#### *Marine aquaculture*

**Aquaculture is likely to continue to grow rapidly onshore and in some coastal and inshore areas, adding pressure to the ecosystems of those waters, and increasing the demand for aqua-feed derived from wild capture fisheries. The interaction of escaped reared fish on wild populations both by biological interaction and by interbreeding can affect the genetic make-up and health of those populations. There are further effects of fish and shellfish farms on the environment such as discharge of nutrients, chemicals and biocides that should be anticipated and tackled.**

26. The Ministers **urge** the competent authorities in cooperation with the relevant industries to ensure the implementation of an Environmental Impact Assessment procedure for all new fish farm developments.

---

<sup>6</sup> 'High grading' refers to a practice whereby fishermen catch more than is necessary, in order to retain the most valuable components of the catch while discarding the remainder.

<sup>7</sup> Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues

27. The Ministers **request** the competent authorities to introduce, as soon as possible, measures to ensure that aquaculture demand of feed based on fishmeal and oil does not compromise the sustainability of wild fish stocks.

28. The Ministers **invite** the competent authorities to give much higher priority to the development and introduction of alternatives to aqua feed derived from direct targeting of wild fish stocks, and to give particular attention to improving the quality of feed produced from terrestrial plant material and fish waste from commercial fisheries that would otherwise be discarded.

29. The Ministers **invite** the competent authorities, in the context of marine spatial planning and SEA, to ensure that the siting of salmon and cod cage farming is such as to ensure that adequate protection is given to particularly vulnerable stocks of wild salmon and coastal cod.

#### *Fisheries control and enforcement*

**Fisheries control is an essential part of the management of marine fish stocks. One of the most serious challenges is Illegal, Unreported and Unregulated (IUU) fishing, which seriously undermine marine resources and fisheries management. Other priorities include the need for more effective, consistent and cooperative implementation of control and enforcement regulations. There is a need for greater bilateral and regional cooperation initiative between North Sea States to achieve improved monitoring, control and surveillance activities.**

30. The Ministers **agree** that effective fisheries control is an important part of fisheries management, which benefits sustainable fisheries. The Ministers undertake to promote the adoption of best practice and strengthen the rules where appropriate.

31. The Ministers **recognise** the urgent need for more effective and consistent control and enforcement of fisheries regulations and agree to continue their efforts to achieve uniformity in the implementation of control measures.

32. The Ministers **welcome** the adoption of a catalogue of sanctions without prejudice to national procedures with a view to comparable offences being pursued with equal vigour in different countries.

33. The Ministers **agree** that every effort should be made to prevent IUU caught fish from being landed and that regimes for efficient port state and flag state control should be established as soon as possible. Such regimes should include among other things the obligation to inspect landings and to exchange information. The possibility to close ports to vessels with a record of IUU-fishing, to detain and take sanctions against such vessels entering ports should also be further considered.

34. The Ministers **agree** that regional cooperation promotes the efficiency and effectiveness of fisheries control and realise that exchange of information and improved regional cooperation and integration of fisheries control will enhance more coordinated enforcement by the two North Sea regimes (EU and Norway).

35. The Ministers **welcome** the establishment of the Community Fisheries Control Agency, the aim of which is to contribute to strengthening EU regional cooperation in fisheries control around the North Sea. Furthermore, the Ministers **welcome** closer cooperation in fisheries control between the EU and Norway.

36. The Ministers **recognise** the existence of the North Sea Network of prosecutors and investigators for shipping and agree that the strengthening of a similar network involving EU Member States should be considered in the fields of fisheries as part of the cooperation between EU and Norway.

### III

## The environmental impact of shipping

Twenty years of fruitful cooperation within the framework of the International Conferences on the Protection of the North Sea has enabled the North Sea States to achieve progress on many issues relating to shipping. There is a need to continue to build on their common views in the future in relevant maritime forums, in order to extend the value of this cooperation. The shipping industry has made substantial efforts to reduce its emissions and move towards an integrated approach of sustainable shipping.

The global regulation of shipping through the IMO has contributed considerably to reducing the environmental impact of shipping, and that global and multilateral decision making is the proven model for this international industry. Such a basis is essential to maintain the industry's sustainability and its contribution to the economy of countries surrounding the North Sea. The international framework of legislation provided and being developed by the IMO is essential for mitigating remaining environmental impacts from shipping, and regional proposals within the North Sea should be integrated within this framework.

It can be noted with appreciation among other things the entry into force of Annex VI of MARPOL 73/78, the decision that North Sea will be a sulphur emission control area under MARPOL Annex VI and according to EU legislation, the newly initiated revision of Annex VI to further reduce air emissions from ships, the adoption of the revised directive on sulphur content in marine fuel, the rules on the phasing-out of single hull tankers by 2010, the adoption of the International Convention for the Control and Management of Ships' Ballast Water and Sediment 2004, and the decision to develop a legally-binding instrument on ship recycling.

#### *Ratification of conventions*

**Ratification of international conventions by North Sea States is important to ensure their timely entry into force.**

37. The Ministers **call upon** the North Sea States that have not done so to ratify the international conventions and other instruments noted in the appendix.

#### *Towards an integrated approach of sustainable shipping*

**It is recalled that *the clean ship approach* is the concept of vessels designed, constructed and operated in an integrated manner with the objective to eliminate, harmful discharges and emissions throughout their working life; the approach addresses all vessel operations and possible impacts on the environment, and will provide an increased opportunity for transport managers to choose environmentally sound sea transport options.**

38. In order to minimise the impact of shipping on the environment and therefore in order to reduce the discrepancy between existing regulations and best available technique and practices, the Ministers **agree** to develop and implement *the clean ship approach* in their maritime and environmental policies. The Ministers furthermore **agree** to pursue this policy by common initiatives within IMO.

i. To further promote *the clean ship approach*, the Ministers **recognise** that the use of economic and other incentives play an important role in improving the environmental performance of shipping and agree to explore introducing economic or other incentives. These incentives may include differentiated port and fairway dues, differentiated tonnage taxes or other systems.

ii. The Ministers **agree** to initiate, under the lead of Norway and the Netherlands, work to identify and formulate technical criteria for the international environmental indexing of ships,

i.e. a system for evaluating environmental performance based on certain commonly agreed parameters, for use in international and regional incentive schemes. The Ministers **emphasise** the need to start this work in the immediate future, and with the aim to develop and submit a proposal to the IMO on the environmental indexing of shipping and incentives schemes by 2007. The Ministers also **agree** to the examination of existing accreditation schemes and how these can stimulate incentives for shipping.

iii. The Ministers **agree** to promote *the clean ship approach* through a submission to IMO demonstrating the synergy of the approach with current IMO initiatives such as on goal based new ship construction standards (GBS), anti-fouling, ballast water management and ship recycling.

iv. The Ministers **reaffirm** the need to monitor progress towards *the clean ship approach*, and, in particular, **recognise** the need for appropriate evaluation and recording and, where this is not feasible, to estimate the emissions and discharges from ships operating in the North Sea. The Ministers **invite** OSPAR and HELCOM to participate in the development of methods for the collection and dissemination of data taking into account inter alia the prerequisite for the European information exchange system (SafeSeaNet). The Ministers **acknowledge** the development of new technologies, such as the Automatic Identification System (AIS) the carriage of which by ships is mandatory under SOLAS Convention, and **encourage** the use of these technologies for data collection where appropriate.

v. The Ministers **will examine** domestic research and development activities with a view to promoting activities under research and development programmes for *the clean ship approach*, inter alia activities aiming at the stimulation of new solutions through the analysis of perceived shortfalls in existing regulations and in technology both at the early stage (new ideas and concepts), and at the stage of commercialisation and implementation. The Ministers **will promote** broad involvement of all stakeholders in the task of innovation, and research and development, for instance through national and regional clean ship innovation forums.

vi. Ministers **recognise** the valuable work by Paris Memorandum of Understanding (MoU) and the need to continue its activities to eliminate sub-standard shipping and **take note** of the presentation of European Commission's proposal for a third maritime safety package, including the amendment to the Council Directive on Port State Control (95/21/EC). The Ministers further **agree** to investigate how port state control inspection regimes, including the Paris MoU, can reflect high environmental performance.

***Further co-operation in the following areas are central to the promotion of the clean ship approach.***

#### *Ballast water*

**In order to reduce, mitigate and as far as possible prevent adverse effects from the introduction and transfer of non-indigenous species via ships' ballast water and sediments on the ecosystem and indigenous species, the International Convention for the Control and Management of Ships' Ballast Water and Sediment has been adopted by the IMO in 2004.**

39. The Ministers **agree** to take forward the regional implementation strategy within OSPAR and other relevant regional organisations in order to implement a Ballast Water Management Strategy for the North Sea/North West Europe to control the risks of non-indigenous species invasion through the control of ballast water exchange in line with the IMO Convention. This will establish adequate mitigation and control measures for the North Sea based on ballast water exchange practices, prior to

the IMO Convention's water quality standards entering into force. The Ministers also **invite** HELCOM to participate in such a strategy.

40. The Ministers **support** the development and adoption of Guidelines to facilitate the International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004.

41. The Ministers **agree** to promote development of new technologies in order to meet the requirements of the International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004.

### *Anti-fouling*

**Antifouling systems are needed to limit the growth of unwanted organisms on the hulls of ships and boats. The International Convention on the Control of Harmful Antifouling Systems, adopted by the IMO in 2001, provides a global framework for, with due regard to both the risk and the benefit of each system, taking action to limit adverse effect on the marine environment and human health caused by antifouling systems.**

42. The Ministers **agree**, as a North Sea strategy on the control of harmful antifouling systems:
- i. to cooperate within the framework of the Biocidal Products Directive (98/8/EC) to put forward arguments to limit the use of harmful antifouling products in the North Sea region;
  - ii. to propose to IMO to include in Annex 1 of the AFS Convention any biocides that failed to be included in Annex I of the Biocidal Product Directive due to unacceptable risk, and
  - iii. to encourage substitution and innovation of alternative antifouling systems, involving relevant stakeholders.

### *Air pollution*

**Important steps have been taken to reduce air pollution from ships, such as the entry into force of Annex VI to MARPOL 73/78 on 19 May 2005, and the designation of the North Sea as a sulphur oxide emission control area. However, there are concerns that if no further measures are introduced, by 2020 emissions of SO<sub>x</sub> and NO<sub>x</sub> from international shipping around Europe may have surpassed the total emissions from all land-based sources in the 25 EU Member States combined.<sup>8</sup>**

**This will have an impact on environmental and health problems. Furthermore, further work is needed on measures to reduce the climate change impact of international shipping.**

43. The Ministers thus **recognise** a need for further actions to reduce air pollution from shipping. The Ministers **agree** to actively cooperate in the IMO to reduce marine emissions to the atmosphere, by the further strengthening of international standards in the ongoing process to review Annex VI of MARPOL 73/78 and the NO<sub>x</sub> Technical Code.

The Ministers further **agree** that the review of Annex VI, should:

- i. quickly lead to the reduced emissions from international shipping resulting in improved environmental quality for the North Sea region and establishing a long term predictable framework for industry, without reducing the energy efficiency of engines;
- ii. develop measures to improve the quality of marine fuels;

---

<sup>8</sup> The Communication on Thematic Strategy on Air Pollution and the Directive on "Ambient Air Quality and Cleaner Air for Europe", COM 2005 (446) final, COM 2005 (447) final

- iii. strengthen the present IMO requirement for new engines as far as can be achieved with present technology and make the new limit enter into force as rapidly as the amendment procedure allows for;
- iv. investigate whether the original NO<sub>x</sub> requirement of IMO MARPOL Annex VI can apply to engines installed on a ship constructed prior to 1<sup>st</sup> January 2000, not later than the first renewal survey after the entry into force of the amendment;
- v. aim to further strengthen the present IMO requirements by a total of 40% or more of the existing NO<sub>x</sub> requirement curve, examine the extent to which this is achievable and what means should be employed to achieve this end as soon as possible;
- vi. develop appropriate control measures in IMO to reduce emissions of Volatile Organic Compounds (VOC's) from the cargo tanks of all tankers; and,
- vii. establish appropriate requirements for ships' emissions of particulate matter leading to improved air quality in the North Sea region and in particular ports and harbours.

Ministers also **agree** to aim for a reduction of SO<sub>x</sub> emissions in the North Sea from shipping. To that end they **agree** to commission a joint North Sea study into the issues surrounding the global supply of low-sulphur fuel oil, with a view to contributing to the review of MARPOL Annex VI, and specifically informing any decision to revise the SECA (SO<sub>x</sub> Emission Control Area) sulphur cap, potentially to 1.0 % m/m, and/or the global cap.

44. Given the contribution of shipping to local and regional environmental and health problems and in order to meet mandatory air quality standards especially in North Sea port areas, the Ministers also **highlight** the need for additional measures to reduce marine air emissions, such as on-shore power supply where appropriate. They **welcome** the initiative within the IMO to further study the possibility of standardizing onshore power supply, and encourage ports to consider offering shore-side electricity. The Ministers **agree** to encourage – for example by economic incentives – the provision and use of shore side electricity in North Sea harbours, in particular for ships making regular calls, and to promote international standardisation of shore-side electricity equipment.

45. The Ministers **agree** to further consider the possibility of integrating shipping into emission trading regime(s) to give incremental reductions in ships emissions. To strengthen the credibility of trading schemes, emission reductions should be monitored, calculated and verified in practice.

46. Ministers **agree** to cooperate actively with the IMO to follow-up and further develop the IMO policy to limit and/or reduce greenhouse gas emissions from international shipping.

#### *Marine litter*

**Despite the wide range of measures taken in recent years, litter in the marine environment still remains a significant source of pollution causing environmental, safety and economic problems to marine and coastal environments, as well as to coastal communities in the North Sea States. Marine litter can only be addressed by efforts from all sectors of society.**

47. Taking account of the recent invitation to IMO from the UN General Assembly on Oceans and the Law of the Sea, Ministers **support** the call to revise MARPOL 73/78 Annex V – Garbage. Ministers also **agree** to contribute to the development of a more modern regime for the reduction of waste from ships through such a revision.

48. The Ministers **support** work of OSPAR on Marine Litter, including the implementation of the ecological quality objectives on plastic litter, the North Sea pilot project on monitoring marine beach litter, under the leadership of Sweden, and the further development of relevant indicators for marine litter in the North Sea. These outputs will be vital to the further development of pro-active and

sustainable policies in this area, enabling projects and measures to be developed, focused on the major sources and impacts of litter in the marine environment, and also enabling progress to be measured.

49. The Ministers **call on** the international shipping community to continue to develop quality management systems on board ships that address, and set down procedures for, the handling, storage and disposal of all wastes and encourage waste minimization and recycling, recognising the importance of adequate port waste reception facilities.

50. Ministers **agree** to support the efforts being made to tackle the problem of marine litter at its source and to link the issue with other national and international strategies on recycling of waste, limiting waste at source and packaging.

51. The Ministers **encourage** the many projects being undertaken by specific industries and local communities, where litter is being removed from the coastal and marine environment, such as beach clean-up operations, Fishing for Litter initiatives, adopt a beach schemes, local litter campaigns in the coastal and marine environment, noting the important role of the voluntary sector in such activities.

#### *Port Waste Reception Facilities*

**The provision of Port Waste Reception Facilities for mandatory use is one of the major tools for managing the disposal of garbage and other ship-generated wastes plus cargo residues, and for stopping illegal discharge into the North Sea. The delivery of waste from ships and the provision of Port Waste Reception Facilities are both requirements of MARPOL 73/78 Annex I, IV and V and the EC Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues. Consistent with this Directive, a number of charging systems are in place in the North Sea States, and HELCOM Member States have a “No special fee” system (100%) for the Baltic Sea.**

52. The Ministers are **encouraged** by the significant development of waste management systems that work as an incentive to deliver all ship-generated waste plus cargo residues to waste reception facilities, that have been set up during the implementation of EC Directive 2000/59/EC.

53. The Ministers **emphasise** the importance of reasonable, practicable and fair implementation of the Directive throughout the Member States in order to reduce the administrative burden for and to obtain a level playing field between European ports.

54. The Ministers **welcome** the existing coordination and liaison between countries in this matter, and **recognise** the efforts made by the shipping and ports industries to implement the EC Directive (2000/59/EC) on port reception facilities for ship-generated waste and cargo residues around the North Sea.

55. The Ministers **agree** to identify disincentives to the provision and use of port waste reception facilities and work toward the removal of these obstacles.

56. The Ministers **look forward** to results of the forthcoming European Commission review of the EC Directive on Port Reception Facilities. The Ministers **call on** the competent authorities to ensure that the review in progress of the EU Directive on Port Reception Facilities should also consider the implications of applying the Directive to the EU fishing industry and in the Member States. The Ministers **note** that the European Commission will evaluate the experience from all the charging systems in its forthcoming review of the Directive.

#### *Ship recycling*

**The breaking-up and recycling of ships that have reached the end of their economic lives can have serious adverse impacts on the marine environment and on human's health in the ship yards where ships are recycled. Significant progress has been made since the Bergen Declaration to address the environmental and socio-economic issues concerning ship-recycling, within the International Maritime Organization, the International Labour Organization and the Basel Convention.**

57. Ministers **encourage** continued participation in the work on ship recycling of the International Maritime Organization, the International Labour Organization and the Basel Convention and will contribute actively to the rapid development within IMO of a legally binding instrument to be ready for adoption at the latest by 2009. The Ministers **stress** the importance of applying existing voluntary guidelines until the adoption of the convention, working internationally bringing the convention into force, adopting the national legislation needed to implement the convention, and applying the convention at the national level. The ministers **recognise** the need for developing one single instrument for ship recycling.

#### *Other themes contributing to the clean ship approach and safeguarding the marine environment*

##### *Ship source pollution*

**Accidental and deliberate discharges from ships pose a problem, which it is urgent to address through inter alia operational measures and by investigating the scope for developing incentives for ships with a record of good environmental performance.**

58. The Ministers **will continue** to promote efforts to combat accidental and deliberate discharges from ships, including sewage and garbage. These efforts should include ensuring that all North Sea States:

- i. **take** the necessary operational **measures** to implement the relevant international instruments on maritime safety and on response to maritime incidents;
- ii. **promote** the use of port reception facilities and the enforcement of MARPOL and the national legislation implementing it;
- iii. **educate** mariners and other users of the sea on the importance of avoiding pollution from operational and accidental discharges;
- iv. continue to **cooperate** through the Bonn Agreement on response and enforcement in order to improve preparedness to respond to any accident or illegal pollution at sea;
- v. **support** the initiatives within the IMO to further reduce risks of pollution by shipping, in particular in emergency conditions, and focus the attention on appropriate towing procedures.

##### *Liability*

59. The Ministers **recognize** that due to lack of accession by states to existing IMO conventions there still are deficiencies in the compensation and liability regime in relation to pollution from ships, Therefore the Ministers **agree** to encourage all states to, as soon as possible, accede to the 2003 Supplementary Fund Protocol; the 1996 HNS Convention; the 2001 Bunkers Convention, and the 1996 Protocol to the 1976 Convention on Limitation on Liability of Maritime Claims. Furthermore, all states are encouraged to actively participate on the ongoing work in IMO on a draft wreck removal convention.

60. The Ministers **agree** to actively cooperate at IMO to assess if there are any loop holes or gaps in the existing regimes for liability and compensation (in relation to consumer goods) which gives reasons for concern, and to take action when a need is identified. Such an assessment can best be made in the light of experience acquired through the implementation of existing conventions.



### *Ship to ship transfer*

**The transfer of oil cargo between ships at sea represents a potential environmental problem.**

61. The Ministers **are aware** of, and **value**, existing industry guidelines and **agree** that North Sea States will work together in the IMO to develop an international mechanism to regulate ship-to-ship transfers of oil carried as cargo, and bunkering operations, beyond the limits of States' Territorial Seas.

### *Marine Awareness*

**The importance of the human factor alongside new technologies and legislation in the environmental performance of shipping has gained recognition internationally in recent years. There is a benefit from marine environmental education in reducing the impact of shipping on the marine environment.**

62. The Ministers **agree** to work towards the further integration of a requirement for marine environmental awareness/sustainable shipping training into the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) at the latest by 2010.

63. The Ministers **agree** to invite OSPAR to develop and disseminate by 2007, and a continuous consideration thereafter, operational objectives and guidelines, including an awareness-raising and education programme on marine litter for the maritime sector.

### *Maritime safety of tanker vessels*

**The IMO decided in 2003 to accelerate the phasing-out of single hull tankers by 2010.**

64. The Ministers **agree** to cooperate within IMO and the EU towards the further elimination of sub-standard oil tankers. The phase-out of single hull tankers will contribute to an increased level of maritime safety and environmental protection. This development has to be combined with a high level of control and maintenance of double hull tankers in order to avoid these vessels turning into high-risk ships. The Ministers **agree** to promote such control and maintenance by taking concerted action within IMO, and in particular;

- i. note and appreciate the development at IMO of mandatory performance standards for ballast tank coatings for new vessels, and support early adoption of these standards for new double-hull tankers;
- ii. encourage the development at IMO of standards for cargo tank coating systems and their mandatory application to the deckhead and tank top structures within cargo tanks for new vessels;
- iii request IMO to consider any additional measures that may be necessary for the safety of ageing double-hull tankers.

65. The Ministers **note** with interest the ongoing work in the Interreg IIIB project Safety at Sea with the objective of stimulating national, regional and local governments to cooperate in order to find common strategies and best available techniques and practices to reduce the risk and impact of accidents. The Ministers **look forward** to the results of this project.

### *Hydrographic surveys and charts*

**In order to ensure that the safety of navigation is not endangered by inadequate source information, additional measures to improve hydrographic services are needed.**

66. Ministers **endorse** the additional measures to ensure improved hydrographic services recommended by the North Sea Hydrographic Commission. These include systematic re-surveying of major shipping routes and ports, and promotion of the use of official Electronic Navigational Charts (ENC).

67. The Ministers **agree** to develop a scheme for systematic resurveying of major shipping routes and ports according to IHO standard S-44.

68. The Ministers **agree** that their administrations will notify IMO of their acceptance of type approved Electronic Chart Display and Information System (ECDIS) as SOLAS regulation V/19. The Ministers **undertake** to conduct national campaigns to inform ship owners of such acceptance, availability and advantages of use.

### *Maritime Transport of Radioactive Materials*

**Security, safety, protection of human health and the environment are of paramount importance for the maritime transport of radioactive materials. There are concerns about the damage that could result (including pollution of the maritime environment) in the event of an accident or incident occurring during such transport. Therefore, the most effective safety and security measures are required, commensurate with the risk associated with the materials being transported. Effective liability mechanisms should be in place in the event of nuclear damage.**

69. Whilst recognising the continuing concern about a potential accident during the transport of radioactive material by sea, Ministers **welcome** the work that has been undertaken in this field since 2002 and, in particular, the progress in the implementation of the Action Plan for the Safety and Transport of Radioactive Materials of the International Atomic Energy Agency (IAEA), which was approved by the Board of the IAEA in March 2004.

70. The Ministers **note** the discussions that have taken place on this issue at the UN General Assembly in 2005 and **encourage** the IAEA to pursue implementation of all areas of the Action Plan. In particular, Ministers **urge** all North Sea States to continue their efforts to implement the Action Plan and to cooperate fully with the IAEA to that end. They further urge North Sea states to maintain dialogue and consultation (particularly under the aegis of the IAEA and IMO) with the aim of improved mutual understanding, confidence building and enhanced communication in relation to the safe maritime transport of radioactive materials.

71. The Ministers **recognise** the importance of having in place effective liability mechanisms, and **believe** that the principle of strict liability should apply in the event of nuclear damage arising from an accident or incident during the transport of radioactive materials according to the terms of relevant revised international agreements on civil nuclear liability. They agree to keep their National Pollution Contingency plans under review.

72. The Ministers **agree** to ensure that vessels, equipment and containers used for the maritime transport of radioactive materials originating from their countries, meet the highest relevant international standards appropriate for the materials being transported. In particular, they recognise the importance of the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code) developed by the IMO. Ministers **urge** North Sea States to work with IMO to keep INF Code under review in the light of future development of new technologies.

## IV Enforcement of maritime pollution rules and standards

**In Chapter XII of the UN Convention on the Law of the Sea, MARPOL 73/78<sup>9</sup> and other instruments, the international community has adopted rules and standards to protect the marine environment from pollution by shipping. Such rules and standards will not be effective unless properly enforced. Their effective and efficient enforcement is a major tool in safeguarding the marine environment. Surveillance, investigation and prosecutions are essential activities to ensure that enforcement is effective. In transboundary enforcement, comparable levels of penalties, facilitating use of evidence and information on convictions of offenders are important to ensure effectiveness. To improve such enforcement in the North Sea, the Fifth North Sea Conference took an initiative to set up a North Sea Network of Investigators and Prosecutors, bringing together the independent authorities responsible for this work.**

73. The Ministers **welcome** the successful work of the North Sea Network of Investigators and Prosecutors<sup>10</sup> in promoting cooperation in the enforcement of, through sharing information and experience and developing good practice. They confirm that the Network should continue, and invite the OSPAR Commission to make arrangements for its future meetings and secretarial support. With the extension of the North Sea Area under the Bonn Agreement<sup>11</sup>, the Ministers **invite** Ireland to join the North Sea Network, and also invite other European States to join or attend as observers. They also **encourage** cooperation between the Network and experts in ship identification systems and between the Network and those responsible for Port State Control.

74. To facilitate enforcement against vessels which are no longer in the jurisdiction where they have committed an offence, the Ministers **agree** that they will promote as soon as practicable national legislation to make pollution of any part of the North Sea an offence under the domestic law of each North Sea State (where this has not already been done). The Ministers will furthermore take into account article 218(2) and (3) of the UN Convention on the Law of the Sea and thus ensure that requests for investigation and prosecution in accordance with these provisions are issued to other North Sea States wherever and whenever appropriate.

75. While recognising that the penalty for any specific offence will always be a matter for the court (or other authority) that takes the final decision on the sanctions to be applied in that individual case, the Ministers **stress** the importance of ensuring that the levels of penalties in all North Sea States are comparable in order to avoid the impression that some North Sea States regard such offences as of lesser importance. The Ministers therefore **welcome** the creation by the North Sea Network, to the extent permitted by national law and practice, of a data-base of information on successful prosecutions, showing the penalties imposed and the backgrounds to them, so that the information exists for submissions to courts (and for consideration by other authorities) on relative penalty levels between jurisdictions.

76. The EU Ministers also **agree** to give priority to work to apply the EC Directive on ship-source pollution and the complementary EU Framework Decision<sup>12</sup> to discharges at sea in breach of MARPOL Annex 1, and invite Norway to consider similar national action.

---

<sup>9</sup> The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto.

<sup>10</sup> Set up under §42 of the Bergen Declaration.

<sup>11</sup> Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances, 1983

<sup>12</sup> Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of sanctions for infringements and the Council Framework Decision 2005/667/JHA of 12 July 2005 to strengthen the criminal-law framework for the enforcement of the law against ship-source pollution.

77. Given the comparatively small size of the North Sea, the number of coastal States and the density of shipping traffic, the Ministers recognise that there will often be cases where some of the evidence needed to prove a case will have to be gathered in a jurisdiction other than that in which the prosecution (or other process) takes place. The Ministers therefore **endorse** the work of the North Sea Network in improving understanding of what the requirements are for each system for each of the main types of evidence, and, where necessary, developing procedures for ensuring the ability to use these different types of evidence in jurisdictions other than those where it is collected, taking account of future developments in technology and practice.

78. In view of the international nature of the shipping industry, the deterrent effect of publicity of convictions of offenders and the need to ensure that, where there have been convictions or other penalties in a number of jurisdictions, those offences can be taken into account in assessing further penalties by the same offender, the Ministers **agree** that, for all North Sea States<sup>13</sup>, all convictions for maritime pollution offences in other such States are given publicity in the same way as is done for domestic convictions and penalties.

79. Likewise, in order to ensure that relevant information is available to those who charter, or make agreements for the operation of, vessels from shipping companies, the Ministers further **agree** to establish national procedures<sup>14</sup> whereby such persons can find out the environmental track-record of the relevant shipping companies, ship-operating companies and their employees (including relevant convictions for maritime pollution offences).

---

<sup>13</sup> This applies to all North Sea States where, and as long as, such publicity is feasible under national law and practice.

<sup>14</sup> This applies to all North Sea States where, and as long as, such publicity is feasible under national law and practice.

## V

### Future cooperation

80. Substantial progress has been made during the North Sea process. Many of the issues that have been discussed over the years are now being treated in other forums. In the spirit of the progress made Ministers **agree** to follow up the issues identified during this meeting. The Ministers **note** that for the moment there is no plan for another North Sea Conference or Ministerial Meeting. However the Ministers **are determined** to continue close contacts on North Sea environmental issues in the future.

81. At the fifth North Sea Conference in Bergen in 2002 the Ministers invited OSPAR to follow up a substantial part of the North Sea process except the two issues of sustainable shipping and fisheries. As was stated in the Bergen Declaration in 2002, substantial parts of the North Sea process can be continued efficiently, notably in OSPAR and the EU.

82. In this context Ministers **conclude** by:

- i. **agreeing** to continue the cooperation on North Sea environmental issues in close contacts with stakeholders such as local and regional authorities, intergovernmental and non-governmental organisations;
- ii. **agreeing** to continue actively the cooperation under the Bonn Agreement to plan and prepare for responses to maritime accidents and disasters, to carry out surveillance of the North Sea Area for pollution from vessels and offshore installations and to help each other in responses to maritime accidents and disasters;
- iii. **agreeing** to actively support the continuation of the network of prosecutors and investigators in order to improve the enforcement of internationally agreed rules and standards for the prevention, reduction and control of pollution from vessels and ask the OSPAR secretariat to continue to serve as its secretariat;
- iv. **deciding** to consult each other actively in the process of developing a European Marine Strategy with the overall objective of promoting the sustainable use of the seas and conservation of marine ecosystems, including sea beds, estuarine and coastal areas, and paying special attention to sites holding a high biodiversity value;
- v. also **deciding** to support actively, and preferably jointly, the development of the Future Maritime Policy of the EU, and ensuring that the European Marine Strategy will deliver the environmental pillar of that policy;
- vi. **inviting** OSPAR to follow up periodically the various decisions in the North Sea process, in cooperation with the EU, with a view to safeguarding the commitments agreed in the North Sea Conferences;
- vii. **urging** other organisations to intensify their cooperation and consultations with industry, local and regional organisations and non-governmental organisations;
- viii. **agreeing** to share with other regions the experience gained in the North Sea process;
- ix. **welcoming** the intention of the Netherlands to organise on an *ad hoc* basis informal consultations, including the North Sea States and interested non-governmental organisations, on shipping issues affecting the North Sea.

83. The Ministers **invite** Sweden to report on the results of the Göteborg Ministerial Meeting to the EU, OSPAR, the IMO, the UN/ICP<sup>15</sup> and other relevant international organisations.

#### **APPENDIX ON RATIFICATIONS OF INTERNATIONAL INSTRUMENTS<sup>16</sup>**

---

<sup>15</sup> UN Informal Consultative Process on Oceans and the Law of the Sea

<sup>16</sup> This appendix is subject to detailed checking by the North Sea States.

1. The Bergen Declaration contains five commitments by the North Sea States to seeking the early ratification by them of international instruments related to the protection of the marine environment. These instruments are:

- a. Annex VI (air pollution) to the International Convention for the Prevention of Pollution from Ships, 1973 and its Protocol of 1978 (MARPOL 73/78, Annex VI) (*Bergen Declaration §44(i)*);
- b. the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (the 1996 HNS Convention) (*Bergen Declaration §38(i)*);
- c. the Protocol of 1996 to Amend the Convention on Limitation of Liability for Maritime Claims, 1976 (LLMC Protocol 1996) (*Bergen Declaration §38(ii)*);
- d. the Protocol of 1998 on Persistent Organic Pollutants to the UN ECE Convention on the Long-Range Transport of Air Pollution (LRTAP Convention POPs Protocol) (*Bergen Declaration §59(ii)*);
- e. the Stockholm Convention on Persistent Organic Pollutants, 2001 (the 2001 POPs Convention) (*Bergen Declaration §59(ii)*).

2. The commitment to seeking early ratification of the 1996 HNS Convention was qualified, for EU Member States, by reference to the need for an EU Council Decision. EU Council Decision 2002/971/EC authorised the EU Member States<sup>17</sup> to ratify or accede to the HNS Convention in the interest of the Community. EU Member States are to take the necessary steps to deposit their instruments of ratification or accession within a reasonable time and, if possible, before 30 June 2006.

3. The Göteborg Statement adds similar specific commitments relating to the ratification by North Sea States of a further three instruments.

- a. the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (the 2001 AFS Convention) (*Göteborg Statement §42*);
- b. the Protocol of 2003 on a Supplementary Compensation Fund to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (the 2003 Supplementary Fund Protocol) (*Göteborg Statement §61*);
- c. the International Convention for the Control and Management of Ships' Ballast Water and Sediment, 2004 (*Gothenburg Statement §39*).

4. In the course of the preparation of the Göteborg Ministerial Meeting, the following international instruments were also identified as important for the protection of the marine environment of the North Sea:

- a. the International Convention relating to Intervention on the High Seas in cases of Oil Pollution Damage, 1969 (the 1996 Intervention Convention);
- b. the Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear material, 1971 (the 1971 Maritime Nuclear Liability Convention);
- c. the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the 1972 London Convention);
- d. the Protocol relating to Intervention on the High Seas in cases of Pollution by Substances other than Oil, 1973 (the 1973 Intervention Protocol);
- e. the International Convention for the Prevention of Pollution from Ships, 1973, its Protocol of 1978, and its Annexes I (oil), II (bulk chemicals), III (packages), IV (sewage) and V (garbage) (MARPOL 73/78 and Annexes I, II, III, IV and V);

---

<sup>17</sup> In the light of the Protocol on the position of Denmark in the European Union, this decision (which was primarily concerned with issues relating to the administration of justice) does not apply to Denmark.

- f. the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (the 1990 OPRC Convention);
- g. the Protocol to the International Convention on Civil Liability for Oil Pollution Damage, 1992 (the 1992 CLC Protocol);
- h. the Protocol to the International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (the 1992 Fund Protocol);
- i. the Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1996 (the 1996 London Convention Protocol);
- j. the Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous Substances, 2000 (the 2000 HNS-PRC Protocol);
- k. the International Convention on Civil Liability for Bunker Oil Pollution Damage (the 2001 Bunkers Convention).

3. At 1 May 2006, the status of ratifications of these instruments by North Sea States participating in the Göteborg Ministerial Meeting is as follows (a tick in the relevant column indicates that the instrument has been ratified, approved or accepted:

INSTRUMENT	BE	DK	FR	DE	NL	NO	SE	UK
<b><u>Commitments to ratification from the 2002 Bergen Declaration</u></b>								
<b>MARPOL 1973/78 Annex 6</b> (air pollution from ships)	✓	✓	✓	✓		✓	✓	✓
<b>the 1996 HNS Convention</b> (hazardous and noxious substances in ships' cargoes)								
<b>the 1996 LLMC Protocol</b> (liability limitation)		✓		✓		✓	✓	✓
<b>the 1998 LRTAP POP Protocol</b>		✓	✓	✓	✓	✓	✓	✓
<b>the 2001 Stockholm POPs Convention</b>		✓	✓	✓	✓	✓	✓	✓
<b><u>Specific commitments to ratification added by the 2006 Göteborg Statement</u></b>								
<b>the 2001 AFS Convention</b> (anti-fouling systems)		✓				✓	✓	
<b>the 2003 Supplementary Fund Protocol</b>		✓						
<b>the 2004 Ballast Water Convention</b>								
<b><u>Other international instruments important for the protection of the marine environment</u></b>								
<b>the 1996 Intervention Convention</b>	✓	✓	✓	✓	✓	✓	✓	✓
<b>the 1971 Maritime Nuclear Liability Convention</b>	✓	✓	✓	✓	✓	✓	✓	18
<b>the 1972 London Convention</b>	✓	✓	✓	✓	✓	✓	✓	✓
<b>the 1973 Intervention Protocol</b>	✓	✓	✓	✓	✓	✓	✓	✓
<b>MARPOL 73/78 and Annexes</b>	✓	✓	✓	✓	✓	✓	✓	✓
<b>the 1990 OPRC Convention</b>		✓	✓	✓	✓	✓	✓	✓

<sup>18</sup> The United Kingdom has not ratified this Convention because it is a party to both the IAEA Vienna and Paris Conventions on the transport of nuclear material. These conventions cover all modes of nuclear transport, including maritime.

<b>INSTRUMENT</b>	<b>BE</b>	<b>DK</b>	<b>FR</b>	<b>DE</b>	<b>NL</b>	<b>NO</b>	<b>SE</b>	<b>UK</b>
<b>the 1992 CLC Protocol (oil pollution liability)</b>	✓	✓	✓	✓	✓	✓	✓	✓
<b>the 1992 Fund Protocol</b>	✓	✓	✓	✓	✓	✓	✓	✓
<b>the 1996 London Convention Protocol</b>	✓	✓	✓	✓		✓	✓	✓
<b>the 2000 HNS-PRC Protocol</b>		✓			✓		✓	
<b>(the 2001 Bunkers Convention</b>								