

# ESBJERG WADDEN SEA DECLARATION

Ministerial Declaration of the  
Ninth Trilateral Governmental Conference  
on the Protection of the Wadden Sea

Esbjerg, 31 October 2001

## **PREAMBLE**

The Minister of Environment and Energy, Denmark, the Federal Minister for the Environment, Nature Conservation and Nuclear Safety, Germany and the State Secretary of Agriculture, Nature Management and Fisheries, The Netherlands, responsible for the protection of the Wadden Sea Area, met at the 9th Trilateral Governmental Conference on the Protection of the Wadden Sea in Esbjerg on 31 October 2001 (Esbjerg II Conference) to reinforce, further develop and enhance their joint cooperation, building upon the Stade Declaration and the Trilateral Wadden Sea Plan adopted at the 1997 Stade Conference. They especially discussed future cooperation including the issues of humankind and the Wadden Sea, local cultural aspects and convening a Wadden Sea Forum.

THEY,

REAFFIRM the common responsibility for the protection and sustainable development of the Wadden Sea Area as a shared nature area of wide international importance as laid down in the Stade Declaration and the Trilateral Wadden Sea Plan;

REAFFIRM in accordance with §17 of the Stade Declaration that the Wadden Sea Area must be protected and managed on account of the external activities that potentially have an impact on the Targets;

ACKNOWLEDGE that the Wadden Sea is an area of major importance for the conservation of biodiversity, and that it is an area where people live, work and participate in recreation;

REAFFIRM their obligations according to the Convention on Biological Diversity and Agenda 21 regarding the protection of biological diversity and sustainable use of its components and the principle of sustainable development. Sustainable development must take account of the needs and requirements of the community, e.g. coastal protection measures, management of shipping routes, energy supply, agriculture, fisheries, harbors, tourism, infrastructure, industry and internal and external security. Sustainable human activities remain feasible in the future;

REAFFIRM that the safety of the inhabitants of the Wadden Sea region is of utmost importance;

ACKNOWLEDGE the vital importance of shipping safety for the protection the Wadden Sea.

RECALL the UN/ECE Convention on access to information, public participation and access to justice in environmental matters (Aarhus Convention) which provides action for

- developing public access to information held by the public authorities
- fostering public participation in decision-making which affects the environment
- extending the condition of access to justice;

ACKNOWLEDGE the benefits of the participation and contributions of non-governmental organizations and Wadden Sea advisory boards as valuable inputs to the implementation of the Stade Declaration and Wadden Sea Plan, as well as to the preparation of the Esbjerg II Conference, and therefore express the aim and willingness to continue and intensify the cooperation with these institutions on the work to protect the Wadden Sea and ensure sustainable human activities in the Wadden Sea region;

APPRECIATE the efforts made by the Inter-regional Wadden Sea Cooperation to contribute to the work of the Trilateral Wadden Sea Cooperation, in particular, in the field of environmental impact assessment, promotion of the cultural heritage of the local people, and sustainable tourism, and invite the Inter-regional Wadden Sea Cooperation to continue their work as an increasingly important contribution to sustainable development in the Wadden Sea region;

RECOGNISE the importance of marine science according to Part XIII of the UN Convention on the Law of the Sea for, *inter alia*, protection and preservation of the marine environment and the study of the global environment;

RECALL decision 7/1 of the UN-Commission on Sustainable Development that the understanding of the marine environment is fundamental to sound decision-making.

WELCOME the recommendations of the 10<sup>th</sup> International Scientific Wadden Sea Symposium, held in 2000, devoted to the “Challenges to the Wadden Sea Area” as a valuable contribution to the further development of policies and management in the framework of the Trilateral Wadden Sea Cooperation;

AGREE, in the exercise of their political responsibilities

## **PROGRESS IN IMPLEMENTATION OF THE STADE DECLARATION AND THE WADDEN SEA PLAN**

1. To **welcome** the progress in the implementation of the Stade Declaration and the Trilateral Wadden Sea Plan as documented in the Joint Progress Report.
2. To **carry** out the necessary actions aiming at implementing the still outstanding issues from the Stade Declaration and the Wadden Sea Plan.
3. To **recall** §11 of the Stade Declaration and to **decide** to further develop the Wadden Sea Plan on the basis of, *inter alia*, the Policy Assessment Report, and the highly appreciated contributions of stakeholders, including proposals for sustainable development.

## **STATE OF THE WADDEN SEA ENVIRONMENT**

4. To **acknowledge** the 1999 Wadden Sea Quality Status Report (QSR) as a technical report in which the status of the Wadden Sea ecosystem and the

implementation of the Targets have been assessed and **appreciate** the, often voluntary, work done by experts in elaborating the QSR.

5. To **acknowledge** the conclusions and recommendations of the Policy Assessment Report, which also entails a list of trilateral reports.
6. To **stress**, in light of not yet having reached the Target with regard to eutrophication, that particular emphasis must be given to reducing nitrogen inputs.
7. To **note** with satisfaction the reductions achieved in inputs and concentrations of most natural micropollutants, however, that the level of xenobiotics still gives cause for concern, and therefore to **continue** implementing current policies for the reduction of inputs of these substances.
8. To **note** with appreciation that much has been achieved in the past ten years with regard to improving the natural situation in salt marshes by the reduction, or phasing out, of grazing and artificial drainage and the outbanking of summer polders, and to **initiate** a survey of the present status of salt marshes on the basis of common trilateral criteria.
9. To **acknowledge** the efforts that have been made with regard to the policy on the mussel fishery and to stress that the implementation of the Targets on geomorphology, eelgrass beds and mussel beds still deserves attention and, therefore, to **evaluate** before the end of 2004 the mussel fishery with special attention to stable mussel beds.
10. To **base** the conservation and management of mussel beds on the protection of sites where stable beds occur and areas with a high potential for the development of stable mussel beds.
11. To **recall** the decision taken at the 6th Wadden Sea Conference to designate reference areas and, in this respect, to **welcome** the designation of a reference area without resource exploitation in the Schleswig-Holstein Wadden Sea in 1999 in addition to the Danish zero-use reference area designated in 1982, and the Hamburg zero-use area designated in 1990, and the anticipated designation of a reference area in the Dutch Wadden Sea.
12. To **recall** the Target of an increased area of dynamic beaches and dunes and to **initiate** the development of common criteria for classifying dunes, including dynamic dunes, and to report on the status of dunes in the Wadden Sea Area in 2003, as a basis for possible further actions to implement the Target.
13. To **acknowledge** that initiatives have been taken, e.g. in the Varde Aa and the Eider estuaries, which are anticipated to result in the long term in meeting the Targets for estuaries, and to **underline** the need for a continued application of the trilateral policy and management for the Wadden Sea estuaries where the Targets have not been met.
14. To **underline** that the management and protection of the Offshore Zone and Tidal Area be closely tuned.

15. To **stress** that sand will only be extracted outside the Wadden Sea Area and preferably from beyond the 20 m isobath, but that, in accordance with §7.1.3 of the WSP, exemptions for local coastal protection measures may be granted, provided that such exemptions are in accord with the Best Environmental Practice for coastal protection. It should also be ensured that the extraction of sand does not cause detrimental transboundary effects.
16. To **note** that shell extraction is only carried out in certain parts of the Dutch Wadden Sea Area at a level which is well below the amount of shells added to the Dutch part of the Wadden Sea Area by natural accretion.
17. To **underline** the need for sustainable management of the shellfish fishery in order to prevent detrimental effects on bird populations.
18. To **underline** the need for securing the importance of the Wadden Sea as a spawning and nursery area for fish populations.
19. To **stress** the need for further development of proper techniques and practices to reduce by-catch in the Offshore Zone and in the Tidal Area as part of future fishery policies.
20. To **note** with satisfaction the positive development of most bird populations and to **continue** the implementation of relevant measures as laid down in the trilateral Wadden Sea Plan to safeguard favourable food, roosting and breeding conditions for birds. With regard to moulting seaducks, such as Shellduck and Common Scoter, to **acknowledge** the need for more detailed information regarding moulting conditions within offshore moulting areas with the aim of taking appropriate measures to achieve a more undisturbed situation for seaducks, if necessary.
21. To **express** concern that some bird populations using the Wadden Sea (e.g. Brent Goose, Eider Duck, Oystercatcher and Knot) have shown considerable decreases during the last few years, and, therefore, to **safeguard** favourable food conditions in the future, especially for shellfish-eating birds.
22. To **underline** that some breeding bird species, such as Kentish Plover and Little Tern, are particularly vulnerable during breeding and, therefore, to **undertake** efforts to reduce the amount of disturbance at the sites used for these activities.
23. To **continue** to closely observe the developments with regard to installations in the Wadden Sea and the adjacent North Sea, with the aim of avoiding detrimental impacts on the environment in the Wadden Sea Area from these installations and to intensify the trilateral information process.
24. To **acknowledge** the potential impacts of wind turbine parks in the North Sea on the Wadden Sea environment and therefore to support a coordinated approach in a North Sea wide framework to the development of guidelines and principles for the installation of offshore wind energy parks, taking account of, amongst others, the protection of species and habitats and the high density of ships in the area

25. To **continue** to closely scrutinize existing and envisaged new activities outside the Wadden Sea Area, as these could infringe on the attainment of the Targets, and to **recall** the Shared Principles (§1.8 WSP) and §13 of the Stade Declaration on external impacts applying to the whole Wadden Sea.

## MARINE MAMMALS

26. To **note** with satisfaction the positive development of the seal population and to **adopt** the amended Seal Management Plan for 2002-2006 as in **Annex 1**.
27. To **recall** §10.1.1 of the Wadden Sea Plan in which the aim to protect breeding and rearing areas of the Harbour Porpoise in the Wadden Sea Area and the adjacent areas through appropriate measures was agreed, and to **urge** the EU to implement adequate fishery regulations for protecting the Harbour Porpoise.
28. To **recall**, in accordance with the 3rd Meeting of Parties to ASCOBANS, the definition of "unacceptable interactions" between fisheries practices and small cetaceans as being in the short term a total anthropogenic removal above 1.7% of the best available estimate of abundance, and to **support** the intermediate precautionary objective to reduce by-catches of harbour porpoise to less than 1% of the best available population estimate.
29. To **welcome** the designation of an area for the protection of small cetaceans in the offshore part of the Schleswig-Holstein Wadden Sea National Park, as a valuable contribution to the implementation of the Target concerning the Harbour Porpoise.
30. To **welcome** the Danish Action Plan to protect the Harbour Porpoise and especially the mitigation measure with the application of acoustic deterrents (pingers) as a first step to reduce incidental by-catch in the gillnet fishery.
31. To further **improve** gill net fishery practice in order to reduce incidental by-catch of marine mammals and birds.

## WORLD HERITAGE SITE NOMINATION

32. To **recall** the decision of the 1997 Stade Conference to strive for the nomination of the Wadden Sea Area, or parts thereof, as a World Heritage Site, in close cooperation with the local and regional authorities as well as local interest groups and local citizens, taking into account the natural and cultural-historic values of the area (WSP, §1.1.1 and §1.2.1).
33. To **welcome** the report on "The Nomination of the Wadden Sea Conservation Area as a World Heritage Site", entailing an updated feasibility study of the nomination of the Wadden Sea as a World Heritage Site concluding that
- 33.1 the Wadden Sea Conservation Area is worthy of inscription as a natural World Heritage Site as it meets all of the UNESCO criteria as a "Natural Property" representing one of the World's greatest wetland systems;

- 33.2 a nomination of the Wadden Sea Conservation Area for inscription in the World Heritage List is feasible under the current conservation and management arrangements;
- 33.3 the efforts of the people of the Wadden Sea countries to conserve and wisely use the Wadden Sea would be enhanced through the World Heritage Site award and provide benefits and opportunities for the region.
34. To **welcome** the consultation process which has been initiated in the Wadden Sea Region with the aim to consult the local people on the intended nomination, as requested by the UNESCO Guidelines.
35. To **acknowledge** the support, as well as, reservations expressed by stakeholders and others.
36. To **recognize** that the consultation process has not been finalized in the Wadden Sea Region as a whole and that therefore the consultations will continue with a view to their finalization within one to two years.

## LANDSCAPE AND CULTURAL HERITAGE

37. To **recall** that, at the Stade Conference, it was agreed to protect and conserve the cultural-historic and landscape elements of the Wadden Sea area through appropriate planning and management and that an inventory including a map should be made of most cultural-historical and landscape elements of the Wadden Sea Area and relevant adjacent parts with an assessment and recommendations for management (SD §37, WSP §1.1.2 and §1.2.2).
38. To **welcome** the report "Inventory of the Landscape and Cultural Heritage of the Wadden Sea Region" in the framework of the LANCEWAD Project co-funded by the Interreg IIC North Sea Program in 1999-2001, noting its recommendations for conservation and management of the landscape and cultural heritage and to **recommend** the publication of the LANCEWAD Project for a wider audience.
39. To **acknowledge** that the landscape and cultural heritage of the Wadden Sea region is of outstanding value, recognizing though that this heritage is under transformation.
40. To **encourage** the application of the overall conservation and management strategy, as entailed in the inventory referred to in §38, and taking account of the conclusions and recommendations of the Bad Bederkesa Conference, being
- 40.1 managed development of the heritage;
  - 40.2 use of the landscape and cultural heritage as an opportunity;
  - 40.3 involvement of stakeholders in the management;
  - 40.4 integration of policy and management of the natural and cultural environment;
  - 40.5 enhancement of the awareness of the landscape and cultural heritage.
41. To **support** the submission of a follow-up project in the framework of the Interreg IIIB North Sea Program with the aim of further elaborating and extending the common conservation and management of the landscape and cultural heritage.

## DELIMITATION

42. To **welcome**, since the Stade Conference in 1997, the extensions of the Danish Wadden Sea Wildlife and Nature Reserve in 1998, the Schleswig-Holstein Wadden Sea National Park in 1999, and the Hamburg Wadden Sea National Park and Lower Saxony Wadden Sea National Park in 2001.
43. To **note** that parts of the national parks of Schleswig-Holstein and Lower Saxony now exceed the three nautical mile line, which is the boundary of the trilateral cooperation according to Chapter I §7 and the Appendix 1 of the Wadden Sea Plan.
44. To **note** the modification of the baseline and of minor modifications of the National Park borders in Lower Saxony.
45. To **adapt** the boundaries of the Wadden Sea Area and the Conservation Area accordingly, as in **Annex 2**.

## EU LEGISLATION

### Natura 2000

46. To **welcome** the designation of further Special Protection Areas in accordance with the Birds Directive and the listing of additional habitat sites in accordance with the Habitat Directive since the 1997 Stade Conference, acknowledging though that the selection of Sites of Community Interest according to the Habitat Directive has not yet been concluded.
47. To **instruct** the Senior Officials, pursuant to §19 of the 1997 Stade Declaration in conjunction with §11 of the 1994 Leeuwarden Declaration, upon the conclusion of the process referred to in §46,
  - 47.1 to assess the coherence of the Natura 2000 Wadden Sea designated areas within and adjacent to the Wadden Sea Area taking into account the reaction of the European Commission on listed habitat sites;
  - 47.2 to assess the consequences for delimiting the Wadden Sea Area and Conservation Area.

### Water Framework Directive

48. To **recall** the coming into force of the "Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy" in December 2000. This Directive provides a strong impetus for coordinated water management of both surface water and groundwater for all river basins in the European community including coastal waters extending up to one nautical mile and, in respect of the chemical status, all of the territorial waters.



49. To **underline** the importance of close cooperation with regard to the Wadden Sea Area when implementing the Water Framework Directive and, because it is foreseen that the Wadden Sea Area will be part of a number of adjacent River Basin Districts for all of which separate River Basin Management Plans have to be developed, to establish an overview of how the trilateral cooperation for the protection of the Wadden Sea can assist with this task, taking into account, *inter alia*, the identification of synergism and the avoidance of duplicating work.

## **Environmental Impact Assessment**

50. To **appreciate** that the Inter-regional Wadden Sea Cooperation (IRWC), pursuant to the decisions at the State Conference, has continued the information exchange on environmental impact assessments carried out in the Wadden Sea Region and has established an overview of ongoing and finalized environmental impact assessment projects in the Wadden Sea Region via the internet, which will be extended and updated in the coming period to enable a comprehensive overview of all EIA screenings and projects in the Region.

51. To **acknowledge** that the revised EU Environmental Impact Directive (EEC 97/11) has resulted in a more harmonized approach to projects subject to an environmental impact assessment in the Wadden Sea Region. To **recognize** also that differences remain between the three countries with regard to the screening and scoping of the stipulations of the Directive. To **note** that IRWC will therefore evaluate the different assessment practices within existing legislation, including the screening and scoping procedures in order to obtain comparable results.

52. To **recall** the agreement of the Leeuwarden Conference to exchange information on the application of environmental impact assessments in the Wadden Sea Region in the framework of existing laws, with the aim of spreading information on relevant projects for the Wadden Sea Region.

53. To further **invite** the IRWC to deliver by the 2005 Conference an evaluation report based on the experiences with the implementation of paragraphs 51 and 52.

## **SHIPPING**

### **Shore Reception Facilities**

54. To **note** the trilateral inventory of the availability and accessibility of shore reception facilities.

55. To **recall** the adoption of the EU Directive 2000/59/EC regarding port reception facilities on ship-generated waste and cargo residues.

56. To **urge** the competent authorities to take the necessary measures to comply with the EU Directive 2000/59/EC regarding port reception facilities on ship-generated waste, in particular with regard to implementing the no-special-fee system in all harbors and with regard to cargo residues.

## Impacts of Shipping

57. To **recall** with concern the shipping accident of the MV Pallas (1998) and **welcome** the initiatives taken to evaluate this accident, investigate the possibilities to improve shipping safety and emergency management and the implementation of the first new measures in these fields.
58. To **welcome** IMO, EU and national activities to improve the safety of shipping, as documented in **Annex 3**, such as the accelerated out-phasing of single hull tankers, the further improvement of the port state control and the enhanced control of the classification societies.
59. To **emphasize** that illegal discharges of both oil and chemicals from ships still cause problems with pollution of the coastal area and that this problem needs continuous attention, and to **underline** that effective surveillance, including an intensified coordination of aerial surveillance, and strict prosecution are important to further reduce this problem.
60. To **establish** national land-based monitoring systems for ships based on AIS signals, in accordance with relevant IMO and EU regulations. A full monitoring of the Wadden Sea Area within GMDSS-A1 areas shall be strived for not later than 1 July 2005, and to **consider** establishing a common monitoring system based on all national AIS monitoring systems for the Wadden Sea and the adjacent coastal sea areas.
61. To **welcome** the EU initiative on a community vessel traffic monitoring and information system for marine traffic in the Wadden Sea Area, taking into account the introduction of land-based AIS monitoring systems.
62. To **invite** the competent authorities of Germany and Denmark to discuss mutual assistance in emergencies, especially with regard to emergency towing of vessels.

## Particularly Sensitive Sea Area Wadden Sea

63. To **welcome** the feasibility study on the Particularly Sensitive Sea Area (PSSA) Wadden Sea, compiled by the Marine Research Center, Southampton Institute, UK, in accordance with the agreement at the State Conference (SD §25).
64. To **note** the report by WWF, Germany, also on behalf of the Wadden Sea Team, on the "Protection of the Wadden Sea from ship accidents through the establishment of a 'PSSA Wadden Sea'" (October 2000), as a valuable input to the feasibility study and to the discussions on the designation of the Wadden Sea as a Particularly Sensitive Sea Area.
65. To **conclude** that
  - 65.1 the Wadden Sea is considered to qualify for PSSA status according to IMO criteria, with regard to ecological as well as socioeconomic and scientific aspects;

65.2 with regard to shipping safety and the protection of the marine environment in the Wadden Sea and the adjacent area, an extensive protection regime, consisting of both national and international (e.g. IMO, EU) regulations, is in place. Examples are compulsory reporting and routing systems and MARPOL special areas;

65.3 the designation of a PSSA Wadden Sea will send a strong signal to, and increase the awareness of, the international shipping community regarding the particular sensitivity of the area.

66. To **submit** a trilateral application to the IMO for the designation of the Wadden Sea as a PSSA, as defined in the map in **Annex 4**, exclusively on the basis of existing measures in the field of shipping safety, access to harbours and the protection of the marine environment.

## COMMUNICATION, INFORMATION AND PUBLIC PARTICIPATION

67. To **underline** that communication, information and public participation are fundamental and integrated elements of the development and implementation of Wadden Sea policies.

68. To **appreciate** the contribution of the trilateral workshop about public participation in the Wadden Sea region (Nieuweschans, 1999) and the role it played in stimulating the thinking about public participation and communication.

69. To **recall** §1.15 of the Wadden Sea Plan about active involvement of stakeholders (co-management) and to note with appreciation that co-management has proven effective, especially in the field of fisheries, nature conservation, tourism, and landscape and cultural heritage, and to **invite** the different sectors to continue their efforts to develop more sustainable approaches and methods in their respective fields.

70. To **appreciate** the active and effective presence of observers from the non-governmental organizations in the meetings, at which the decisions of the previous conferences are implemented and the future conference is prepared.

71. To **welcome**

71.1 the discussion in Germany with regard to the amendments of the National Park Laws and the discussions with regard to the preparation of the Esbjerg II Conference;

71.2 the active involvement of the inhabitants and users of the Dutch Wadden Sea Region, with whom a series of consultations have been held, which has influenced the agenda of the Esbjerg II Conference;

71.3 the contribution from the Danish Advisory Board for the Wadden Sea and the public consultation process as part of the Danish regional implementation of the Wadden Sea Plan, as valuable steps in involving the public in decision making processes.

72. To **invite** all stakeholders and the general public to participate actively in the discussions on the further implementation of the Wadden Sea Plan and of this Declaration, thereby making full use of their experience and knowledge.

## ZONING

73. To **welcome** the interim report of the Trilateral Zoning Group as a fruitful step in the discussion about zoning as a valuable management instrument and about the possible harmonization. To **note** that differences in zoning are substantial. To **recognize** that, for the time being, harmonization will not result in better protection, support and understanding by the users of the Wadden Sea Area.

## COASTAL PROTECTION AND SEA LEVEL RISE

74. To **welcome** the Final Report by the trilateral working group on coastal protection and sea level rise, which concludes, amongst others,

74.1 that there will be increasing costs for coastal defence, as well as, effects on the ecosystem under the most realistic scenario of a sea level rise of 25 cm/50 years, under which it is expected that the Wadden Sea system will be able to adapt;

74.2 that adaptation may not be possible above a certain degree of sea level rise (breakpoint) hence leading to considerable impacts on coastal defence and irreversible damage to the Wadden Sea ecosystem.

75. To **investigate**, therefore

75.1 the feasibility of Best Environmental Practice for coastal protection measures;

75.2 which measures and/or integrated policies could be appropriate to increase the flexibility to cope with sea level rise and climate change;

75.3 at which degree of sea level rise the breakpoint will be reached.

76. To **support** the continued close cooperation between the coastal defence and nature protection authorities in this matter, including communication with the stakeholders.

## TRILATERAL MONITORING AND ASSESSMENT PROGRAM

77. To **recall** §§21 - 22 of the State Declaration in which the implementation and evaluation of the TMAP Common Package were agreed upon.

78. To **appreciate** the work exercised by the TMAG to implement the common package of TMAP parameters including the associated data management.

79. To **note** the gaps in the implementation of the TMAP Common Package, in particular with regard to the data handling system.

80. To **reiterate** their commitment that having trilateral data on the Wadden Sea stands at the core of the trilateral cooperation and, therefore, to **finalize** the work on the Common Package by implementing the remaining parameters of the TMAP Common Package and establishing an operational data handling system,

by the end of 2002, taking into account the wish to optimize that system and to have it evaluated by 2004.

81. To further **optimize** the TMAP for future requirements, in particular, with regard to the Targets, the Habitat Directive and the Water Framework Directive, and to this end
  - 81.1 to make use of data from existing monitoring programs and to evaluate possibilities of including them into the TMAP without additional costs;
  - 81.2 to prepare proposals for the further development of the TMAP by the next Trilateral Governmental Conference.

## **SUSTAINABLE TOURISM AND RECREATION**

82. To **recall** that the Stade Conference supported the development and implementation of a sustainable tourism policy for the Wadden Sea region by the Inter-regional Wadden Sea Cooperation (IRWC) together with relevant stakeholders, as well as local and other relevant authorities (SD §36).
83. To **acknowledge** that the development of sustainable tourism policy for the Wadden Sea Region in the framework of NetForum has been highly successful and has resulted in the adoption by the IRWC of the Tourism Action Plan at its conference in Dokkum on 20 September 2001.
84. To **analyze** the Tourism Action Plan with a view to considering how its objectives, strategies measures and projects can be implemented in national and trilateral policies.
85. To **invite** the IRWC to report on progress with regard to sustainable tourism and recreation for the Wadden Sea Region by the 2005 Conference.

## **INTERNATIONAL COOPERATION**

### **5<sup>TH</sup> North Sea Conference**

86. To **submit** a common statement, as in **Annex 5**, to the 5<sup>th</sup> Conference on the Protection of the North Sea, to be hosted by Norway from 20-21 March 2002.

### **The Wash – Wadden Sea Cooperation**

87. To **recall** the "Memorandum of Intent The Wash/North Norfolk Coast" concluded with English Nature at the 1991 Esbjerg Conference.
88. To **welcome** the efforts of all involved parties to exchange information and experiences between professionals of the Wash and the Wadden Sea area, appreciating further exchanges.

## Guinea Bissau – Wadden Sea Cooperation

89. To **recognize** further that many waterbirds which utilize the Wadden Sea also depend upon the availability of a chain of wetlands between the Northern Palaearctic and Africa during their annual life-cycles, especially the Bijagos Archipelago in Guinea Bissau, from where knowledge about the status of wetlands and waterbirds contributes to our understanding of the concept of flyway conservation, contributes to the protection of internationally important wetlands in Guinea Bissau and highlights the international importance of the Wadden Sea for waterbirds.
90. To **recall** that, at the Stade Conference, it was decided to continue the collaboration with Guinea Bissau in the context of the Memorandum of Intent by signing a new three-year work program that continues and builds upon the experiences and results of the first work program with the aim of finalizing the training of an ornithological team and to establish an organization for ornithological research, monitoring and public information in Guinea Bissau, in order to continue the work initiated.
91. To **appreciate** that the work program has been initiated with Wetlands International, as the implementing contracting party in Guinea Bissau, after having been delayed for almost two years owing to the civil war in the country from 1998-99, and will now end in 2002.
92. To **acknowledge** that, in accordance with the work program, an ornithological team has been trained and a total count of waterbirds was carried out by the local ornithological team in cooperation with Wetlands International and two Danish professional ornithologists in 2001.
93. To **continue** the collaboration with Guinea-Bissau by finalizing the ongoing work program and by continuing the collaboration in the context of the Memorandum of Intent, e.g. by exchanging information on research and management practices, by providing possibilities for exchange visits and participation in seminars, symposia and conferences, by providing advice in areas of special experience and by arranging, where appropriate, joint publications.

## Other international cooperation

94. To **welcome** the progress made in drafting an International Brent Goose Management Plan, and to **encourage** the second meeting of the African-Eurasian Waterbird Agreement (AEWA) to be held in Bonn in 2002 to adopt the final version of the Plan. They will follow the implementation of a sound and effective management plan with specific interest.
95. To **acknowledge** that there are considerable similarities between the Wadden Sea Area and the wetlands of the humid zones in Benin and to **exchange** mutual experiences in sustainable development and management of wetlands in the form of a mutual visit.

## FUTURE COOPERATION

96. To **recall** §5 of the Stade Declaration in which competent national authorities are invited to maintain or intensify their cooperative dialogue with all stakeholders involved, in order to promote greater public acceptance of the Wadden Sea Plan.
97. To **acknowledge** that the Wadden Sea Plan contributes to promoting the idea of nature protection and sustainable use of the Wadden Sea Area, for the long-term benefit of everyone living and working in the area, as expressed in the Shared Vision, being
- A healthy environment which maintains the diversity of habitats and species, its ecological integrity and resilience as a global responsibility;
  - Sustainable use;
  - Maintenance and enhancement of values of ecological, economic, historic-cultural, social and coastal protection character, providing aspirations and enjoyment for the inhabitants and users;
  - Integrated management of human activities which takes into account the socio-economic and ecological relationship between the Wadden Sea Area and the adjacent areas;
  - An informed, involved and committed community.
98. To **recognize** the requirements of Article 2(3) of the Habitat Directive stating that measures taken pursuant to this Directive shall take account of economic, social and cultural requirements and regional and local characteristics.
99. To **convene**, therefore, in accordance with the Terms of Reference in **Annex 6**, a Trilateral Wadden Sea Forum, as a consultation project, with the participation of the governmental and non-governmental stakeholders, with the task of developing proposals for sustainable development scenarios and strategies for their implementation, respecting the existing protection levels and ensuring economic development and quality of life. This will be done on the basis of the Shared Vision, the Wadden Sea Plan Targets and the Shared Principles, and as a contribution to the further development of the Wadden Sea Plan. The results of the work of the Forum will be presented to the 10th Trilateral Governmental Conference.
100. To **invite** the IRWC to participate actively in the organization and implementation of this trilateral process in order to gain from the experiences of their NetForum process.
101. To **recognize** that the inhabitants of the Wadden Sea Area, derive an important part of their identity, way of life and well-being from the nature immediately surrounding them. To **investigate**, in so far this has not been done yet, whether, and if so, how to allow small-scale traditional uses, if such uses would contribute to the support of nature conservation measures in general and are in accordance with the protection aims.
102. To **acknowledge** that they have been approached in the past by various parties with proposals for closer forms of cooperation, for example the ideas of an “international park” and a “Wadden Sea Convention”. They **ascertain** that these and future proposals have been and will be reviewed within existing fora, both

with regard to possible advantages, disadvantages and potentials for implementation, and that the results will be reported.

#### **HOST AND YEAR OF NEXT CONFERENCE**

103. To **hold** the 10<sup>th</sup> Trilateral Governmental Wadden Sea Conference in 2005 at the invitation of the government of The Netherlands.

104. To **invite** The Netherlands to chair the cooperation from 1 January 2002.

#### **HOST AND YEAR NEXT SCIENTIFIC WADDEN SEA SYMPOSIUM**

105. To **hold** the 11<sup>th</sup> International Scientific Wadden Sea Symposium, which will be hosted by Denmark, in 2004.



## **SIGNATURES**

For the Government of the Kingdom of Denmark  
Minister of the Environment and Energy,

S. Auken

For the Government of the Kingdom of The Netherlands  
State Secretary of Agriculture, Nature Management and Fisheries,

G. H. Faber

For the Government of the Federal Republic of Germany  
Parliamentary State Secretary for the Environment, Nature Conservation and Nuclear  
Safety,

G. Altmann

## **Conservation and Management Plan for the Wadden Sea Seal Population 2002 – 2006**

## CONSERVATION AND MANAGEMENT PLAN FOR THE WADDEN SEA SEAL POPULATION 2002 – 2006

According to Art. IV. of the Agreement on the Conservation of Seals in the Wadden Sea, which has entered into force on October 1, 1991.

### 1. PURPOSE AND OBJECTIVE

"The Parties shall cooperate closely with a view to achieving and maintaining a favorable conservation status for the seal population." Seal Agreement Art. III

To achieve these general objectives it will be necessary

- to achieve and maintain a comprehensive conservation and management of the seal population of the Wadden Sea through common, coordinated measures of the responsible authorities; and
- to achieve and maintain a public understanding and awareness of the Wadden Sea seal population as an entity and as an integrated part of the ecosystem.

**1.1 Agreement Area:** The Agreement Area is the Wadden Sea Area (Trilateral Cooperation Area).

**Explanatory note:** The measures of the conservation and management plan are outlined according to the following scheme

Seal Agreement	Required effort and objectives	Action in 2002 - 2006
The objectives and obligations of the Agreement itself.	The objectives and the individual activities and measures that need to be undertaken to achieve the objectives.	The activities and measures which trilaterally and / or each country / state shall implement in addition to the (seal) protection measures which already exist in the given state, in order to fulfill the prescriptions.

Seal Agreement	Required effort and objectives	Action in 2002 - 2006
<b>2. CONSERVATION AND MANAGEMENT MEASURES</b>		
<b>Habitats</b>		
1. The Parties shall take appropriate measures for the protection of habitats. They shall pay due regard to the necessity of creating and maintaining a network of protected areas also in the migration areas of the seals in the Agreement Area and of ensuring the	It will be necessary to identify, maintain, extend and create seal interest zones / reserves of an appropriate size in the trilateral Wadden Sea Cooperation Area and in adjacent areas and	<b>THE NETHERLANDS AND GERMANY</b> Evaluate the necessity to establish and manage seal reserves in the Eems-Dollard region, similar to seal reserves established and managed in other areas of the Wadden Sea.

Seal Agreement	Required effort and objectives	Action in 2002 - 2006
preservation of areas which are essential to the maintenance of the vital biological functions of seals.	to take appropriate measures, i.e.:	
	<ul style="list-style-type: none"> <li>- to ensure that the existing seal reserves cover the main birth, nursery and resting areas of seals and ensure that there is an adequate number of seal reserves;</li> </ul>	<p><b>TRILATERALLY</b>                      Evaluate the existing network of seal reserves in the countries as to whether they comply with the EC Habitat Directive.                      In case the assessment indicates that more seal reserves are needed, the installation of further seal reserves should be considered in cooperation with relevant stakeholders.</p>
	<ul style="list-style-type: none"> <li>- to ensure that at present and in the future, in view of expected increases in populations, assignments of seal reserves are based on well defined criteria of critical habitats;</li> </ul>	<p><b>TRILATERALLY</b>                      Referred to RESEARCH AND MONITORING                      "investigations of habitat requirements of seals in relation to recreational demands"</p>
	<ul style="list-style-type: none"> <li>- to identify and if necessary maintain, extend and create a seal protection zone of an appropriate size outside the Trilateral Wadden Sea Conservation Area related to appropriate measures and ensure that this zone covers the foraging area offshore particularly during winter.</li> </ul>	<p><b>TRILATERALLY</b>                      The TSEG should assess whether the implemented measures meet the habitat requirements of seals in the offshore area connected with the Wadden Sea and report the results to the TWG and inform the TMAG.</p>
2. The Parties shall preserve habitats and seals present from undue disturbances or changes resulting, directly or indirectly, from human activities.	<ul style="list-style-type: none"> <li>- to ensure that the seal reserves are created in such a way that disturbance is limited to a minimum;</li> </ul>	<p><b>TRILATERALLY</b>                      Develop a trilateral framework for guidelines to regulate excursions by boats to seal haul-outs. These guidelines should be based on a precautionary principle. National guidelines should be based on the trilateral framework and could – if needed - consider a specification for certain haul-outs, e.g. colonies where pups are born should preferably not be visited during the whelping and lactation period. The guidelines should, e.g., include distances to seal colonies, speed of boats and provide for possibilities to assess and evaluate the impact of seal excursions on vigilance and other behavior of the seals.</p>
	<ul style="list-style-type: none"> <li>- to reduce the disturbance by air traffic;</li> </ul>	Referred to: Necessary measures outlined in the Wadden Sea Plan
	<ul style="list-style-type: none"> <li>- to prohibit disturbing activities in seal reserves at least in the time between 15.05. to 01.09;</li> </ul>	Referred to: Necessary measures outlined in the Wadden Sea Plan

<b>Seal Agreement</b>	<b>Required effort and objectives</b>	<b>Action in 2002 - 2006</b>
	<ul style="list-style-type: none"> <li>- to reduce the number of seals caught as by-catch and ensure that seals do not drown in fyke nets;</li> </ul>	<p><b>THE NETHERLANDS AND LOWER SAXONY</b>                      Investigate experimentally, preferably in consultation with the fishermen, which mesh size used in seal guards is necessary to prevent drowning of, particularly, young seals in this type of fishery and make such seal guards obligatory for fishing with fyke nets in all sub-regions in the Wadden Sea where this type of fishery is carried out.</p>
<p>3. The Parties shall have regard to the protection of habitats from adverse effects resulting from activities carried out outside the Agreement Area.</p>	<ul style="list-style-type: none"> <li>- to avoid and determine the number of seal-by-catches in fishery activities.</li> </ul>	<p><b>TRILATERALLY</b>                      Improve the central collection of information on drowning/entanglement of seals in fisheries in the Wadden Sea and adjacent waters, either via existing stranding networks or through establishing such a system.</p>
<p>4. The Parties shall explore the possibility of restoring degraded habitats and of creating new ones.</p> <p>Seal Agreement, Art. VI</p>		
<b>Pollution</b>		
<p>The Wadden Sea States are determined to do their utmost to further reduce pollution of the North Sea from whatever source with the aim of conserving and protecting the Agreement Area.</p> <p>To this end they shall:</p> <p>a. endeavor to identify the sources of such pollution;</p> <p>Seal Agreement, Art. VIII a</p>	<p>It will be necessary</p> <p>a. to reduce the pollution from whatever source, i.e.</p> <ul style="list-style-type: none"> <li>- to continue to commonly implement the decisions of the North Sea Conferences;</li> <li>- to continue to coordinate efforts in the framework of the North Sea Conferences to further reduce the pollution of the Wadden Sea and North Sea.</li> </ul> <p>b. if possible to use seals as an indicator of the condition of the environment.</p>	<p><b>TRILATERALLY</b>                      Referred to:                      The necessary measures are and / or will be outlined in the Wadden Sea Plan, the decisions of the North Sea Conferences and other relevant international fora.</p>
	<p>c. to ensure that dumping of dredged material, or taking of mud and sand in or near the Wadden Sea will have no negative effects on seals resp. seal banks.</p>	<p><b>TRILATERALLY</b>                      Exchange information on precautionary measures for seals in the practice of dumping of dredged material or taking of mud or sand in or near the Wadden Sea.</p>

<b>Seal Agreement</b>	<b>Required effort and objectives</b>	<b>Action in 2002 - 2006</b>
<b>Wardening</b>		
<p>4. The Parties shall take appropriate action to suppress illegal hunting and taking of seals.</p> <p>Seal Agreement, Art. VI, 4</p>	<p>It will be necessary to ensure the enforcement of the provisions of the agreement by an adequate management and wardening system, which should - concerning all seal matters - be coordinated at state administrative agencies:</p> <ul style="list-style-type: none"> <li>- to ensure that the seal reserves are, as parts of the nature reserves and the national parks, adequately warded;</li> <li>- to designate administrative agencies responsible for seal wardening.</li> <li>- to ensure a coordination of the state and voluntary wardens.</li> <li>- to ensure that the seal reserves are clearly marked and indicated on sea charts.</li> </ul>	<p><b>TRILATERALLY</b> Evaluate the existing wardening systems, as whether they meet the common standards according to Annex I of the Esbjerg Declaration (1991), and improve the wardening system, if needed.</p>
<b>3. RESEARCH AND MONITORING</b>		
<b>Research and Monitoring</b>		
<p>1. The Parties shall coordinate their research programs and projects and their monitoring of the seal population to increase their knowledge of the biology and the habitat including harmful effects of human activities on the seal population to provide a basis for measures to improve its conservation status.</p>	<p><u>Research</u> It will be necessary</p> <ul style="list-style-type: none"> <li>- to establish an overview of recent and ongoing research projects on seals to ensure information exchange;</li> </ul>	<p><b>TRILATERALLY</b> Report all research projects on seals or related to seals in the Wadden Sea to the coordinating institution, and to the TSEG. After completion of a project, a report on the results should be made available to the coordinating institution for further evaluation by the TSEG.</p>
	<ul style="list-style-type: none"> <li>- to consider a trilateral project on feeding ecology of seals;</li> </ul>	<p><b>TRILATERALLY</b> Complete the ongoing drafting of the joint trilateral project on "Feeding Ecology of Common seals", including prey preference, food quality and foraging areas. The information will not only be used to understand and follow whether changes in feeding patterns and food availability may occur in the future, but most importantly does provide the necessary information to identify, in an early stage,</p>

Seal Agreement	Required effort and objectives	Action in 2002 - 2006
		<p>whether seals – fishery inter-actions become evident, and facilitate the assessment of the extent of such a conflict, and recommend appropriate management solutions. The partners in the Seal Agreement in close connection with the responsible administrative agencies in the area are invited to facilitate funding for this project.</p> <p>The research project "feeding ecology of common seals" has the first priority relative to "investigations of habitat requirements of seals in relation to recreational demands".</p>
	<ul style="list-style-type: none"> <li>- to consider a trilateral project on habitat requirements of seals in relation to recreational demands.</li> </ul>	<p><b>TRILATERALLY</b> Redraft the joint proposal regarding "habitat use with regard to human activities in the Wadden Sea and adjacent areas" and submit it - in consultations with responsible state administrative agencies for nature conservation – to organizations (e.g. EC or others) for funding. The partners in the Seal Agreement, in close connection with the responsible administrative agencies in the area, are invited to facilitate funding for this project.</p> <p>The research project "investigations of habitat requirements of seals in relation to recreational demands" has second priority in relation to "feeding ecology of common seals".</p>
<p>2. They shall, in particular, monitor and coordinate their research on,</p>	<p><u>Monitoring</u> It will be necessary</p> <ul style="list-style-type: none"> <li>- to designate institutions responsible for the monitoring;</li> <li>- in order to guarantee continuity in reliability and comparability of data obtained by the monitoring scheme, the monitoring should be carried out by institutions on a long-term basis;</li> <li>- in order to obtain more comparable results, to be used for the assessment of population sizes and other demographic parameters, to promote the harmonization of the surveys in the different countries;</li> </ul>	<p><u>Designated monitoring institutions:</u> <b>DENMARK:</b> Fiskeri-og Søfartsmuseet, Esbjerg</p> <p><b>SCHLESWIG-HOLSTEIN:</b> Nationalparkamt Tönning / FTZ Büsum der Univ. Kiel</p> <p><b>NIEDERSACHSEN:</b> Bezirksreg. Weser-Ems, Dez. 04: NP Verw., Dez. 607: Verw. Forst und Jagdhoheit / Univ. Oldenburg / Staatl. Veterinäruntersuchungsamt f. Fische u. Fischwaren, Cuxhaven</p> <p><b>THE NETHERLANDS:</b> Alterra, Texel</p>

<b>Seal Agreement</b>	<b>Required effort and objectives</b>	<b>Action in 2002 - 2006</b>
<p>a. population trends e.g. through periodic aerial surveys and counts;</p> <p>b. seal migration;</p>	<p>- to closely follow the population development according to a coordinated scheme specified basically in the report by the Trilateral Seal Expert Group-plus (TSEG-plus 2000):</p> <p>- in order to assess trends in population size, to carry out at minimum 5 aerial surveys each year, 3 during the pupping and 2 during the moulting period;</p>	<p><b>TRILATERALLY</b> Carry out five flights per year in a trilaterally coordinated way (three during the pupping and two during the moulting period) as a minimum program according to the given arguments in the TSEG-document.</p> <p>More flights in one year (a few more flights in the pupping season) should only be carried out in a trilaterally coordinated way in case of emergency or because of special local/regional reasons on the basis of agreed scientific requirements.</p>
<p>c. seal population parameters, e.g. diseases, survival, age structure, sex ratio.</p> <p>Seal Agreement, Art. V</p>		
<b>Monitoring of Pollution</b>		
<p>b. coordinate their research projects regarding seal diseases and the effects on the seal population of such substances, e.g. organochlorine compounds, heavy metals and oil, and agree on methods which permit a comparison of research results;</p>		
<p>c. monitor in the Agreement Area, in particular in seal tissue and organisms which are preyed upon by seals, the levels of those substances which in the light of the results of research appear to play a major role in the conservation status of the seal population.</p> <p>Seals Agreement, Art. VIII, b-c</p>	<p>- to monitor seal tissue concerning selected contaminants with coordinated and standardized methods within the framework of TMAP</p> <p>- to consider the establishment of a tissue bank according to common guidelines.</p>	<p><b>TRILATERALLY</b> The status of the common seal population and changes thereof, can be described in quantitative terms (population demographics) as well as in qualitative terms (reproductive capacity, survival and health status). Such a multiple index should be used to describe the status of a population. To be able to do so, it is necessary to establish a trilaterally agreed monitoring program that includes as first priorities the research disciplines population dynamic and pathobiology. The basic program may be completed by a less intensive program of selected parameters of immunological, endocrinological, toxicological, parasitological, bacteriological, and virological investigations. The TSEG should draft such a first-priority and second-priority monitoring program including ways to obtain the</p>



Seal Agreement	Required effort and objectives	Action in 2002 - 2006
		necessary data and/or required samples and report the results to the TMAG.
<b>4. TAKING AND EXEMPTIONS FOR TAKING</b>		
<b>Taking</b>		
<p>1. The Parties shall prohibit the taking of seals from the Wadden Sea</p> <p>Seal Agreement, Art. VI, 1</p>	<p>The taking of seals from the Wadden Sea shall be prohibited by the parties.</p>	<p><b>NATIONAL LEVEL</b> Implement provisions in appropriate from in national legislation.</p>
<b>Exemptions for Taking</b>		
<p>2. The competent authorities may grant exemptions from the prohibition referred to in the first paragraph authorizing persons to take seals:</p> <ul style="list-style-type: none"> <li>- for institutions to be designated performing scientific research into the conservation of the seal population in the Wadden Sea or the conservation of the Wadden Sea ecosystem, insofar as the information required for such research cannot be obtained in any other way; or</li> </ul>	<p>It will be necessary to ensure §§ 56 - 61 of the Leeuwarden Declaration (LD), which are based on the "Statement on Seal Rehabilitation and Release, based on scientific experience and knowledge" elaborated by seal experts in 1994:</p> <p>§ 60 to reduce the current number of seals taken from and released to the Wadden Sea to the lowest level possible, by applying guidelines for handling diseased or weakened seals or evidently abandoned pups, and to release seals based on the precautionary approach, referred to in the "Statement on Seal Rehabilitation and Release, based on scientific experience and knowledge" as elaborated by seal experts.</p>	<p><b>NATIONAL LEVEL</b> Given the prosperous development of the seal population in the Wadden Sea, both in terms of growth as well as in fitness, §56 - §61 of the Leeuwarden Declaration (LD) are strongly reconfirmed, especially §60, taking into account that ethical considerations, legislation, as well as management practices differ in the three countries.</p>
	<p>The guidelines shall be based upon the following principles:</p> <p>§ 60.1 only a very limited number of persons in each country shall be authorized to decide on the handling of diseased or weakened seals or abandoned pups, including taking and releasing of the animals, and only such animals may be taken which have a chance to survive;</p>	<p><u>Designated national authorities responsible for granting of exemptions from taking and releasing:</u></p> <p>DENMARK Skov- og Naturstyrelsen, Reservatsektionen</p> <p>NIEDERSACHSEN Bezirksreg. Weser-Ems, Dez. 04: NP Verw., Dez. 607: Verw. Forst und Jagdhoheit</p>

Seal Agreement	Required effort and objectives	Action in 2002 - 2006
	§ 60.2 seals rehabilitated shall only be released into the wild on a permit granted by the national authority responsible for nature conservation and management if the following criteria are met:	<p>SCHLESWIG-HOLSTEIN Nationalparkamt, Tönning</p> <p>THE NETHERLANDS Ministry of Agriculture, Nature Management and Fisheries, Directie Noord, Groningen</p> <p><u>Designated scientific institutions (1) and nursery stations (2):</u></p> <p>DENMARK Fiskeri-og Søfartsmuseet, Esbjerg (1,2)</p> <p>NIEDERSACHSEN Staatliches Veterinäruntersuchungsamt Cuxhaven (1); Aufzuchtstation Norden / Norddeich (2)</p> <p>SCHLESWIG-HOLSTEIN FTZ Büsum, Univ. Kiel (1); Seehundaufzuchtstation Friedrichskoog (2)</p> <p>THE NETHERLANDS Alterra, Texel (1); Zeehondencrèche, Pieterburen; Ecomare, Texel (2)</p>
	(i) the seal has not been treated with specific groups of medicine to be further specified.	<p><b>TRILATERALLY</b> A detailed expert discussion on medical treatment of taken seals should take place resulting in an advice on the use of specific groups of medicines in seal centers, where seals are rehabilitated and released, taking into account that ethical considerations, legislation, as well as management practices differ in the three countries.</p>
	<p>(ii) the seal does not carry pathogens alien to the wild population; (Definition alien: Pathogens which are normally not found in the Wadden Sea are alien.)</p> <p>(iii) the seal is released as soon as possible but not later than half a year after it has been brought in for rehabilitation;</p>	
	(iv) the seal has not been kept in a center where species of animals alien to the Wadden Sea, or	<p><b>NATIONAL LEVEL</b> Prohibit the keeping of seal species, other than common</p>

Seal Agreement	Required effort and objectives	Action in 2002 - 2006
	<p>marine mammals not resident in the Wadden Sea, are held;</p> <p>(Definition: Every area which does not belong to the Wadden Sea should be considered alien in this context.)</p>	<p>and grey seals, in Wadden Sea seal centers. Avoid the taking of common and grey seals from areas outside the Wadden Sea and keeping them in Wadden Sea seal centers. Prohibit the release of seals, having been kept in other than the Wadden Sea seal centers, into the Wadden Sea, taking into account that ethical considerations, legislation, as well as management practices differ in the three countries.</p>
	<p>§ 60.3 seals should only be released in the areas where they were found;</p> <p>§ 60.4 seals shall not be transported between subregions of the Wadden Sea;</p> <p>§ 60.5 seals held in captivity shall, in principle, not be released into the wild;</p> <p>§ 60.6 seals born in captivity shall not be released into the wild; exemptions can only be allowed after the approval of the competent authorities.</p>	
<p>- for institutions to be designated nursing seals in order to release them after recovery, insofar as these are diseased or weakened seals or evidently abandoned suckling seals.</p> <p>Seals which are clearly suffering and cannot survive may be killed by the persons referred to in this paragraph.</p>	<p>It will be necessary to ensure at each seal station:</p> <ul style="list-style-type: none"> <li>- specialized veterinarian monitoring of the animals;</li> <li>- writing of a station diary on each individual animal;</li> <li>- full time specialized supervision of the station;</li> <li>- standards for the supervision have to be developed.</li> </ul>	<p><b>TRILATERALLY AND NATIONAL LEVEL</b></p> <p>Enable an independent check of the station records at a national/trilateral level by responsible state agencies.</p>
<p>3. Any Party having granted exemptions as mentioned above shall notify the other Parties as soon as possible and provide them an opportunity for review and comment.</p> <p>Seal Agreement Art. VI, 2 – 3</p>	<p>It will be necessary</p> <ul style="list-style-type: none"> <li>- to report annually exemptions and the number of taken and released seals to the coordinating institution (CWSS).</li> </ul>	<p><b>TRILATERALLY</b></p> <p>From all animals taken, either euthanized, otherwise killed, or rehabilitated and released, at least the following information has to be collected: Number of seals, age (length), sex, time and location found at, and time and location of release of rehabilitated seals.</p> <p>In the beginning of the year, each country provides the coordinating institution with a complete list of the above-</p>

Seal Agreement	Required effort and objectives	Action in 2002 - 2006
		<p>mentioned data collected in the past year. The data will be provided to the TSEG in order to evaluate the data for their significance in relation to monitoring possible changes in the population. The results should be reported to the TWG and TMAG.</p> <p>The TSEG should advice on a revision of the presently used, standardized annual reporting formats, as well as on possible other relevant data to be collected from seals taken.</p>
<b>5. PUBLIC INFORMATION</b>		
<p>The Parties shall take such measures as may be required to make the general public aware of the conservation status of the seal population, of the content and aims of this Agreement, and of the measures they have taken pursuant to this Agreement, including the Conservation and Management Plan, to improve this conservation status.</p> <p>Seal Agreement, Art. X</p>	<p>It will be necessary</p> <ul style="list-style-type: none"> <li>- to inform the public on a common basis to contribute to the continuous implementation of the conservation and management plan;</li> <li>- to recognize the fact that the seals of the Wadden Sea belong to one population and are an integrated part of the Wadden Sea ecosystem;</li> <li>- to ensure that in each seal station a qualified full time public awareness officer takes care of the public information;</li> <li>- to ensure, that information, that could enhance the taking of seals, will be avoided;</li> <li>- to ensure, that the public knows, when they disturb seals and how they can avoid it;</li> <li>- to ensure, that the public knows, what to do in case they find a live or dead seal on the beach.</li> </ul>	<p><b>TRILATERALLY / NATIONAL LEVEL</b></p> <p>Publish a brochure including, e.g., information on the status of the seal population, the aims of the Seal Agreement and the Seal Management Plan, the views on rehabilitation, the need to guarantee the primary objective to achieve managing the Wadden Sea as a nature area with the least human interference possible.</p> <p>The state agencies responsible for seal management should bring this message to the public.</p>
<b>6. FINANCIAL IMPLICATIONS</b>		
<p><b>a. national:</b> The implementation of the common Conservation and Management Plan in national measures including monitoring to be financed by the contracting parties.</p>		
<p><b>b. common:</b> Possibly joint brochure</p>		

## 7. ADDITIONAL MEASURES FOR THE PROTECTION OF THE GREY SEAL IN THE WADDEN SEA

According to the Conservation and Management Plan for the Wadden Sea Seal Population 1991 - 1995 (Seal Management Plan), which was elaborated in accordance with art. 4 of the Agreement on the Conservation of Seals in the Wadden Sea, the only concerned species has been the common seal (*Phoca vitulina*). Since the Seal Management 1996-2000 additional measures for the protection of the grey seal (*Halichoerus grypus*) in the Wadden Sea are also included, according to §61 of the Leeuwarden Declaration 1994(LD). Due to §61 LD, the principles and guidelines concerning taking of seals, rehabilitation and releasing of seals, which are given under §60 LD, should also apply to the grey seal in the Wadden Sea.

### Taking and exemptions for Taking:

§ 60 of the Leeuwarden Declaration and the concerned chapter of the Seal Management Plan 2002 - 2006 for the common seal is also valid for the grey seal in the Wadden Sea.

LD § 60 to reduce the current number of seals taken from and released to the Wadden Sea to the lowest level possible by applying guidelines for handling diseased or weakened seals or evidently abandoned pups, and to release seals based on the precautionary approach.

Further activities regarding additional measures to be taken for the protection of the grey seal in the Wadden Sea are being addressed here:

It will be necessary:

### Habitats:

- to ensure that the grey seal colonies are protected as reserves which are maintained, extended and created in such a way that disturbance is limited to a minimum;
- to install seal sanctuaries on beaches including a wardening system, where possible and acceptable and to install a flexible protection scheme of "contemporary undisturbed areas" in regions where grey seal pups rest regularly;
- to restrict disturbances near pupping grounds (such as fishery);

#### **ACTION IN 2002 - 2006**

The Dutch responsible agencies should seek advice from the TSEG on the necessary measures to provide grey seals in the Dutch Wadden Sea with a similar level of protection as provided to the common seal.

### Research and Monitoring:

- to consider a research project on habitat use and demands, behavior and health status of grey seals in the Wadden Sea and to invite institutions in Schleswig-Holstein and The Netherlands to draft such a project;
- to improve the monitoring of breeding colonies during breeding season by regular ship and / or aerial surveys;

#### **ACTION IN 2002 - 2006**

Raise funding for the trilateral project "Habitat use and demands, behavior and health status of grey seals in the Wadden Sea" in order to provide the basic data to monitor the status of the different colonies of grey seals and formulate an adequate conservation policy and management for this species.

### Wardening:

- to promote a warden system for installing "flexible protection zones", that is active during breeding season in regions, where grey seal pups regularly are;

### Public information:

- to inform the public on a common basis on grey seals as a indigenous resident species of the Wadden Sea which is resettling the area;
- to inform the public, how to deal with stranded (dead / live) grey seals.

## **8. RESPONSIBLE BODIES**

(according to Art. XI of the Agreement on the Conservation of Seals in the Wadden Sea)

### **Responsible national authorities:**

DENMARK:

Responsible for the Seal Agreement:

Ministry of the Environment and Energy  
The National Forest and Nature Agency  
Haraldsgade 53  
DK - 2100 Copenhagen Ø  
phone: + 45 39 47 22 50  
fax: + 45 39 27 23 04

Responsible for the management of seals and wildlife:

Ministry of the Environment and Energy  
The National Forest and Nature Agency  
Nature and Wildlife Section  
Åholtvej 1  
DK 6840 Oksbøl  
phone: +45 76 54 10 40  
fax: +45 76 54 10 46  
e-mail: puj@sns.dk

FEDERAL REPUBLIC OF GERMANY:

Federal Ministry for the Environment, Nature Conservation and Nuclear Safety  
Arbeitsgruppe - NI2-  
Postfach 12 06 29  
D - 53048 Bonn  
phone: +49 (0)228 - 305 2621  
fax: +49 (0)228 - 305 2697

in cooperation with the Federal States

THE NETHERLANDS:

Ministry of Agriculture, Nature Management and Fisheries  
Directie Noord  
Postbus 30032  
NL – 9700 RM Groningen  
phone: + 31 (0)50 – 50 599 2320  
fax: + 31 (0) 50 – 50 599 2399

COORDINATING INSTITUTION:

Common Wadden Sea Secretariat  
Virchowstr. 1  
D - 26382 Wilhelmshaven  
phone: + 49 (0)44 21 – 91 08 11  
fax: + 49 (0)44 21 – 91 08 30  
E-mail: reineking@cwss.whv.net

The coordinating institution shall be informed on all developments and activities which concern the Conservation and Management of the Wadden Sea Seal Population and an annual report shall be made on the implementation of the Conservation and Management Plan, to be sent also to the Bonn Convention Secretariat.

### **Trilateral Seal Expert Group (TSEG):**

DK: Svend Tougaard, Fiskeri-og Søfartsmuseet, Esbjerg  
SH: Ursula Siebert, FTZ Büsum der Univ. Kiel  
Nds: Ekkehard Vareschi, Universität Oldenburg  
NL: Peter H. Reijnders, Alterra, Texel

The Trilateral Seal Expert Group has the task to coordinate and supervise the implementation of monitoring activities and the assessment of the results, assess relevant research results and, as appropriate, give advice regarding management on request of the trilateral cooperation. TSEG should continuously be a group which can

act independently.

**Tasks of TSEG:**

- analyze (chronic and sudden) developments in the common and grey seal populations (e.g. oil pollution, higher mortality) and accordingly provide through the CWSS management advise to the responsible authorities;
- coordinate, supervise and execute monitoring activities as identified in the SMP and assess the results;
- formulate, in cooperation with the CWSS, concrete plans to achieve the objectives of the SMP (work plan), in particular the identified required efforts and objectives;
- coordinate and supervise, in consultation with the CWSS, the implementation of the SMP;
- evaluate progress in the implementation of the SMP and advise on interim management measures to enhance execution of the planned actions;
- elaborate and submit proposals to the responsible authorities to initiate and implement research activities as identified in the SMP and assess relevant research results;
- evaluate the current SMP and formulate, in cooperation with the CWSS and further experts, an outline for the new SMP;
- Report to TWG and TMAG.

## **ADAPTATION OF DELIMITATION WADDEN SEA AREA AND CONSERVATION AREA**

### **Amendment Wadden Sea Plan I.7**

The geographical range of the Wadden Sea Plan is the Trilateral Wadden Sea Cooperation Area, in short, Wadden Sea Area, which is

- the area seaward of the main dike, or where the main dike is absent, the spring-high-tide-water line, and in the rivers, the brackish-water limit;
- an offshore zone 3 nautical miles from the baseline as fixed nationally or where the Conservation Area exceeds the 3 nautical mile the offshore boundaries of the Conservation Area;
- the corresponding inland areas to the designated Ramsar and/or EC Bird Directive areas being the adjacent inland marsh areas of the Danish Wadden Sea Region designated as international nature protection areas and the Bird Directive Areas of Schleswig-Holstein adjacent to the Conservation Area;
- the islands.

The trilateral conservation area, in short the Conservation Area, is situated within the Wadden Sea Area, and consists of:

- in The Netherlands, the areas under Key Planning Decision Wadden Sea;
- in Germany, the Wadden Sea national parks and the protected areas under the Nature Conservation Act seaward of the main dike and the brackish water limit including the Dollard;
- in Denmark, the Wildlife and Nature Reserve Wadden Sea.

A map of the Wadden Sea Area and the Conservation Area is in **Appendix I**.



## MEASURES TO IMPROVE SAFETY OF SHIPPING AND PROTECTION OF THE MARINE ENVIRONMENT – EXAMPLES OF IMO, EU AND NATIONAL ACTIVITIES

### I GENERAL

To achieve a sound maritime safety policy two components have to be considered: preventing and combating maritime casualties and consequently protecting the marine environment, and supporting developments to achieve environmental friendly shipping by, e.g. reducing pollution of the air and the marine environment. The development of the above measures are supported on three levels.

#### a. International Maritime Organization

According to the International Law of the Sea IMO has the global mandate to adopt and amend world-wide safety and environmental standards. As a specialized agency of the United Nations system it has a global demand. The responsible committee at IMO dealing with environmental protection with regard to maritime shipping is the Marine Environment Protection Committee (MEPC). The uncontested legitimacy of IMO's universal mandate enhances the wide acceptance of IMO instruments by flag and coastal states and is preferable for the shipping industry and the marine environment.

#### b. European Union

IMO standards are legally binding on all ships flying the flag of a Member State. These standards may be implemented into EU-legislation, if considered necessary and appropriate. The EU may also enact self-standing legislation supplementing IMO-instruments in accordance with international law in particular with regard to ships flying the flag of the EU-member states.

#### c. States

After a number of serious ship accidents a lot has been done on all three levels, not only with regard to closing gaps in maritime safety, but also concerning the introduction and further development of new safety systems and improvements to prevent pollution.

### II ACTIVITIES WITHIN THE FRAMEWORK OF THE IMO

1. At the 40<sup>th</sup> session of MEPC in September 1997, it was adopted to define the North Sea and its coastal waters west of Great Britain and Ireland (North West European Waters) as a special area under MARPOL Annex I (Regulations for the Prevention of Pollution by Oil). This was implemented on a national level and entered into force in Denmark 1999, in Germany 1999 and will enter into force in the Netherlands by November 2001.
2. The North Sea has also been defined as a special area under MARPOL Annex V. (Regulations for the Prevention of Pollution by Garbage from Ships). Annex V entered already into force in all States concerned.
3. Resolution MEPC 78(43) amending Annexes I and II to MARPOL 73/78 (including more stringent design regulations for oil tankers, requiring shipboard oil pollution emergency plans and shipboard marine pollution emergency plans for noxious liquid substances) was implemented in Denmark by technical regulations issued by the Maritime Authorities, in Germany in 2001 and in the Netherlands in November 2001.
4. Since 1 July 1998, the International Safety Management (ISM) Code is compulsory for passenger ships, tankers and bulk carriers world-wide and from 1 July 2002 ISM will be applicable to all other ships over 500 gross tonnage. ISM is mandatory for ship owners and masters, and prescribes that ship owners must maintain a shore-based safety management system aiming to ensure that safe vessels and well-trained crews are employed, and that the master must maintain an on-board management system to guarantee a safe operation of the ship. ISM is implemented on all relevant Danish, German and Dutch ships.
5. The revised chapter V "Safety of Navigation" of the International Convention for the Safety of Life at Sea (SOLAS), which was adopted by IMO's Maritime Safety Committee (MSC) at its 73<sup>rd</sup>

session (2000) and which enters into force on 1 July 2002, requires all passenger and cargo ships to be equipped with an automatic identification system (AIS) and a voyage data recorder, following a specific phasing-in schedule. This obligation enters into force on 1 July 2002 for new ships, and by 1 July 2008 it will cover all existing ships. It will apply to tankers not later than the first survey for safety equipment on or after 1 July 2003. Passenger ships, ships other than passenger ships of 3,000 gross tonnage and upwards constructed on or after 1 July 2002 will have to carry voyage data recorders (VDR). For existing passenger ships the VDR will be phased in between 1 July 2002 and 1 January 2004.

6. Denmark, Germany and the Netherlands support an increase of the maximum compensation amounts within the existing international system, i.e. according to the International Oil Pollution Compensation Fund 1992 (IOPC Fund). The maximum amount payable by the 1992 Fund for any one incident was raised to 203 million Special Drawing Rights (SDR) as defined by the International Monetary Fund. Denmark, Germany and the Netherlands further support a supplementary oil pollution fund to ensure compensation for victims where these limits are exceeded.
7. In March 2001, the International Convention on Civil Liability for Bunker Oil Pollution Damage was adopted by IMO with the aim to improve compensation for damage by oil pollution from ship's bunkers, and has yet to meet the conditions for entry into force. This Convention governs liability and compensation for pollution from bunker oil (implementing a recommendation by the German Pallas Commission of Experts). Main elements are:
  - ship owner's strict liability, regardless of negligence or default, for pollution damage caused by bunker oil, and
  - compulsory insurance, which must be demonstrated by an international insurance certificate.
8. In April 2001, MEPC 46 approved to accelerate the phasing-out of single hull oil tankers (enters into force in September 2002):
  - phase-out begins 2003;
  - last single hull oil tanker of 5,000 tons deadweight and above but less than the tonnage specified for Category 1 and 2 tankers will be phased out by 2015 and hence will not be allowed to enter ports of EU member states;
  - A Condition Assessment Scheme (CAS) will have to be applied to all Category 1 vessels continuing to trade after 2005 and all Category 2 vessels after 2010 in order to ensure permanent good maintenance.
9. On 5 October 2001, IMO adopted a Convention of Harmful Anti-fouling Systems, outlawing TBT and other organotin compounds in marine anti-foulants. A ban on application of paints containing organotins is applicable as of 2003, with a total ban as of 2008. The convention will enter into force one year after 25 states with not less than 25% of world merchant gross-tonnage have ratified it.
10. Annex VI to MARPOL (Regulations for the Prevention of Air Pollution from Ships) was adopted in 1997. At MEPC 44 (6-13 March 2000) the Committee approved a proposed amendment to regulation 14 (3) (a) of Annex VI to MARPOL 73/78 to include the North Sea as a SO<sub>x</sub> Emission Control Area. It will take effect after the entry into force of the 1997 Protocol to MARPOL 73/78. Denmark, Germany and the Netherlands are in the process of preparing ratification of Annex VI.
11. The objectives of the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC) (1990) is to strengthen the legal framework of the control of environmental pollution by oil, in general, and marine pollution by oil in particular, by providing a basis for preparedness, and for a response-capability, to deal with incidents of oil pollution in the marine environment. The convention was ratified by Denmark (1996), Germany (1994) and the Netherlands (1994). In March 2000, a Diplomatic Conference, chaired by Germany, adopted a Protocol to the OPRC Convention, which extends the Convention to hazardous and noxious substances (HNS). This OPRC-HNS Protocol establishes a framework for international co-operation in such incidents.

### III ACTIVITIES WITHIN THE FRAMEWORK OF THE EU

The European Union has already issued numerous Directives to improve maritime safety and protection of the marine environment, this includes e.g. directives on Port State Control, minimum requirements for training of seafarers, marine equipment, notification obligations, and on the management of ship generated waste and cargo residues. These are continually being updated and implemented into national legislation as quickly as possible.

For example:

Implementation of the EU Directive 93/75/EEC, which requires the master and operator of vessels carrying dangerous or polluting goods to report cargo details entering or leaving EC ports. This directive has been implemented in Danish, German and Dutch legislation.

The EU Commission has proposed that the Council Directive 93/75 on minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods should be extended and i.a. include bunker fuels. Furthermore, the EU examines the possibility of equipping all ships with Voyage Data Recorders, so-called "black boxes", where possible, and identification equipment.

The EU Directive 2000/59/EEC on port reception facilities for ship-generated waste and cargo residues, which entered into force in 2000, should be implemented by the concerned states by the end of 2002. It is the aim of the Directive to reduce the discharges of ship-generated waste and cargo residue into the sea, especially discharges, from ships using ports in the Community, by improving the availability and use of port reception facilities for ship-generated waste and cargo residues.

Due to the Erika incident, two other packages of measures are in the legislative procedure. Package 'Erika I' contains the following elements:

- Further development of Port State Control;
- strengthening of provisions for and the control of Classification Societies;
- initiative for early phasing out of single hull tankers, mentioned in paragraph 8 above and being implemented in the EU by a regulation.

The proposals concerning package 'Erika II', passed on to the Council on 8 December 2000, consist of the following elements:

- setting up a common monitoring and information system for maritime traffic, which will in due course replace EU-directive 93/75/EEC;
- setting up an additional compensation fund for damage by oil pollution in European waters;
- implementation of the European Maritime Safety Agency (EMSA).

### IV ACTIVITIES WITHIN THE FRAMEWORK OF THE NATIONAL LEVELS

#### Bi-/Trilateral activities

On the bi-/trilateral level, the common activities are improved and optimized and neighboring countries are improving mutual support.

Germany and the Netherlands are working together in monitoring and improving the traffic law (*Verkehrsrecht*) in the area of the Ems estuaries.

On proposal of Germany and the Netherlands IMO has approved mandatory routing schemes western and northern of the Frisian Wadden Sea islands:

- Deep Water Route and Traffic Separation Scheme (TSS) from North Hinder to the German Bight via the Frisian Junction;
- Coastal Route and TSS off Texel, Vlieland, Terschelling and which joins the Deep Water Route & TSS at the Jade Approach TSS.

The Deep Water Route is mandatory for the following classes of ship:

- Tankers of 10,000 GT + carrying oils as defined under Annex I of MARPOL 73/78;
- Ships of 5,000 GT + carrying noxious liquid substances in bulk categories A or B of Annex II of MARPOL 73/78;

- Ships of 10,000 GT + carrying noxious liquid substances in bulk categories C or D of Annex II of MARPOL 73/78;
- Ships of 10,000 GT + carrying liquefied gases in bulk.

A German-Netherlands' Memorandum of Understanding on mutual support in the field of emergency-towing capacity was signed in 2000.

Denmark, Germany and the Netherlands are signatories to the Bonn Agreement, which serve as a basis for cooperation in surveillance for pollution and combating pollution of the North Sea by oil and other harmful substances (other countries are Belgium, France, United Kingdom, Norway and Sweden). They are working together in developing a Joint Maritime Contingency Plan on Combating oil and other harmful substances.

Bilateral arrangements also apply between the Netherlands and Germany (NETHGER) and between Denmark and Germany (DENGER).

The three countries are developing plans to setting up a coast-wide radio network with AIS on-shore receiving stations and appropriate AIS infrastructure.

Priority in the establishment of electronic nautical charts of the Danish, Dutch and German coast and acceptance of ECDIS (Electronic Chart Display and Information System) as a substitute for paper charts.

### **Denmark**

In Denmark, the following measures to increase maritime safety and the protection of marine pollution have been adopted or further developed:

1. Establishment of an Exclusive Economic Zone (EEZ).
2. Extending the Danish territorial sea to 12 nautical miles.
3. Ministerial order on transfer of bunkers in the Danish territorial sea.
4. The Directive 93/75/EEC of 1993 for vessels carrying dangerous or pollution goods as bulk or in package form has been implemented by Statutory Order 258 of 1999. All ship owners, agents and the captain of the ship must report to the Admiralty and the information obligation encompasses all vessels departing from or with destination to an EU harbor.
5. The maritime surveillance and enforcement has been transferred to the Ministry of Defence as of 2000. This includes the air surveillance, oil spill combat and collection of evidence with regard to court cases and action for damage in terms of oil pollution. The air surveillance includes 500 h of flights in the North Sea and the Baltic area.
6. Implementation of EU Directive 2000/59 on shore reception facilities.
7. Further intensification of the Port State Control over the next few years.
8. A ministerial order was adopted in order to impose administrative fines on ships which violate the discharge criteria in Danish waters. The fine is in the range from DKK 15,000 to DKK 100,000 or more depending on the actual illegal discharge.
9. Denmark is in a process of ratifying the MARPOL Annex VI in the course of 2002.

### **Germany**

Germany expressly supports the rapid implementation of the measures of the package 'Erica I' – as it was accepted by all the Member States in the Transport Council in December 2000.

In principle, the German government also supports the aims of the Commission for the second package of measures. Regarding the guidelines of the common monitoring and information system there is agreement within the European Community. The extension of the liability for damage by oil pollution is planned as a common initiative towards the IOPC fund.

In Germany's coastal area the following measures to increase traffic safety and protection against marine pollution are adopted or further developed:

1. Change to the routing in the German Bight by improving the crossing in the traffic separation scheme off Wilhelmshaven.
2. Enacting the Ordinance on Conditions for seawards of the area of validity of the Shipping Lanes Order, which will prescribe notification obligations, obligation to accept pilots and observing the routes as conditions for calling at port. The staff will be trained according to international standards
3. Priority in the establishment of electronic nautical charts of the German coast and acceptance of ECDIS (Electronic Chart Display and Information System) as a substitute for paper charts.
4. Introduction of a maritime traffic safety system with traffic centers at the major shipping lanes which provide shipping with traffic information, and traffic support and monitor traffic. Where necessary, the maritime police regulate traffic from these centers.
5. Strengthening penal provisions with tougher fines of up to 50 000 DM in the case of illegal pipe systems existing to and from the oil sludge tank, to prevent illegal discharge of oil residues into the sea. In 2000, the Federal Maritime and Hydrographic Agency (*Bundesamt für Seeschifffahrt und Hydrographie*) imposed 53 administrative fines for this type of violation.
6. Agreement with private companies on keeping helicopter capacity in reserve to permit action to be taken swiftly in the case of emergencies and accidents at sea.

In addition the following are currently being developed:

7. Further development of the sea pilot system. For example, the introduction of compulsory tests is planned for masters permitted to sail without pilots.
8. Establishing an "Emergency command" to ensure uniform management in cases of complex maritime damage.
9. A new concept for maintaining and equipping a reserve of emergency tugs in the North and Baltic Seas is developed.
10. Further intensification of the Port State Control over the next few years.

Work is constantly going on to improve all these instruments. The aim is always to achieve a balanced solution, which achieves environmental protection to the greatest possible extent, while also taking into account the legitimate interests of shipping, trade and industry and ports.

### **The Netherlands**

The Netherlands supports the rapid implementation of the measures of the package 'Erica I' – as it was accepted by all the Member States in the Transport Council in December 2000.

In principle, the Netherlands has a positive attitude with respect to the Commission proposals for the second package of measures. The Netherlands further supports ongoing developments within the framework of the IMO in order to improve existing instruments aimed at the reduction and combating of pollution by ships and effective enforcement of these instruments. These measures are considered contributory but not limited to the increased protection of the Wadden Sea area.

In the Netherlands, among others, the following measures to increase traffic safety and protection against marine pollution have been adopted, are being further developed or are considered desirable:

1. Implementation of EU Directive 2000/59 on shore reception facilities.
2. In the Netherlands harbour pilotage is compulsory for ships over 60 m in length and for all vessels carrying oil, gas or chemicals. Voluntary deep-sea pilotage is available for ships required to use the North Hinder - German Bight mandatory route for tankers.
3. Vessel Traffic Services for the Dutch part of the Wadden Sea area are provided.

A Central Reporting Station has the responsibility for coordinating the relevant maritime authorities with regard to all incidents within the Wadden Sea area, in close cooperation with the national Coast Guard Centre in Ijmuiden.

4. A considerable expansion of human resources, available from the Port State Control inspections, is being undertaken for realization within the next three years, in order to fulfil the requirements of the amended PSC directive as part of the Erika -I package.  
Further intensification of the Port State Control over the next few years.
5. The Netherlands intends to ratify MARPOL Annex VI and the AFS-Convention (anti-foulings / organotins) in the course of 2002.
6. The Netherlands intends to implement the amendments to MARPOL Annex I, regulation 13G on the accelerated phasing out of single hull tankers, in the course of 2002.

**MAP OF AREA TO BE SUBMITTED TO THE IMO TO BE  
DESIGNATED AS  
PARTICULARLY SENSITIVE SEA AREA (PSSA) WADDEN SEA**

**STATEMENT TO THE 5TH INTERNATIONAL CONFERENCE ON THE PROTECTION  
OF THE NORTH SEA, BERGEN, NORWAY, 20-21 MARCH 2002**

The Minister of Environment and Energy, Denmark, the Federal Minister for the Environment, Nature Conservation and Nuclear Safety, Germany and the State Secretary of Agriculture, Nature Management and Fisheries, The Netherlands, responsible for the protection of the Wadden Sea Area, met at the 9th Trilateral Governmental Conference on the Protection of the Wadden Sea in Esbjerg, Denmark, on 31 October 2001 (the Esbjerg II Wadden Sea Conference)

THEY

RECALL

the specific references of previous North Sea Conferences to the Wadden Sea as an area highly relevant for the North Sea ecosystem as a whole and, therefore, in need of special protection and, to give high priority to measures which are likely to have a special significance for the Wadden Sea

UNDERLINE

the many ecological interrelationships between the Wadden Sea and the open North Sea and the need to continue to pursue integrated policies to ensure environmental and nature protection and sustainable development in the North Sea area.

**I. The Protection of Species and Habitats**

WELCOME

the progress made in the development of an international regime for the protection of coastal and marine species and habitats, in particular the development of criteria for the selection of threatened species and habitats, the selection and management of Marine Protected Areas, the development of a draft list of ecological quality objectives, the reform of the European Union's common fisheries policy, and the FAO Code of Responsible Fisheries.

BRING TO ATTENTION

the listing of most of the Wadden Sea Area as Natura 2000 area, to constitute Europe's most comprehensive marine Natura 2000 area

their positive experiences with common trilateral ecological Targets for the development of conservation management

the establishment of reference areas without human exploitation in the Wadden Sea

the establishment of a protection area for harbour porpoises in German coastal waters

that they have addressed the issue of industrial fishing

EXPRESS CONCERN

about the continuing poor status of a considerable number of, target- and non-target species, benthic species and habitats, and some marine mammals, in the Wadden Sea, as well as, in the North Sea, especially in relation to high fishing intensity

about the continuous introduction of non-indigenous species into the North Sea including the Wadden Sea, mainly through the release of ships' ballast water

about the possible impacts of large infrastructural developments in the North Sea on the Wadden Sea ecosystem.



**CALL UPON THE NORTH SEA MINISTERS**

to adopt and implement ecological quality objectives as a basis for conservation and protection of North Sea species and habitats

to address the problems with by-catch, discarding and too high fishing levels in a number of present North Sea fisheries, and to develop proposals for more sustainable fisheries including industrial fisheries

to continue the efforts of establishing an ecological network of marine protected areas covering all representative North Sea habitats

with a view to the declining numbers of the harbour porpoise, to intensify the international efforts to improve the status of this species by putting in force a sustainable fisheries policy, aiming at reducing by-catch, on the basis of the ecosystem approach

to help enhance the implementation of the EU Habitats and Birds Directives regarding e.g. sandbanks and reefs

to address the problem of the introduction of alien species in the North Sea including the Wadden Sea.

**II. The Prevention of Pollution by Hazardous Substances and Nutrients**

**RECALL**

the statements made at previous North Sea Conferences that measures to reduce and prevent pollution of the Wadden Sea would be implemented with high priority.

**WELCOME**

the reduction of inputs and concentrations of many hazardous substances and of nutrients in the Wadden Sea and the North Sea, as documented in the Wadden Sea QSR and North Sea QSR, which have occurred in the past decade and which are the result of the successful implementation of national and international agreements,

**EXPRESS CONCERN**

about the continuing high nitrogen inputs into the Wadden Sea

the relatively high levels of pesticides monitored in the Wadden Sea, as documented in the Wadden Sea QSR

**EXPRESS THEIR INTENTION**

to continue to work towards achieving the goals set within the OSPARCOM and the North Sea Conferences and to fully implement the stipulations of the EU Nitrate and Municipal Wastewater Directives, especially with regard to nitrogen compounds

to continue to implement policies for reduction of natural micropollutants

**CALL UPON THE NORTH SEA MINISTERS**

to intensify efforts to reduce the application of pesticides and other xenobiotic compounds and, as a first step, to implement programs and measures to reach the 2020 target (Esbjerg Declaration §17) for all chemicals already identified for priority action.

**III. The Prevention of Pollution from Ships**

**WELCOME**

the designation of the North Sea as a special area under MARPOL Annex I

the mandatory routing measures for certain tankers north of the Dutch-German Wadden Sea

the IMO decision to phase out TBT anti fouling paints on all ships by 2003

the IMO decision to phase out single hull tankers, entering into force in 2002, initiated by the EU

**EXPRESS CONCERN**

about a number of accidents with ships amongst others the MV Pallas and the MV Erika

**BRING TO ATTENTION**

their decision to nominate a Particularly Sensitive Sea Area (PSSA) in the Wadden Sea to the IMO

**CALL UPON THE NORTH SEA MINISTERS**

to actively support the nomination in the relevant IMO fora.

**IV. The Impacts by Offshore Wind Turbines**

**WELCOME**

the positive contribution of wind energy to reducing the emissions of greenhouse gases

**BRING TO THE ATTENTION**

the rapid development with regard to the planning and construction of offshore wind turbines

the gaps in knowledge regarding the impacts of offshore wind turbines on marine mammals, birds, fish and benthic fauna

**INVITE THE NORTH SEA MINISTERS**

to exchange information and to develop guidelines and principles for the installation of offshore wind energy parks, taking account of, amongst others, the protection of species and habitats and the high density of ships in the area, in order to develop a North Sea wide coordinated approach to the development of offshore wind energy production.

**V. Coastal Protection and Sea Level Rise**

**EXPRESS CONCERN**

about the impacts of possible increased sea level and storm frequency for typical features of the Wadden Sea ecosystem

**BRING TO THE ATTENTION**

their positive experiences with the integration of coastal protection and nature protection policies

**CALL UPON THE NORTH SEA MINISTERS**

to start developing policies for the integration of coastal protection and nature protection with a view to anticipated changes in sea level and storminess.

## TERMS OF REFERENCE TRILATERAL WADDEN SEA FORUM

### 1. Background

The Wadden Sea Plan entails visions, policies, measures, projects and actions, which have been agreed upon by the three countries. The Plan is a framework for the overall Wadden Sea management and will be revised at regular intervals. It is a statement on how the three countries envisage the future coordinated and integrated management of the Wadden Sea Area and the projects and actions that must be carried out to achieve the Targets and the Shared Vision.

Inhabitants and stakeholders of the Wadden Sea Region expressed their wish to have greater influence on the planning of the trilateral policy and management and the trilateral projects and actions in order to secure economic development and quality of life in a sustainable way.

### 2. Objective

An independent Trilateral Wadden Sea Forum will be convened until the 10<sup>th</sup> Trilateral Governmental Wadden Sea Conference. The Forum will act as a platform for exchanging views, with the objective of enhancing the idea of nature protection and sustainable development of the Wadden Sea Area. The Forum will work on the basis of shared responsibilities, for the long-term benefit of everyone living and working in the Wadden Sea Area, as stated in the Shared Vision, so as to ensure a better integration of the Targets and the aspirations for economic and social development. This is related to, amongst others fishery, agriculture, coastal protection, tourism, industrialization, housing development, management of shipping routes and harbour development.

### 3. Tasks

The Trilateral Wadden Sea Forum will, in accordance with §98 of the Ministerial Declaration, elaborate proposals for sustainable development scenarios and strategies for their implementation, to be presented to the 10<sup>th</sup> Trilateral Governmental Wadden Sea Conference, as a contribution to the further development and possible amendments of the trilateral policy and management and the trilateral projects of the Wadden Sea Plan.

For the development of the scenarios it is necessary to address, amongst others, the following main issues:

1. Evaluation of present uses (including small-scale domestic uses) for sustainability in relation to present and future conservation and nature development goals.
2. Identification of the main conflicts between uses and the present and anticipated future status of the Wadden Sea ecosystem.
3. Inventory of long-term perspectives of economic, social and ecological development.
4. Inventory of management proposals which are best adapted to long term perspectives.

On the basis of the above assessment, common views, and, if this is not possible, alternative (sub)scenarios should be developed.

The scenarios should include, for different time scales, specific steps for different activities, management tools, approach, implementation and priorities.

### 4. Membership

The Forum will consist of representatives of regional and local authorities and non-governmental organisations and expert Representatives of federal/national and state Governments will participate as advisors/observers.

## **5. Organizational Support**

The Forum will be facilitated by the CWSS in cooperation with the IRWC, provided external funding, if necessary, can be found.

## **6. Preparatory Committee**

The Trilateral Working Group will – in close Cooperation with those Trilateral NGOs being Observers of the TWG - establish, directly after the Conference, a Preparatory Committee with the task of preparing the Forum.

The Preparatory Committee will consist of the IRWC and an equal number of representatives of governments and NGOs and will be supported by the CWSS.

The Preparatory Committee shall:

- Seek the necessary human and other resources for the Forum, striving for external financing possibilities;
- Develop a procedure for the nomination of the members of the Forum;
- Develop draft rules of procedure for the Forum and other organisational matters, if necessary.

The Preparatory Committee will report to the TWG/SO by April 2002.

## **7. Chair**

The chairperson of the Preparatory Committee and the Trilateral Wadden Sea Forum is Mr. E. Nijpels, the Queen's Commissioner of the Province of Friesland, the Netherlands.

## **8. Time Schedule**

The Forum shall start its work in 2002, as soon as possible after the finalization of the preparatory work and will finalize its work by submitting its concluding recommendations one year before the 10<sup>th</sup> Trilateral Governmental Conference, i.e. by the end of 2004.