

**General Report to North Sea Ministers
On Follow-Up To The
2002 Bergen Declaration**



**OSPAR Commission
2006**

The Convention for the Protection of the Marine Environment of the North-East Atlantic (the “OSPAR Convention”) was opened for signature at the Ministerial Meeting of the former Oslo and Paris Commissions in Paris on 22 September 1992. The Convention entered into force on 25 March 1998. It has been ratified by Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, Netherlands, Norway, Portugal, Sweden, Switzerland and the United Kingdom and approved by the European Community and Spain.

La Convention pour la protection du milieu marin de l'Atlantique du Nord-Est, dite Convention OSPAR, a été ouverte à la signature à la réunion ministérielle des anciennes Commissions d'Oslo et de Paris, à Paris le 22 septembre 1992. La Convention est entrée en vigueur le 25 mars 1998. La Convention a été ratifiée par l'Allemagne, la Belgique, le Danemark, la Finlande, la France, l'Irlande, l'Islande, le Luxembourg, la Norvège, les Pays-Bas, le Portugal, le Royaume-Uni de Grande Bretagne et d'Irlande du Nord, la Suède et la Suisse et approuvée par la Communauté européenne et l'Espagne.

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INTRODUCTION

0.1 In March 2002, the Ministers responsible for the protection of the environment of the North Sea and the Member of the European Commission responsible for environmental protection (“the Ministers”) met in Bergen for the Fifth International Conference on the Protection of the North Sea in the presence of observers from Intergovernmental Organisations and Non-Governmental Organisations. The Conference adopted the Bergen Declaration.

0.2 In the Bergen Declaration, with a view to safeguarding the fulfilment of the commitments agreed in the North Sea Conference declarations, the Ministers invited OSPAR, in cooperation with the EU, to facilitate a periodic follow-up to this effect involving all interested stakeholders.

0.3 The OSPAR Commission agreed in 2002 to have a regular item on the agenda of its annual meetings for this purpose, and under that item has considered in 2003 and 2004 progress reports from the OSPAR Secretariat on the implementation of the various actions agreed in the Bergen Declaration.

0.4 In 2005, the OSPAR Commission decided to prepare three separate reports to North Sea Ministers. The first is the report on the review of the North Sea Pilot Project on Ecological Quality Objectives (EcoQOs). The second will be a special report on actions relating to the environmental impacts of shipping and fisheries, in preparation for the North Sea Ministerial Meeting on these issues in May 2006.

0.5 This is the third report, which gives an overview of progress on the actions not covered in the other two reports. This report therefore covers: (i) establishing an ecosystem approach (other than issues relating to ecological quality objectives); (ii) protection of species and habitats; (v) hazardous substances; (vi) eutrophication; (vii) offshore activities; (viii) radioactive substances; (ix) renewable energy; (x) marine litter; (xi) spatial planning and (xii) future cooperation.

CHAPTER I – ESTABLISHING AN ECOSYSTEM APPROACH TO MANAGEMENT

1.1 *The Ministers agreed to implement an ecosystem approach by identifying and taking action on influences which are critical to the health of the North Sea ecosystem. The Ministers further agreed to develop focused research and information-gathering which address the driving forces of North Sea ecosystems variability, to recognise the need for shared integrated expert advice and assessments of the North Sea, to develop a strategy for achieving dialogue with all relevant stakeholders for the development and implementation of the ecosystem approach, and to improve the coordination, harmonisation and efficiency of current national and international monitoring. (Bergen Declaration §2)*

1.2 An immediate output from this commitment was the adoption by the first Joint Ministerial Meeting of the Helsinki and OSPAR Commission in June 2003 of a joint statement on the ecosystem approach to the management of human activities which may affect the marine environment. This described how the various activities of the two Commissions would be brought together to deliver an ecosystem approach. In particular, this statement contained commitments:

- a. to continue to contribute, through monitoring and assessment programmes, to the scientific understanding of marine ecological processes and to evaluating human impacts on the marine environment;
- b. to ensure that programmes and strategies reflect the ecosystem approach. This will involve developing sets of coherent and integrated ecological quality objectives as a tool for this purpose, while taking account of the different needs of sub-regional areas as shown by the HELCOM 4th Periodic Assessment of the Baltic Sea and the five sub-regional reports of the OSPAR Quality Status Report 2000 on the North-East Atlantic;
- c. to implement programmes and strategies across the whole range of the competences of the Helsinki and OSPAR Commissions, and identifying and acting on newly-emerging issues where human activities and pressures in those fields threaten marine ecosystems;
- d. to consider in addition how to promote the conservation of the full range of species and habitats in the other parts of the maritime areas of the two Commissions;

- e. to draw the attention of competent authorities and international bodies to threats and pressures in other fields affecting the ecosystems of the North-East Atlantic and the Baltic Sea Area;
- f. to involve stakeholders effectively in developing and applying the ecosystem approach, both at Commission and national levels.

1.3 Further action on this issue has taken place very much as part of the work to develop a European Marine Strategy. The initiative for this came from the European Community's Sixth Environmental Action Plan, which proposed a thematic strategy on the marine environment. In following up this commitment to a thematic strategy, the European Commission has aimed at a strategy which has both an EC dimension and a pan-European dimension, to take account of the fact that both EU Member States and other States need to be involved in the issues affecting the seas around Europe. For both dimensions, the European Commission has brought forward material very much based upon the ecosystem approach. Among other things, they have commissioned an excellent document on "Guidance on the application of the Ecosystem Approach to Management of human activities in the European marine environment".

1.4 A further part of this work is on developing coherent and consistent monitoring and assessment for all the seas around Europe. This is being done through the European Marine Monitoring and Assessment (EMMA) group, which bring together experts not only from European States, but also from non-governmental and scientific organisations. EMMA is also considering how to strengthen the link between research needs identified in assessments and priorities for research to improve the understanding of marine ecosystems.

1.5 The work for the development of the European Marine Strategy is thus achieving dialogue with relevant stakeholders on the ecosystem approach, and improving the coordination, harmonisation and efficiency of current national and international monitoring. It can be expected that the European Marine Strategy will make provision for further work of this kind.

1.6 *For delivering an ecosystem approach for the North Sea, the Ministers stressed the importance of developing a coherent and integrated set of ecological quality objectives. (Bergen Declaration §4)*

1.7 The separate report on the North Sea Pilot Project on Ecological Quality Objectives (EcoQOs) deals with the work that OSPAR has undertaken, at the request of the Fifth North Sea Conference, under the joint leadership of the Netherlands and Norway, to achieve dialogue with all relevant stakeholders – not least through a Stakeholder Workshop, hosted by Norway in December 2004 – and will continue to do so through the communications strategy which forms an integral part of the project's outcome.

CHAPTER II – CONSERVATION, RESTORATION AND PROTECTION OF SPECIES AND HABITATS

2.1 *The Ministers reaffirmed the agreement within OSPAR to promote the establishment of a network of marine protected areas to ensure the sustainable use, conservation and protection of marine biological diversity and its ecosystems. In order to promote the establishment of a representative network of marine protected areas in the North Sea, the Ministers urged OSPAR and the European Union to assess whether measures to protect marine areas complementary to existing measures, or other relevant international or national commitments, are necessary to ensure the conservation of the ecosystem and biodiversity in the North Sea; and agreed that by 2010 relevant areas of the North Sea will be designated as marine protected areas belonging to a network of well-managed sites, safeguarding threatened and declining species, habitats and ecosystem functions, as well as areas which best represent the range of ecological and other relevant character in the OSPAR area. (Bergen Declaration §§6 & 7)*

2.2 These North Sea commitments have now been overtaken by wider OSPAR action. The second Ministerial Meeting of the OSPAR Commission in June 2003 adopted a Recommendation on a Network of Marine Protected Areas, aimed at creating by 2010 an environmentally coherent network of well-managed marine protected areas, covering the whole of the OSPAR maritime area. At the same time, the Joint Ministerial Meeting of the Helsinki and OSPAR Commissions agreed that, based on the progress made by HELCOM in establishing a system of coastal and marine Baltic Sea Protected Areas, and OSPAR's agreement to a Recommendation on, and guidelines for selecting and managing, a Network of marine protected areas, the two Commissions, working with the European Community, will have identified the first

set of such areas by 2006, and will then establish what gaps remain and complete by 2010 a joint network of well-managed marine protected areas that, together with the NATURA 2000 network, is ecologically coherent.

2.3 Important steps remain to be taken for these purposes during the 2005/06 cycle of OSPAR meetings. However, provided that the Contracting Parties deliver what they have indicated they will, satisfactory progress will be made on the commitments in the Bergen Declaration.

2.4 *Ministers encouraged OSPAR and the EEA to start marine habitat mapping by 2003. (Bergen Declaration §8)*

2.5 Under the lead of the United Kingdom, OSPAR has revised the EUNIS habitats classification system for marine habitats and produced in 2005 maps of the distribution of habitats on the initial OSPAR List of Threatened and/or Declining Species and Habitats.

2.6 *The Ministers of the EU Member States confirmed that they will fulfil their obligations under the EC Birds and Habitats Directives to protect species and nominate sites for the Natura 2000 network without delay and implement management plans as soon as possible, and invited the competent authorities to study the practicability of the application of the EC Birds and Habitats Directives beyond the territorial seas of EU Member States to the limits of their offshore jurisdiction. (Bergen Declaration §9i).*

2.7 In the discussions leading to the adoption of the OSPAR Recommendation on a Network of Marine Protected Areas, it became clear that all OSPAR Contracting Parties that are EU Member States accepted that they would work on the basis that the EC Birds and Habitats Directives apply to all marine areas under their national jurisdiction.

2.8 *The Ministers urged the development and – while taking into account existing international guidelines – adoption of guidelines on how marine special protected areas and special areas of conservation can contribute to the conservation, restoration and protection of species and habitats. (Bergen Declaration §9ii)*

2.9 In 2003, OSPAR adopted Guidelines for the Identification and Selection of Marine Protected Areas in the OSPAR Maritime Area and Guidelines for the Management of Marine Protected Areas in the OSPAR Maritime Area. In practice marine special protected areas and marine special areas of conservation are likely to form part of the initial set of MPAs adopted to the OSPAR network. OSPAR will continue to work out how in practice the management of these sites can contribute to conservation, restoration and protection of species and habitats.

2.10 *The Ministers agreed to take all possible actions, in accordance with the requirements of the Directive 2001/18/EC and comparable national legislation, to ensure that the culture of genetically modified marine organisms is confined to secure, self-contained, land-based facilities in order to prevent their release to the marine environment. (Bergen Declaration §10)*

2.11 No authorisations of this kind have been issued in Germany, Norway or the United Kingdom. In the Netherlands GMOs are carried out in the framework of national legislation. There is also no evidence of any authorisations of this kind being sought or issued elsewhere.

2.12 *The Ministers agreed to take action to reduce the risk and minimise adverse effects on ecosystems, habitats or naturally occurring species arising from the introduction or release of non-indigenous species, including (i) developing approval systems for intentional introductions and (ii) action to prevent firm establishment of unintentional introduction. (Bergen Declaration §11).*

2.13 Approval systems are in place for the intentional introduction of non-indigenous species and no authorisations have been issued. There is no evidence of any unintentional introductions of invasive non-indigenous species. In some countries (such as Norway), the general policy is not to allow intentional introductions.

2.14 *The Ministers invited OSPAR:*

- i) *to investigate how to best monitor introduced invasive non-indigenous and genetically modified organisms;*
- ii) *to develop a database on non-indigenous species aiming at detecting species which have the potential of adversely affecting the North Sea ecosystems and their biodiversity and may also entail economic damage;*

- iii) *to develop an appropriate system of risk assessment and risk profiles connected with relevant human activities (e.g. shipping and aquaculture) in particular regions and localities; and*
- iv) *to examine how best to prevent, control or eradicate, as appropriate, the introduction of harmful invasive species in the OSPAR region or to control or eradicate genetically modified organisms which after their release adversely affect the marine environment, and develop relevant measures, taking into account the results of ongoing work of other international organisations such as the International Maritime Organization (IMO) and CBD. (Bergen Declaration §12)*

2.15 Measures to reduce the risk of unintentional introductions are being developed within the framework of the International Convention for the Control and Management of Ships' Ballast Water and Sediments.

CHAPTER III – SUSTAINABLE FISHERIES

3.1 The commitments covered will be considered by the Ministerial Meeting on the environmental impact of shipping and fisheries.

CHAPTER IV – REDUCING THE ENVIRONMENTAL IMPACT FROM SHIPPING

4.1 The commitments covered will be considered by the Ministerial Meeting on the environmental impact of shipping and fisheries.

CHAPTER V – THE PREVENTION OF POLLUTION FROM HAZARDOUS SUBSTANCES

5.1 *The Ministers recognise that some significant targets on specific substances still remain to be met. For most substances where the 50% reduction target has not been met by all countries, actions are underway in the EU framework that may lead to the achievement of the target. Therefore, the Ministers agreed to take into account the non-achievement of the 50% reduction target in the present and future work. (Bergen Declaration §53)*

5.2 OSPAR has continued to assess the changes in concentrations of various hazardous substances in the marine environment, and in the levels of air-borne and water-borne inputs to the sea of those substances (heavy metals, PAHs, PCBs and lindane). Reports on these assessments have been published in 2005. The report on water-borne inputs also examines the situation in the different sectors of the North Sea. The reports show continuing reductions for most of the monitored substances in most areas, but highlight a number of issues that need further examination.

5.3 *Ministers recognise that further efforts are required to meet the target of the cessation of emissions, discharges and losses of hazardous substances to the marine environment by 2020 with the ultimate aim of achieving concentrations in the North Sea near background values for natural occurring substances and close to zero for man-made synthetic substances. The Ministers recognise the need for work to identify what action may be needed to tighten control on the use of hazardous substances in consumer products, and agree that to this end their use should be addressed as a priority issue in the reform of the EU chemicals policy and the development of the EU integrated product policy. (Bergen Declaration §55)*

5.4 OSPAR has taken account of this commitment in its consideration of Background Documents on chemicals identified for priority action. The OSPAR Contracting Parties which are EU Member States have taken account of the calls in the recommendations in these Background Documents for support for various actions in relation to EC instruments.

5.5 *Recalling the request of the Gothenburg Summit in June 2001 for the EC chemicals strategy to be concluded by 2004, the Ministers urged the European Commission to accelerate the work on the proposals of the strategy. (Bergen Declaration §56)*

5.6 The European Commission adopted on 29 October 2003 a proposal for a new EU regulatory framework for chemicals. Under the proposed new system called REACH (Registration, Evaluation and Authorisation of Chemicals), enterprises that manufacture or import more than one tonne of a chemical substance per year would be required to register it in a central database.

5.7 The aims of the proposed new Regulation are to improve the protection of human health and the environment while maintaining the competitiveness and enhancing the innovative capability of the EU chemicals industry. REACH would furthermore give greater responsibility to industry to manage the risks from chemicals and to provide safety information on the substances. This information would be passed down the chain of production.

5.8 The proposal has been drafted in close consultation with all interested parties, and is now being considered by the European Parliament and the EU Council of Ministers under the co-decision procedure.

5.9 *The Ministers agreed that new initiatives on substitution are needed to address concerns about products, processes and diffuse sources. To support industry work on substitution, the Ministers therefore agreed to develop and support further initiatives within OSPAR, the Organization for Economic Co-operation and Development (OECD) and in particular in the European Union, which should have a main role. (Bergen Declaration §57)*

5.10 OSPAR considered what work it would be appropriate to carry out, in order to supplement that in hand in the OECD and the EC. The conclusion in 2002 was that:

- a. there was no role for OSPAR to develop general guidance on the substitution of hazardous substances and OSPAR should not generally develop measures on substitution;
- b. the need to promote substitution in specific cases could best be addressed in Background Documents for OSPAR priority substances with a view to identifying available substitutes in the form of alternative substances and/or products.

5.11 This approach has been followed, and the issue of substitution has been addressed, where appropriate in the Background Documents. In June 2006, OSPAR will consider a proposal on environmental goals for the use of chemicals in the offshore industry, which will promote substitution.

5.12 OECD has initiated a new project to help its Member States and others assess and manage the impacts of chemicals throughout their life cycle (that is, from production of a chemical substance, to distribution, use, recycling and/or recovery and final disposal). This is an essential task in developing sound substitution policies. Until now, most methodologies for generating and collecting data, conducting risk assessments and making risk management decisions have focused primarily on the production stage. This new approach will build on existing methodologies and develop new ones to support a more holistic approach to chemicals management. This should help support more effective substitution policies.

5.13 Appropriate requirements are also being included in EC legislation. For example, the Directive on hazardous substances in electrical and electronic equipment (2002/95/EC) emphasises the importance of substitution of hazardous substances with less hazardous substances, and provides that “3. On the basis of a proposal from the Commission, the European Parliament and the Council shall decide, as soon as scientific evidence is available, and in accordance with the principles on chemicals policy as laid down in the Sixth Community Environment Action Programme, on the prohibition of other hazardous substances and the substitution thereof by more environment-friendly alternatives which ensure at least the same level of protection for consumers.”

5.14 *In the context of the OSPAR Hazardous Substances Strategy the Ministers invite OSPAR to develop an effective and efficient monitoring and assessment process for the chemicals selected for priority action. (Bergen Declaration §58)*

5.15 Following the agreement on each Background Document on the chemicals identified for priority action, OSPAR in June 2004 and 2005 adopted monitoring strategies for the following substances (based on proposals from the lead country specified):

- cadmium (Spain);
- certain brominated flame retardants (Sweden);
- clotrimazole (France);
- dicofol (Finland);
- dioxins and furans (Belgium and Denmark);
- endosulphan (Germany);

lead and organic lead compounds (Norway);
lindane (Germany);
mercury and organic mercury compounds (UK);
methoxychlor (Finland);
musk xylenes and other musks (Switzerland);
nonylphenol/nonylphenol-ethoxylates (Sweden);
octylphenol (UK);
pentachlorophenol (Finland);
polycyclic aromatic hydrocarbons (PAHs) (Norway);
polychlorinated biphenyls (Belgium and Germany);
short-chained chlorinated paraffins (Sweden);
organic tin (the Netherlands);
tetrabromobisphenol-A (United Kingdom);
trichlorobenzenes (Belgium and Luxembourg);
trifluralin (Germany);
2,4,6 tri-tert-butylphenol (UK).

5.16 The aim of these strategies is to provide the basis for measuring progress towards the objective of the OSPAR Hazardous Substances Strategy and in particular towards the target of the cessation of discharges, emissions and losses of hazardous substances by the year 2020. The monitoring strategies include the collection of data on emissions, discharges, losses, production, sales, and use, as well as of information on the implementation of measures. In order to implement the conclusions of the monitoring strategies, OSPAR has adopted a consolidated agreement on the monitoring strategies.

5.17 *Recognising the need for further work to follow up the commitments in the Esbjerg Declaration on pesticides, the Ministers invited the European Union to use the criteria and principles established for hazardous substances in the evolving EU chemicals policy in its forthcoming review of pesticides legislation. (Bergen Declaration §59i)*

5.18 The European Commission's services are currently finalising a proposal for a Thematic Strategy on the Sustainable Use of Pesticides. This will build on and focus on the results of previous stakeholder consultations following the publication of the Commission's Communication "Towards a thematic strategy on the sustainable use of pesticides" and the survey organised by the Commission in the preparation of the detailed impact assessment. The final Strategy is scheduled for adoption in September 2005.

5.19 The Thematic Strategy on Pesticides will set out an integrated approach on sustainable use of pesticides. It is based on an analysis of the current situation which shows that unwanted amounts of certain pesticides can still be found in environmental media (in particular soil and water) and residues exceeding acceptable limits can still be detected in agricultural production. Consumption and use of pesticides in the EU is increasing slowly but steadily. The percentage of food and feed where residues of pesticides are exceeding maximum residue limits is not declining. Also, pollution of the aquatic environment seems to be on the rise.

5.20 The Thematic Strategy is intended to consist of:

- a. a Communication outlining the environment problem, the current legal/policy framework and the reason for the Thematic Strategy. It will assess the situation, establish the objectives and briefly describe the actions and implementation means to be used, as well as the expected impacts and results, and the review mechanisms.
- b. the Communication would be accompanied by a draft Directive of the European Parliament and of the Council establishing a framework for Community Actions to achieve sustainable use of pesticides: the Directive would require Member States to develop national action plans (NAP)

aiming at reducing hazards and risks from use of pesticides through better control of use and distribution of pesticides. The Directive would set out the possible measures to be part of the NAPs, such as training and awareness raising, technical checks on sprayers, requirements for aerial spraying.

5.21 *The Ministers agreed to ratify both the LRTAP POPs protocol and the Stockholm Convention on Persistent Organic Pollutants as soon as possible and to apply these instruments to pesticides, as well as to other chemicals, which meet the criteria established in those instruments. (Bergen Declaration §59ii)*

5.22 At 14 June 2005, all the North Sea States, except Belgium and the United Kingdom, had ratified or approved the LRTAP POPs Protocol. At 22 May 2005, all North Sea States, except Belgium, had ratified or approved the Stockholm Convention.

5.23 The Contracting Parties to the Stockholm Convention have agreed the terms of reference for the POPs Review Committee, which will consider the addition of further substances to the list covered by the Convention. This Committee held its first meeting in November 2005. Norway has submitted a proposal to add pentabromodiphenyl ether to the list, and the European Community and its Member States which are Parties have submitted proposals to add chlordecone and hexabromobiphenyl. Sweden has submitted a proposal to add perfluorooctane sulphonate (PFOS) and the group of related compounds.

5.24 *The Ministers agreed to promote the application of OSPAR Recommendations 2000/1 (agricultural use of pesticides) and 2000/2 (amenity use of pesticides) by pesticide-users in their countries, and recognise the contribution to be made by organic agriculture to reducing pesticide use. (Bergen Declaration §59iii)*

5.25 A first reporting cycle on the implementation of Recommendation 2000/2 was completed in 2003. It was agreed that all North Sea States had shown that they had implemented the recommendation, and did not need to report further. Reporting on implementation of Recommendation 2000/1 is scheduled for 2005/06.

5.26 *The Ministers invited the European Union to accelerate the review within the framework of Directive 91/414/EEC of those 19 pesticides¹ given in the Esbjerg Declaration annex 2, appendix 1 (which have been detected in the North Sea or might pose a risk to the marine environment) for which these reviews have not been finalised. (Bergen Declaration §59iv)*

5.27 The process under EC Pesticides Directive (91/414/EC) for the review of existing active substances in pesticides has been carried out under four programmes listing the active substances to be reviewed. The procedure is that the company which wishes to maintain the substance on the market must submit a dossier in support to a rapporteur Member State. The Member State ensures that the dossier complies with the requirements of the Directive. Following detailed evaluation of the dossier, the rapporteur Member State submits a report of their evaluation to the European Food safety Authority, with recommendations regarding whether or not the active substance should be included in Annex I of the Directive (substances which may be authorised).

5.28 The state of progress on the 16 substances identified in the Esbjerg Declaration is as follows (in the case of those marked with an asterisk, the substance had been detected in the North Sea in the early 1990s):

- a. 3 substances have not been included in any of the review programmes, and therefore have now been excluded from the market (*disulfonton**; *hexazione*; *metabenzthiazuron**);
- b. 7 substances have not been supported by the industry and/or a decision has been taken to exclude them from the market by EC Regulation 2076/2002 (*cyanazine* (which was in the 2nd programme, with Sweden as rapporteur); *1,2-dichloropropane**; *1,3-dichloropropene*² (which was in the 2nd programme, with Spain as the rapporteur); *metoxuron* (which was in the 3rd programme)³; *mevinphos** (which was in the 2nd programme with Sweden as rapporteur); of the *organic tin pesticides* (which were included as a group in the Esbjerg Declaration), tributyl tin oxide was in 3rd programme; *metholachlor** (otherwise metolachlor) (which was in the 2nd programme, with Belgium as rapporteur));

¹ The list in Appendix 1 to Annex 2 actually contains only 16 substances or groups of substances.

² Subject to an extension until 2007 for the Netherlands for use in connection with flower bulbs, strawberries, vegetables, tree nursery crops, perennials and replanting of orchards.

³ Subject to an extension until 2007 for Belgium, France, Ireland, Luxembourg, the Netherlands and the United Kingdom for use in connection with carrots and (in one or more of these countries) potato, iris and gladiolus.

- c. 6 substances are still under consideration (with the rapporteur specified) (*chloridazon** - (3rd programme – Germany); *dichlorvos** (2nd programme – Italy); *diuron** (2nd programme – Denmark); *dimethoate** (2nd programme – United Kingdom); *metazachlor** (3rd programme – United Kingdom); *propachlor** (3rd programme – the Netherlands).

CHAPTER VI – THE PREVENTION OF EUTROPHICATION

6.1 *With regard to the reduction of anthropogenic nutrient inputs to the North Sea, the Ministers noted the achievement of the 50% reduction target for phosphorus inputs by most countries and further progress towards achieving the 50% reduction target for nitrogen and reaffirmed their commitment to reach that target. However, the Ministers noted with considerable disappointment that progress with regard to the reduction of nitrogen is still substantially behind schedule. This is amongst others due to the delays in implementing the Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources and, to a regionally varying extent, delays in implementing the Council Directive 91/271/EEC concerning urban waste water treatment or delays in equivalent national measures. The Ministers therefore committed themselves to achieve full implementation of the Nitrates Directive, the Urban Waste Water Directive, and the Water Framework Directive or equivalent national measures and to meet the target of the OSPAR Strategy to Combat Eutrophication, i.e. to achieve by 2010 a healthy marine environment where eutrophication does not occur. (Bergen Declaration §§60-62)*

6.2 Within the European Community, there are a number of differences of opinion between the European Community and North Sea Member States about what will constitute full implementation of the Nitrates Directive and the Urban Waste Water Directive. These differences of opinion are in the process of being resolved, including through cases in the European Court of Justice.

6.3 *The Ministers called upon OSPAR to complete the initial application in 2002 of the Common Procedure to identify problem areas, potential problem areas and non-problem areas with respect to eutrophication in the North Sea. (Bergen Declaration §62iii)*

6.4 OSPAR completed an Integrated Report on the Eutrophication Status of the OSPAR Maritime Area, based upon the first application of the Comprehensive Procedure. This was approved for publication by the second Ministerial Meeting of the OSPAR Commission in June 2003. Preparations are now in hand for a second application of the procedure in 2008.

6.5 *The Ministers agreed to employ preventive measures in respect of potential problem areas where applicable, and to take action to reduce further nutrient losses from agriculture, where this will reduce eutrophication, by promoting good farm management and by a number of other measures.*

6.6 In Germany, an action programme under the Fertiliser Ordinance had been adopted in 1996, applicable in all agricultural and horticultural areas, and rules of good fertiliser practice were made binding on all farmers. The action programme was reviewed in 2003, and the Fertiliser Ordinance is under review, with the aim of reducing the nitrogen surplus to 80 kg per hectare by 2010. Action has already reduced it from about 130 kg per hectare in the early 1990s to about 100 kg per hectare in 2001/2002.

6.7 The Netherlands has adopted more stringent legislation on arable farming (open air) and livestock farming, and has promulgated general rules for greenhouses. It has also set more stringent standards for nutrient losses in 2003 and has been considering setting tighter loss standards further in the 2003-2010 period).

6.8 Norway has adopted a system under which every farm enterprise, irrespectively of the location of the farm, has to comply with strict and specific environmental standards. Additionally, specific standards, more stringent than those that apply generally can be required in areas such as particularly sensitive catchments. An increasing part of the governmental funds for Norwegian agriculture is now linked to the environmental services that agriculture contributes. In addition the agricultural industry itself made environmental concerns a part of their Quality System for Agriculture (KSL). In 2003 approximately 60 per cent of the registered farms took part in the KSL system. From 1 January 2003, all farms that receive general agricultural payments are required to have an environmental plan, which includes a plan for the use of fertilisers and pesticides. A second, more demanding level of plan is required to qualify for special environmental payments.

6.9 In other North Sea States, no action has been reported beyond what is necessary to implement the EC/EEA Nitrates Directive.

CHAPTER VII – THE PREVENTION OF POLLUTION FROM OFFSHORE INSTALLATIONS

7.1 *The Ministers invited OSPAR to pursue further work necessary to prevent pollution caused by discharges and emissions from offshore installations and the implementation of the measures already adopted. In particular, they invited OSPAR to investigate further the extent and effects of pollution caused by the hazardous, natural components of produced water (such as aromatic hydrocarbons, including PAH, endocrine disruptive substances, and heavy metals), and to develop appropriate descriptions of BAT and best environmental practice (BEP) for the minimisation of pollution from those components by 2006, and to review techniques for the reduction of the volume of produced water discharged into the sea (e.g. injection, downhole separation or water shut-off) and/or a reduction of concentrations of oil and other harmful substances in produced water, and to adopt appropriate measures. (Bergen Declaration §64)*

7.2 OSPAR Contracting Parties have continued with the implementation of OSPAR Recommendation 2001/1, which is aimed at a 15% reduction in the absolute amount of oil contained in produced water discharged by offshore installations under the jurisdiction of each OSPAR Contracting Party with offshore installations under its jurisdiction. A report on the progress in achieving this aim will be developed in 2006.

7.3 *The Ministers invited OSPAR to study the effects of energy emission on the marine environment (such as noise on cetaceans) and, if appropriate, to adopt measures on abatement techniques. (Bergen Declaration §64)*

7.4 Germany has agreed to present a comprehensive survey of the problem of underwater noise to the OSPAR Biodiversity Committee in 2006. Further action will be considered in the light of this survey.

7.5 *The Ministers invited OSPAR to continue to promote the use of management mechanisms to achieve environmental goals, including reporting on their effectiveness. (Bergen Declaration §64)*

7.6 OSPAR adopted Recommendation 2003/1 on environmental management systems in the offshore oil and gas industry, which includes provision for reporting on implementation and effectiveness. OSPAR has also adopted Recommendation 2005/2 on environmental goals for the discharge by the offshore industry of chemicals that are, or contain, substances listed in the OSPAR 2004 List of Chemicals for Priority Action. This aims to prevent the authorisation of new discharges of such chemicals and to phase out all such discharges by 2010.

7.7 *The Ministers invited OSPAR to encourage stakeholder involvement in, and transparency in reporting on, the environmental aspects of offshore activities. (Bergen Declaration §64)*

7.8 OSPAR has continued to welcome the involvement of international non-governmental organisations representing the different stakeholders to participate in the work of its Offshore Industries Committee, including consideration of reports on the environmental effects of offshore activities.

7.9 *The Ministers invited OSPAR to promote where practicable the use of vapour recovery equipment during the offshore ship-loading of crude oil. (Bergen Declaration §64)*

7.10 OSPAR reviewed this issue in 2003 and agreed that there was no need for the adoption of any further programmes and measures on this subject.

7.11 *The Ministers invited OSPAR to further improve reporting requirements and request harmonised reporting of discharges of chemicals to the maritime area. (Bergen Declaration §64)*

7.12 Work for this purpose formed part of the development of OSPAR Recommendation 2005/2, referred to above.

7.13 *The Ministers invited OSPAR to study the long term effects of discharges in the vicinity of offshore installations on the species and habitats of the North Sea, and to assess the long term effects of discharges on the species and habitats of the North Sea. (Bergen Declaration §64)*

7.14 The OSPAR Joint Assessment and Monitoring Programme includes commitments to prepare and publish by 2007 an assessment of the impact on the marine environment of offshore oil and gas activities, and by 2009 of the extent and impact of the offshore oil and gas industry, including the impact on the marine

environment of discharges of hydrocarbons and controlled offshore chemicals, both as they occur and from subsequent remobilisation, together with an assessment of the significance for the marine environment of such impacts in relation to the natural changes that are occurring to the OSPAR maritime area.

7.15 *The Ministers urged the competent authorities to ensure that the oil and gas industry as part of the decommissioning process, take appropriate action to remove from the site any lost equipment or other debris and further urged the competent authorities to ensure that appropriate action is taken with regard to disused sub-marine cables and pipelines, so that they will not hamper or endanger other legitimate uses of the sea, that appropriate measures are taken for monitoring any cables and pipelines left in place, and that the person responsible for such cables or pipelines is identified. (Bergen Declaration §66)*

7.16 In Germany, regulations for this purpose are part of the relevant German legislation. There are, however, at present no decommissioning operations in German waters.

7.17 In the Netherlands, the new Mining Law (2003) and its regulations require operators of offshore installations to remove any scrap and debris which has landed on the sea floor around an offshore installation when the offshore installation is decommissioned. They can also be required to remove disused cables and pipelines, although the usual basis is that pipelines may be left in place, provided that it is cleaned and made safe.

7.18 In Norway, the Frøy field is in the final stage of decommissioning. Lost equipment and other debris have been removed. The Norwegian Parliament has decided that 50% of the largest pipeline between Frøy and Frigg shall be covered, while the remaining 50% and some smaller cables/pipelines are not considered to hamper trawling activities and will be left in place. The work will be finalised by 2007. The Frigg field is currently being decommissioned, and the work is planned finalised by 2008. The Norwegian Pollution Control Authority has required the removal of any lost equipment and other debris using a remote-operated vehicle (ROV). Some disused cables and pipelines will be left in place, but will be cleaned and covered in order not to hamper future fishing activities.

7.19 In the United Kingdom, decommissioning programmes have been approved since 2002 for three offshore facilities. In each case, the operators were required to identify and remove any debris resulting from oil and gas activity at the sites. Where it has been agreed that pipelines may remain in place, operators have been required to demonstrate that the redundant pipelines will not cause interference with other legitimate uses of the sea, and will be subject to an appropriate monitoring regime.

7.20 In these and other cases, all decommissioning cases have been reported in accordance with OSPAR Decision 98/3, and no Contracting Party has raised any objections to what is proposed.

CHAPTER VIII – THE PREVENTION OF POLLUTION BY RADIOACTIVE SUBSTANCES

8.1 *The Ministers urged greater efforts by States transporting radioactive materials and spent fuel to assure other States that their practices conformed to the relevant IAEA resolution, to reduce the risks of pollution and to improve international regulations in this field. They further agreed to consider the issue of maritime transport of radioactive material at the Ministerial Meeting on the environmental impacts of shipping to be held in Sweden in 2006. (Bergen Declaration §67)*

8.2 These commitments will be considered by the Ministerial Meeting on the environmental impact of shipping and fisheries.

8.3 *The Ministers welcomed the OSPAR Radioactive Substances Strategy, agreed that progressive reductions in discharges from nuclear facilities was necessary for its effective implementation, urged that national plans are implemented with a view to organise a progressive decline in discharges, and requested OSPAR to evaluate further the progress made in achieving progressive and substantial reductions in discharges at its ministerial meeting in 2003. (Bergen Declaration §68)*

8.4 The 2003 OSPAR Ministerial Meeting agreed a progress report on the progress in implementing the Radioactive Substances Strategy, and arranged that there should be a first periodic evaluation of progress in implementing the national plans in 2006. A final draft of this evaluation will be considered by the OSPAR Commission in June 2006.

8.5 *Subject to a French reservation, the Ministers also encouraged relevant North Sea States to evaluate the options for spent fuel management after current reprocessing contracts have come to an end. (Bergen Declaration §68)*

8.6 The German contracts with France and the United Kingdom for reprocessing nuclear fuel came to an end by 30 June 2005. After this date, no spent fuel originating from German nuclear power stations will be sent for reprocessing in another country. Reprocessing in Germany is also not an option.

8.7 There is no information yet available in the Netherlands on initiatives to evaluate options for spent fuel.

8.8 This commitment is not relevant for Norway.

8.9 In Switzerland, the revised Federal Law on nuclear energy, adopted by the Federal Parliament in March 2003, entered into force on 1 February, 2005. This law includes a 10-year moratorium from 1 July 2006 on the exportation of spent nuclear fuel for reprocessing. The Federal Parliament can decide to extend this moratorium for up to a further 10 years.

8.10 For the other North Sea States concerned, the appropriate point for such a review has not been reached.

CHAPTER IX – PROMOTION OF RENEWABLE ENERGY

9.1 *The Ministers welcomed the development of renewable energy technology, inter alia, offshore wind energy, that has the potential to make a significant contribution to tackling the problems of climate change. They agreed to take action in order to exploit this potential fully and safely, taking into account the global and European commitments linked to the Kyoto protocol. Other technologies, such as wave power, may have a role in the future. They encouraged the competent authorities to develop indicative guidance on areas suitable for offshore wind energy developments, taking account of local wind conditions, ecological importance, shipping, the possibility of connections to national electricity grids and other users of the North Sea. The Ministers agreed that offshore wind energy parks should be developed taking account of environmental impact data and monitoring information as it emerges and taking account of exchange of information and experience provided through the spatial planning processes. (Bergen Declaration §§ 69-71)*

9.2 *The Ministers further invited OSPAR, in cooperation with the European Union, to develop a comprehensive set of criteria to assist competent authorities when deciding on applications for the development of offshore wind energy installations; and to develop a description of best available techniques for the location, construction, operation and removal of offshore wind energy parks with a view to facilitating their development and to protect the marine environment.*

9.3 OSPAR has developed and implemented a database on all offshore wind-farms. In addition, OSPAR has developed and adopted, in 2003, guidance on a common approach for dealing with applications for the construction and operation of offshore wind-farms and, in 2005, guidance on the assessment of the environmental impact of, and Best Environmental Practice for, the location of offshore wind-farms. It is further intended to develop a consolidated set of guidance on offshore wind-farms.

CHAPTER X – MARINE LITTER AND WASTE MANAGEMENT

10.1 *The Ministers agreed that litter can only be addressed by efforts from all sectors of society. The Ministers therefore committed themselves to giving priority, within their national programmes to combat litter, to projects that effectively address the problems of marine litter (such as the Save the North Sea Project) and, where appropriate, to supporting them within the framework of the EU INTERREG IIIB North Sea initiative. (Bergen Declaration §74)*

10.2 The OSPAR pilot project for monitoring beach litter has been pursued. It will come to an end in 2007. The aim of the project is to develop a methodology to evaluate the success of policy measures regarding the pollution of the marine environment with garbage. Since the start of the project, the following have been achieved:

- a. a harmonized survey protocol has been developed tested and is now used for monitoring;

- b. four reference beaches have been identified and each monitored four times a year (with a few gaps due to funding shortfalls);
- c. source-specific indicators have been identified and agreed;
- d. quality-assurance systems have been developed for the data.

10.3 In Germany, an “Investigation into litter pollution on beaches on the German North Sea coast” has shown that litter found on beaches in Schleswig-Holstein derives mainly from shipping and fisheries. German federal legislation on land-fills requires them to take into account the location of the land-fill with regard to bodies of water, waterways and coastal waters and the risk of flooding. The generation of marine litter from unsuitable land-fills is thus effectively prevented. Waste-water treatment (which includes an initial screening) also effectively prevents the generation of marine litter from this source. Local authorities routinely provide litter-bins and take steps to urge tourists to use them. Fishery undertakings that bring litter ashore can dispose of it at no extra charge.

10.4 In the Netherlands, the main emphasis has been on the “Fishing for Litter”, which started in the Den Helder harbour. This project will be separately considered by the Ministerial Meeting on the environmental impact of shipping and fisheries.

10.5 In Norway, “Keep Norway Clean” (“*Hold Norge Rent*”) has been launched as a nation-wide effort to combat littering of public areas. This will include beaches. It is a joint venture between national and local authorities, NGOs and private companies. Many of the country's largest organisations and institutions have signed up. 2004 was a pilot year for the campaign. 2005 was the start of the main campaign period. From 2006 the campaign may be turned into a public foundation to combat littering on a more permanent basis, if the partners come to that conclusion and finances prove to be available.

10.6 In the United Kingdom, the Clean Neighbourhoods and Environment Act 2005 has been adopted for England and Wales. This will provide local authorities with improved powers to tackle land-based sources of litter, which may eventually pollute the marine environment. Specifically it extends the offence of dropping litter to include private land and aquatic environments down to the low-water mark. In Scotland, the “Fishing for Litter” campaign has been supported. Research, supported by the EC and involving British researchers, has shown that there are particular problems involving discarded fishing gear and “ghost fishing” in shelf-edge and deep-water fisheries to the west and north of Great Britain and Ireland. This report is being considered by the European Commission.

10.7 No other activity has been reported by North Sea States.

10.8 *The Ministers, in relation to litter from the maritime transport sector and offshore installations, invited the operators to review the provisions of their environmental management systems to see how they can better control litter. (Bergen Declaration §74)*

10.9 *The Ministers committed themselves to implementing Directive 2000/59/EC on port reception facilities, and to striving for a coordinated approach in the future. They agreed to evaluate the different approaches in the meanwhile taking into account experience of the Baltic Sea States ('No Special Fee System' – '100%') and experience of other North Sea States. They agreed to set up mechanisms that work as an incentive to deliver all ship-generated waste ashore, and to exchange information on the adequacy and use of such facilities, through a harmonised system of reporting. The Ministers invited the Helsinki Commission with participation of the North Sea States to initiate the evaluation and deliver a report in time for the next meeting in Sweden. (Bergen Declaration §75)*

10.10 The issue of marine litter will be considered by the Ministerial Meeting on the environmental impact of shipping and fisheries.

CHAPTER XI – COOPERATION IN THE PROCESS OF SPATIAL PLANNING IN THE NORTH SEA

11.1 *In order to prevent and resolve the potential problems created by conflicts between the requirements for conservation and restoration of the marine environment and the different human activities in the North Sea, the Ministers **agreed** that the strengthening of cooperation in the spatial planning processes of the North Sea States related to the marine environment will be required, and **invited** OSPAR, within the framework of its biodiversity strategy, to establish the current state of the uses of the North Sea and to*

improve arrangements for the exchange of information and national experiences in the spatial planning processes of the North Sea States and to make use of INTERREG IIIB North Sea Programmes; to investigate the possibilities for further international cooperation in planning and managing marine activities through spatial planning of the North Sea States taking into account cumulative and transboundary effects; and to consider the possibilities for improving environmental assessment of human activities in the marine environment, taking into account existing legal requirements. (Bergen Declaration §§ 76, 77)

11.2 OSPAR held annual workshops on Spatial Planning in the North Sea in 2003 and 2004, and in 2005 agreed on, on a trial basis, to hold an annual workshop on marine spatial management. The programmes for these workshops concentrates on exchange of information on good practice, developing a description of the spatial control systems in place in the North Sea and the Irish Sea, and the transboundary and cumulative impacts of decisions permitting the use of specific sea areas.

11.3 The Netherlands has taken up spatial planning at sea in the policy document on spatial planning. This has been more specified in the Integrated Management plan of the North Sea (IBN). Attention is given to the Netherlands EEZ on space for Sensitive sea areas (in advance of the establishment of MPA's / areas under the Bird and Habitat directive) wind energy, land reclamation, sand extraction, cables, pipes and platforms and shipping lanes, and fishery. Research on effects of windfarms on ecology and other human activities, is been carried out in the light of the required Environmental Impact Assessment (in order to get a permit).

11.4 The United Kingdom issued in March 2006 a consultation document on a new Marine Bill. One of the five main themes of this proposed legislation would be planning in the marine environment.

11.5 The Ministers agreed that, given the important role of regional governments and local authorities in this field, future arrangements should ensure their close cooperation in an appropriate manner, as well as the involvement of other stakeholders. (Bergen Declaration §78)

11.6 International non-governmental organisations representing regional and local authorities are free to participate, and have participated, in the OSPAR workshops on spatial planning.

CHAPTER XII – FUTURE COOPERATION

12.1 With a view to safeguarding the fulfilment of the commitments agreed in the North Sea Conference declarations, the Ministers invited OSPAR, in cooperation with the EU, to facilitate a periodic follow-up to this effect involving all interested stakeholders.

12.2 OSPAR will continue annually to review, on the basis of a report from the Secretariat, progress in implementing the North Sea Conference commitments. Unless the 2006 Ministerial Meeting makes other arrangements, this process will also cover the new commitments resulting from that meeting.

12.3 In 2009, OSPAR will prepare a second comprehensive review of progress in implementing North Sea Conference commitments. This will enable North Sea Ministers, if they wish, to ensure that any issue which concerns them is raised under the agenda item for North Sea issues at the 2010 Ministerial Meeting of the OSPAR Commission (either in the official segment or in the Ministerial segment).