

STATEMENT OF CONCLUSIONS FROM THE INTERMEDIATE MINISTERIAL MEETING 7-8 DECEMBER 1993 IN COPENHAGEN

At the Third International Conference on the Protection of the North Sea (3NSC) in the Hague 7-8 March 1990, the Ministers responsible for the protection of the environment of the North Sea and the Member of the Commission of the European Communities (CEC) responsible for environmental protection made arrangements for a working group meeting at ministerial level in 1993, before the Fourth International Conference on the Protection of the North Sea (4NSC) in 1995, in order:

- to discuss the 1993 Quality Status Report on the North Sea;
- to evaluate the actions taken within the International Maritime Organization (IMO) on Annexes I and II of MARPOL 73/78 and to decide which additional measures are required, including declaring the North Sea a Special Area under these Annexes; and
- to discuss the problems encountered with the implementation of the North Sea Conference Declaration with regard to nutrients and pesticides.

The Ministers responsible for the protection of the environment of the North Sea, the Ministers of agriculture and the Members of the CEC responsible for environmental protection and for agriculture (the Ministers) met in Copenhagen on 7 and 8 December 1993 for the Intermediate Ministerial Meeting (IMM93).

Observers from Inter-Governmental Organisations as well as international Non-Governmental Organisations attended the IMM93.

A list of participants is attached as Annex 1.

After having discussed the items on the agenda for the IMM93, the Ministers adopted the following Statement of Conclusions:

I. QUALITY STATUS REPORT ON THE NORTH SEA

1. The Ministers CONGRATULATE the North Sea Task Force on the successful completion of the North Sea Quality Status Report (QSR), which is intended to provide a dependable and comprehensive statement of circulation patterns, inputs and dispersion of contaminants, ecological conditions and effects of human activities in the North Sea.
2. The Ministers further WELCOME that the QSR will be considered during a Scientific Symposium at Ebeltoft, Denmark, on 18-21 April 1994 and that the views expressed from the Scientific Symposium will be considered as part of the preparatory work for the 4NSC.
3. The Ministers AGREE to terminate the mandate of the North Sea Task Force with effect from 31 December 1993, and to REQUEST the Oslo and Paris Commissions, in collaboration with the International Council for the Exploration of the Sea (ICES), to take forward the work with regard to assessment and monitoring.
4. In addition to taking into account the recommendations of the QSR on nutrients, pesticides and pollution from shipping in the consideration of these matters at the

IMM93, the Ministers CONCLUDE that early action is needed on the following points. Accordingly, they AGREE:

- 4.1 to INVITE the CEC through the services of ICES to investigate the scientific criteria for the establishment, on an experimental basis, of undisturbed areas in the North Sea for scientific purposes, in order to assess the recovery and redevelopment of the marine ecosystem and to request all States concerned to examine the legal aspects;
- 4.2 to TAKE FORWARD in the preparatory meetings for the 4NSC the consideration of suitable regimes for the protection of coastal and marine areas (including species and habitats) of special ecological interest and significance;
- 4.3 to APPEAL to the States concerned that have not signed and ratified the Agreement on the Conservation of Small Cetaceans of the Baltic and the North Seas to complete their national reviews of this agreement in order to bring forward an early decision on the question of signature and ratification;
- 4.4 to INVITE the CEC to acknowledge the needs for further research set out in the QSR, and to ensure that they are taken into account in the planning of research initiatives with regard to agriculture, fisheries and environment and marine science, and to invite Norway and Sweden, in collaboration with ICES, to proceed in the same way in respect of their research programmes;
- 4.5 to REQUEST the IMO to develop, as a matter of urgency, regulations for the strict control of emissions from ships of tributyl tin (TBT) and to consider a ban of its use, taking into account the environmental impact of the use of TBT and its alternatives;
- 4.6 to INVITE the Oslo and Paris Commissions to consider and develop measures to make significant reductions of anthropogenic inputs of the order of 50% or more between 1985 and 2000 from all sources of PAHs of concern to the marine environment; but
 - (i) for the States, that cannot at present establish figures for the 1985 situation to urge them to establish before 1995 the necessary basis for making decisions at 4NSC on reduction targets to be achieved by 2000; and
 - (ii) to REQUEST the Oslo and Paris Commissions to undertake an appraisal of the significance of and the possibilities to reduce emissions of PAHs from offshore installations; and
- 4.7 to REVIEW at the 4NSC the strategy needed to reach the goal set in the Hague Declaration (para 1) and in the Final Declaration of the 1992 Ministerial Meeting of the Oslo and Paris Commissions, *i.e.* of reducing by the year 2000, discharges and emissions of substances which are toxic, persistent and liable to bioaccumulate, to levels that are not harmful to man or nature with the aim of their elimination, and to request the advice of the Oslo and Paris Commissions on this issue.

5. The Ministers further AGREE to take concerted action to ensure the proper consideration of the recommendations set out in the QSR through the channels identified for each recommendation in Annex 2 and AGREE to consider a report on the action taken on each of the recommendations at the 4NSC.
6. The Ministers, taking into account chapter 17 of Agenda 21 of the UNCED Conference, WELCOME the decisions taken in November 1993 at the FAO Conference which agreed on a text for a Convention on flag state responsibility and on the necessity of giving the utmost priority to the drafting of a code of conduct for responsible fishing in the framework of the 1994-1995 programme. Accordingly, the Ministers AGREE:
 - 6.1 to ACCEPT as a general goal that fisheries management should safeguard the sustainability of the North Sea ecosystem as a whole, taking into account the socio-economic importance of fisheries, and the need to assess and manage the stocks throughout the full range of distribution;
 - 6.2 to INVITE the EEC, Norway and Sweden, in collaboration with ICES, to improve the quality and range of data used as a basis for fisheries management, including by-catch and discard data and descriptions of the effects of various fishing gear on juvenile fish, non-commercial fish species, sea-bed biota, sea-birds and sea-mammals; and
 - 6.3 to REQUEST the EEC to continue the development of fisheries management in the context of the Common Fisheries Policy and to request the EEC, Norway and Sweden, in collaboration with ICES, to develop proposals for strengthening the stocks of the most vulnerable fish species of the North Sea.

II. MARPOL 73/78 - THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS

7. With respect to the actions taken within the IMO on Annexes I and II of MARPOL 73/78, including the possibility of declaring the North Sea a Special Area under these Annexes, the Ministers WELCOME:
 - 7.1 the stringent discharge requirements for oily mixtures and residues under Annex I of MARPOL 73/78, which entered into force on 6 July 1993; and
 - 7.2 the progress in the Marine Environment Protection Committee of the IMO on revision of Annex II of MARPOL 73/78.
8. The Ministers also WELCOME the initiatives which are being taken by the EC Council (Transport and Environment) to protect the seas against maritime pollution, including the action following the Commission Communication on a common policy on "Safe Seas".
9. Furthermore, the Ministers AGREE:
 - 9.1 to EVALUATE the progress made on the issues of reception facilities and enforceability and the impact of the new regulations in respect of discharge

requirements for oily mixtures and residues, which have recently entered into force, and to CONSIDER the need for a joint initiative at the 4NSC with respect to designation of the North Sea as a Special Area for the purposes of Annexes I and II of MARPOL 73/78 within the framework of the IMO;

- 9.2 to CONCERT action within the framework of the IMO to ensure that adequate priority is given to the review of the MARPOL Convention, in particular Annex II, aiming at the inclusion of more stringent discharge requirements worldwide, by ensuring that no discharges exceed specified minimal quantities;
 - 9.3 to REVIEW action and, where necessary, take additional steps on the provision of shore reception facilities, as required in the Hague Declaration (paragraph 27) with respect to overall availability, adequacy and scope for enhanced and harmonized economic measures;
 - 9.4 to TAKE actions aimed at further control of garbage disposed of to the North Sea from all types of ships and other relevant sources and to evaluate at 4NSC progress made;
 - 9.5 in respect of reception facilities, to BRING FORWARD to the 4NSC, proposals for:
 - (i) appropriate economic arrangements;
 - (ii) systems for control and monitoring of the use of the facilities including the collection of data on generation of waste onboard ships and amounts disposed of to reception facilities; and
 - (iii) the procedures for inspection arrangements, *e.g.* wider participation in the "Promotion in Ports of MARPOL" (PPM) system; and
 - 9.6 to CONDUCT the improvement of existing legal instruments and rules, as required in the Hague Declaration (paragraph 25 and 26) and the development of new measures for the prevention on pollution from ships, in a way that will ensure that aspects of enforceability and the relevant rules of international law, as set out in the UN Convention on the Law of the Sea, in particular in Articles 218 and 220, are fully taken into account in all appropriate national and international forums.
10. In WELCOMING the adoption by the Bonn Agreement of the manual «Oil Pollution at Sea, Securing Evidence on Discharges from Ships», which explains the systems of airborne surveillance and other methods used in identifying offenders, the Ministers AGREE to REQUEST the Contracting Parties to the Bonn Agreement:
- (i) to UPDATE this manual in accordance with future developments in techniques and experience gathered by them; and
 - (ii) to SUPPLEMENT this manual by a review of existing legal provisions in the North Sea States on the admissibility of different forms of evidence.
11. Furthermore the Ministers, in WELCOMING the development of the new MARPOL Annex on Air Pollution from ships AGREE:

- 11.1 to **STUDY** the possibility of having the North Sea declared a Special Area for the purposes of the new Air Pollution Annex, in relation to sulphur oxides, and if appropriate to take concerted action by mid 1994 within the framework of the IMO to achieve this goal; and
 - 11.2 to **WELCOME** the Norwegian invitation to convene a North Sea Working Group in spring 1994 to consider such concerted action.
12. The Ministers **NOTE**:
- 12.1 with regret, that an international agreement to define and apportion liability for damage caused by accidents involving ships carrying cargoes of hazardous or noxious substances has not yet been adopted; and
 - 12.2 with satisfaction, that the IMO has now set a target date of 1996 for the adoption of a convention on liability and compensation for damage caused by such accidents.
13. The Ministers **AGREE**:
- 13.1 to **WORK** within the IMO to secure the adoption, as soon as possible, of a convention which will ensure adequate and effective compensation for damage caused by accidents involving hazardous or noxious substances; and
 - 13.2 to **CONSIDER** the progress made within the IMO on this subject at the 4NSC, with a view to seeking a solution if adequate progress is not being made; and
 - 13.3 to **APPEAL** to the states concerned that have not signed and ratified the 1992 protocols to the Civil Liability Convention, 1969 and the Oil Compensation Fund Convention, 1971 to do so as soon as possible.

III. NUTRIENTS

14. The Ministers decided in the Hague Declaration (paragraphs 10-13), to adopt a comprehensive set of common actions with regard to input of nutrients, in order further to protect the North Sea environment.
15. The following technical documents provided the necessary background information to enable the Ministers at the IMM93 to note progress and to take further action in this regard:
 - (i) Paris Commission, 1993: Eutrophication Symptoms and Problem Areas;
 - (ii) Paris Commission, 1993: Nutrients in the Convention Area:
 - Part A. Overview of Progress Reports on the Implementation of National Action Plans to Reduce Inputs of Nutrients and the Need for Further Action;
 - Part B. Nutrients from Agriculture; and
 - (iii) North Sea Task Force, 1993: North Sea Quality Status Report.

16. The Hague Declaration (paragraph 10) records the decision "to identify some coastal zones of the North Sea, including the Skagerrak, as being actual eutrophication problem areas and, in view of the increased inputs and levels of nutrients, some other coastal zones as being potential problem areas".

17. The Ministers NOTE:

17.1 that the following areas have been identified, on the basis of national criteria, as either actual eutrophication problem areas or potential problem areas and therefore require the reduction of input of nutrients of the order of 50% between 1985 and 1995 into areas where these inputs are likely, directly or indirectly, to cause pollution (*cf.* Annex 3):

- (i) certain sites on the Northern French coast, bordering the Channel;
- (ii) Belgian coastal waters;
- (iii) Dutch coastal waters;
- (iv) the German Bight;
- (v) Danish coastal waters and fjords;
- (vi) the Wadden Sea;
- (vii) the Norwegian coast of the Skagerrak and the Oslofjord;
- (viii) the Swedish coast of the Skagerrak; and
- (ix) the Ythan Estuary and Langstone Harbour in the United Kingdom (although they were identified as problem areas in 1992, the United Kingdom is currently reconsidering these areas and they, together with two sites in the Wash area, are under investigation as possible problem areas); and

17.2 that the identification of actual and potential eutrophication problem areas is not based on a common procedure, and therefore INVITE the Paris Commission to develop a common procedure for the identification of actual and potential eutrophication problem areas and to report progress to the 4NSC and subsequently to assess the application of the procedure.

18. The Hague Declaration (paragraph 11) records the decision "to agree that for the North Sea catchment area, as minimum level of treatment, urban areas (*e.g.* 5000 p.e. or more) and industries with a comparable waste water load should be connected to sewage treatment plants with secondary (biological) or equally effective treatment, unless, on a case by case basis, comprehensive scientific studies demonstrate to the satisfaction of the competent international authorities, that this discharge will not adversely affect the North Sea environment on a local or regional level. In these cases primary treatment should at least be provided. Full information should be provided in time for assessment at the meeting of the Oslo and Paris Commissions at ministerial level in 1992".

19. The Ministers NOTE:

19.1 with concern, the magnitude of the amount of untreated urban waste water, about 30 million p.e., that is expected to be discharged into the North Sea catchment area even after 1995;

19.2 that most North Sea States will be required to comply with the provisions in the EEC Directive 91/271/EEC on urban waste water treatment.

- 19.3 that Denmark, Germany (old Federal States), the Netherlands, Sweden and Switzerland will have by 1995 at least secondary treatment, or even more advanced treatment, of all discharges of waste water from urban areas above 5000 p.e. and industries with a comparable waste water load;
 - 19.4 that, for the new German Federal States, plans for secondary treatment, or even more advanced treatment, are established in accordance with the timetable prescribed in the EEC Directive on Urban Waste Water Treatment;
 - 19.5 that Belgium will have by 1995 at least secondary treatment, or even more advanced treatment, of all discharges of waste water to coastal waters from urban areas above 5000 p.e and industries with a comparable waste water load; and that for discharges to inland waters, plans for secondary or more advanced treatment are established in accordance with the timetable prescribed in the EEC Directive on Urban Waste Water Treatment;
 - 19.6 that Belgium, Denmark, Germany, the Netherlands, Sweden and Switzerland are therefore not under the obligation to carry out comprehensive scientific studies on a case by case basis to demonstrate that these discharges will not adversely affect the North Sea environment on a local or regional level; and
 - 19.7 that France, Norway and the United Kingdom will not have, by 1995, provided secondary treatment for all discharges from the urban areas and industries referred to in the Hague Declaration (paragraph 11); and that they will be carrying out comprehensive scientific studies on a case by case basis to demonstrate that such discharges not so treated will not adversely affect the North Sea environment on a local or regional level, in accordance with the timetable set out in the EEC Directive on Urban Waste Water Treatment.
20. The Ministers NOTE that France, Norway and the United Kingdom will provide to the Paris Commission full information on the comprehensive scientific studies completed by the end of 1994, and INVITE the Paris Commission to assess the information provided, as well as other information, and prepare a report for the 4NSC on:
 - 20.1 progress in improving the treatment of urban and industrial sewage discharged to the North Sea and its catchments; including
 - 20.2 a survey of the cases where secondary treatment will not be or is not yet provided, based on the comprehensive scientific studies.
 21. Hague Declaration (paragraph 12) records decision "to agree that further measures are required in order to meet the aim of a reduction of the order of 50% for inputs of nutrients between 1985 and 1995 into areas where these inputs are likely, directly or indirectly, to cause pollution".
 22. The Ministers NOTE that the progress reports on the implementation of National Action Plans to reduce the anthropogenic inputs of nutrients into areas where these inputs are likely, directly or indirectly to cause pollution show that:

- 22.1 Belgium, Denmark, Germany, the Netherlands, Norway, Sweden and Switzerland expect to reach by 1995 a reduction in phosphorus input of the order of 50% into areas where these inputs are likely, directly or indirectly, to cause pollution, whereas France expects to reach a reduction in phosphorus inputs of the order of 25% by 1995;
 - 22.2 the phosphorus reductions achieved are mainly due to the improved treatment of sewage and/or the reduction of the use of phosphate in detergents;
 - 22.3 the United Kingdom has not submitted information with regard to expected reductions of phosphorus and nitrogen input between 1985 and 1995 because of the nature and small size of the areas concerned;
 - 22.4 Belgium, Denmark, France, Germany, the Netherlands, Norway and Sweden expect not to reach the reduction in nitrogen input of the order 50% by 1995, but they expect to achieve reductions in nitrogen input of between 20 and 30% into areas where these inputs are likely, directly or indirectly, to cause pollution;
 - 22.5 the nitrogen reduction target will not be achieved mainly because the reductions achieved and expected within the agriculture sector are insufficient; this is because the losses from the agriculture sector have proved to be much more difficult to influence than anticipated and because the measures adopted have been inadequate or inadequately implemented; and
 - 22.6 part of the reason why the reduction target will not be achieved is the time lag between application of measures and their effects on nutrient inputs to the North Sea; in particular, this is the case for the agriculture sector.
23. The Ministers NOTE that:
- 23.1 Belgium, Germany (old Federal States), the Netherlands, Norway, Sweden and Switzerland expect to reach by 1995 a reduction in nitrogen from municipal treatment plants between 6 and 32%; Denmark expects to reach by 1995 a reduction in nitrogen from municipal treatment plants of 73%; and
 - 23.2 although many North Sea states have made progress with regard to improving the treatment of sewage, some North Sea states still discharge substantial quantities of untreated sewage either directly or via rivers into identified problem areas in the North Sea.
24. The Ministers INVITE those North Sea States concerned to review their national action plans with the aim of obtaining a sewage treatment capacity at a level which would enable these states to make further progress towards the overall reduction target of 50%.
25. Ministers NOTE that Directive 91/676/EEC on the protection of waters against pollution caused by nitrates from agricultural sources has objectives and contains commitments to adopt programs to reduce nitrate discharges from agriculture. This Directive is therefore one of the tools to progress towards the reductions agreed at the 3NSC.

26. The Ministers AGREE to implement, or to improve the implementation of all appropriate measures, especially in the agriculture sector, in order to achieve the required reduction of the order of 50% of inputs of nitrogen at the earliest possible time, even though it is doubtful, based on scientific and economic facts, that this reduction target can be achieved by 1995 and, in doing so, to reduce further the nutrient discharges from agriculture to the North Sea by measures and means such as:
 - 26.1 improving the effectiveness of the measures adopted by sufficient means such as:
 - (i) enlargement of the areas for the measures already implemented; and
 - (ii) improvement of information and of advisory services to farmers;
 - 26.2 introducing economic instruments *e.g.* by changing the price level or using taxes, levies or direct payments to farmers, designed *inter alia* to discourage the use of excess fertiliser;
 - 26.3 introducing legal instruments; and
 - 26.4 ensuring effective control and enforcement of all measures implemented by North Sea States.
27. The Ministers INVITE the Paris Commission:
 - 27.1 to coordinate the development of national definitions of balanced fertilisation; and
 - 27.2 to establish an operational definition of balanced fertilisation, taking into account the work carried out in the EEC, with a view to assessing whether this concept can be used as a common international standard and to report progress to the 4NSC.
28. The Ministers INVITE the Paris Commission to develop a methodology for assessing:
 - 28.1 surpluses of nitrogen and phosphorus over a defined area;
 - 28.2 the effect on reductions of nutrient inputs to the sea as a result of a given change in nutrient surplus from a given level; and
 - 28.3 subject to the establishment of this relationship, acceptable levels of phosphorus and nitrogen surpluses; and to report progress to the 4NSC.
29. The Ministers INVITE the Paris Commission to adopt all measures necessary to achieve by the year 2000, or the year 2002 at the latest, the acceptable levels of phosphorus and nitrogen surpluses if these levels can be established; and
 - 29.1 AGREE to aim to achieve balanced fertilisation for nitrogen and phosphorus in agricultural production by the year 2000 or the year 2002 at the latest, subject to an agreement on definitions, and having regard to directive 91/676/EEC, in particular the action programmes in that directive.
30. The Ministers AGREE:

- 30.1 to REQUEST the Paris Commission to coordinate future work on monitoring the deposition of nitrogen compounds into the North Sea;
 - 30.2 to WELCOME the work in progress within the EEC, Norway, Sweden and Switzerland on reductions of emissions of nitrogen oxides to the atmosphere and to INVITE the EEC, as a matter of urgency, to enlarge the scope of the work including transportation policy with regard to these emissions;
 - 30.3 to TAKE action as a matter of urgency on reduction of the emission of ammonia, nationally, through regional co-operation and through the appropriate international forums, and to consider, at the 4NSC, the need to set specific targets for ammonia emissions; and
 - 30.4 to INVITE the ECE Convention on Long Range Transboundary Air Pollution to pursue, as a matter of urgency, its work on reductions of emissions of nitrogen oxides, especially with regard to the North Sea.
31. The Ministers AGREE to pursue the integration of environmental policy objectives into agricultural policy, including EEC agricultural policy.
 32. The Ministers AGREE to promote agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside, *inter alia* ecological farming, of which Council Regulation EEC 2078/92 ("Agro-Environment Regulation") may be taken as example.
 33. The Hague Declaration (paragraph 13) records the decision "to agree to establish common assessment and reporting procedures for calculating the reduction of nutrients and the determination of the sensitive areas referred to in paragraphs 10 and 12, for consideration at the 4NSC in 1995".
 34. The Ministers NOTE that the Paris Commission is in the process of establishing common methodologies for assessing anthropogenic inputs of nutrients from agriculture and other sources to the aquatic environment.
 35. The Ministers INVITE the Paris Commission to propose to the 4NSC common assessment and reporting procedures for calculating the reduction of nutrient inputs.

Further Conclusions on Nutrients

36. The Ministers AGREE to INVITE the Paris Commission:
 - 36.1 to consider the size and nature for further reduction targets for nutrients in light of the strategy developed (*cf.* paragraph 38), the QSR and additional scientific knowledge; and
 - 36.2 to report to the 4NSC on this issue.
37. The Ministers INVITE North Sea States:

- 37.1 sharing the catchment areas of major rivers entering the North Sea to COOPERATE to reduce nutrient inputs by coordinating their Action Plans, following the examples of the International Commissions for the Protection of the Rhine and the Elbe; and
- 37.2 to REPORT to the 4NSC on the progress achieved with regard to reduction of nutrient inputs from major rivers: the Elbe, the Meuse, the Rhine, the Scheldt, the Seine, the Somme and the Weser; for the Thames only the evolution of nutrient inputs will be reported.
38. Drawing on the outcome of their deliberations on the implementation of paragraphs 10-13 of the Ministerial Declaration of the Hague, the Ministers AGREE to develop further the strategy to combat the eutrophication of the North Sea; the work on the strategy should be based on the foregoing conclusions, and take into account *inter alia*:
- (i) nutrient input levels;
 - (ii) nitrogen/phosphorus ratio;
 - (iii) ecological objectives;
 - (iv) quality objectives;
 - (v) regional differences;
 - (vi) seasonal variations;
 - (vii) reduction of emissions at the source by application of BAT; and
 - (viii) cost effectiveness of measures;

and to REQUEST the Paris Commission to take this issue forward and to REPORT the outcome of its work to the 4NSC.

IV. PESTICIDES

39. The Ministers adopted in the Hague Declaration (paragraphs 2, 4 and 6) decisions to implement effectively measures to reduce inputs of hazardous substances, and in doing so, *inter alia*, to aim for a reduction in the quantities of pesticides discharged to the North Sea.

40. The Hague Declaration records the decisions (paragraphs 2, 4 and 6):

"to achieve a significant reduction (of 50% or more) of:

- (i) inputs via rivers and estuaries between 1985 and 1995 for each of the substances in Annex 1A; and
- (ii) atmospheric emissions by 1995, or by 1999 at the latest, of the substances specified in Annex 1A, provided that the application of Best Available Technology, including the use of strict emissions standards, enables such a reduction."

"to aim for a substantial reduction in the quantities of pesticides reaching the North Sea and to this end, by 31 December 1992, to control strictly the use and application of pesticides and to reduce, where necessary, emissions to the environment. Special attention will be paid to:

- (i) the phasing out of those pesticides which are the most persistent, toxic and liable to bioaccumulate (see part (c) of Annex 1B);
- (ii) the establishment of approval systems specifying permitted pesticides and permitted uses; and
- (iii) examples of measures to reduce inputs of pesticides listed in Annex 1B part (d)."

"to take initiatives in accordance with Annex 1C to reduce the emissions from specified activities which substantially contribute to the inputs of hazardous substances to the North Sea via rivers, estuaries and the atmosphere, by defining the Best Available Technology and applying it to specified point sources, and by defining and applying the Best Environmental Practice to specified diffuse sources."

41. The following technical documents provided the necessary background information to enable Ministers at the IMM93 to note progress and to take further action in this regard:

- (i) Danish Environmental Protection Agency, 1993: Progress Report - Implementation by the North Sea States of the Hague Declaration Requirements on Pesticides; and
- (ii) Paris Commission, 1993: Pesticides and the Marine Environment: Progress on Reduction Measures.

42. The Ministers AGREE:

42.1 to CLARIFY that, for the pesticides listed in the Annexes of the Hague Declaration, all uses, including non-agricultural uses, must be considered;

42.2 to NOTE that all North Sea States have introduced input reduction measures as listed in the Hague Declaration (Annex 1B part d); and

42.3 to NOTE that, with respect to pesticides, in addition to the work in individual North Sea States, the Paris Commission is to consider in 1994 a draft report on Best Environmental Techniques for the production and formulation of pesticides; the EEC is also studying this topic.

43. The Ministers CONCLUDE that:

43.1 progress has been made towards achieving the targets agreed in 1990 for reduced inputs via rivers and estuaries between 1985 and 1995 for substances listed in the Hague Declaration (Annex 1A);

43.2 progress has also been made in strictly limiting or banning the use(s) of pesticides listed in the Hague Declaration (Annex 1B part c); and

43.3 progress is also being made in the definition of Best Available Techniques with regard to point sources of pesticides and in defining and applying Best Environmental Practice for diffuse sources in agriculture.

44. The Ministers AGREE:

- 44.1 that key strategies to achieve the reduction of risks from pesticides are: the reduction of quantities used, reduction of dependence on pesticide use and measures to reduce the environmental transfer and impact of pesticides;
- 44.2 to LIMIT strictly or BAN the use(s) of pesticides causing environmental harm by substitution with less harmful pesticides, non-chemical methods or other strategies, where alternatives are available; and when adopting substitutes or alternatives, proper consideration must be given to the consequences for pest resistance and the protection of human health, animal welfare, ecosystems, water, soil, and air;
- 44.3 to DEVELOP agricultural codes of practice aimed at environmental protection, taking into account existing agricultural practices, and to use the Paris Commission Recommendation 93/3 on the Elaboration of National Action Plans and Best Environmental Practice for the Reduction of Inputs to the Environment of Pesticides from Agricultural Use as a valuable basis for this purpose;
- 44.4 to ATTACH greater emphasis to environmental considerations as an integral part of agricultural and other sectoral policies and that this is a pre-requisite to a reduction of the use of pesticides and a decrease in the risk for the marine environment;
- 44.5 to ENSURE that future mechanisms for authorization and regulation of both agricultural and non-agricultural uses of pesticides give adequate protection to the marine environment, taking into account atmospheric pathways;
- 44.6 to CONSIDER, in addition to measures already applied, economic instruments for reducing the environmental impacts of pesticide usage;
- 44.7 to PROMOTE agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside, *inter alia* ecological farming, of which Council Regulation EEC 2078/92 ("Agro-Environment Regulation") may be taken as an example, and in doing so:
 - (i) to PROMOTE further research and development on these agricultural production methods; and
 - (ii) to BRING these new methods to the attention of those preparing the relevant educational and training programmes; and
- 44.8 to ENSURE the collection and publication by national authorities of information on sales and/or usage (including data on application rates or other indices) of individual pesticides.
45. In RECOGNISING that insufficient progress has been achieved in the reduction of the use of the following pesticides: atrazine, azinphos-methyl, copper compounds, dichlorvos, endosulfan, lindane, simazine and trifluralin, the Ministers AGREE to increase efforts aimed at reaching the goals set in the Hague Declaration (paragraphs 2 and 4).
46. The Ministers AGREE:

- 46.1 to INVITE the competent authorities to improve the data base concerning inputs and concentrations of pesticides in fresh water systems discharging to the North Sea and in the marine environment;
- 46.2 to LOOK FORWARD TO a presentation at the 4NSC by the CEC of a methodology for ranking of substances by risk category.
47. The Ministers AGREE to INVITE the Paris Commission to:
- (i) identify pesticides, which are not covered by the Hague Declaration (Annexes 1A or 1B part c) but which pose a threat to the marine environment; this work should take account of the progress achieved in the framework of the EEC; and
 - (ii) consider the input of pesticides to the North Sea, in particular via the atmosphere; and to TAKE appropriate action.
48. The Ministers WELCOME the decisions of the Paris Commission to collect data on non-agricultural uses of pesticides with a view to the adoption of Codes of Best Environmental Practice or Best Available Techniques, or other measures to control the non-agricultural use of pesticides.

ANNEX 1

LIST OF PARTICIPANTS - IMM93

BELGIUM

For the Minister for the Environment,

For the Minister of Agriculture,

- Mr. E. Bal, Ambassador of Belgium

COMMISSION OF THE EUROPEAN COMMUNITIES

- Mr. Yannis Paleokrassas, Member of the Commission of the European Communities

DENMARK

- Mr. Svend Auken, Minister for the Environment

- Mr. Bjørn Westh, Minister of Agriculture and Fisheries

FRANCE

- Mr. Patrick O'Cornisse, Ambassador of France

GERMANY

- Mr. Clemens Stroetmann, State Secretary, Ministry of the Environment, Nature Conservation and Nuclear Safety

- Mr. Jörg Wendisch, Ministry of Food, Agriculture and Forestry

NETHERLANDS

- Ms. Hanja R.H. Maij-Weggen, Minister of Transport, Public Works and Water Management
- Mr. Piet Bukman, Minister of Agriculture, Nature Management and Fisheries

NORWAY

- Mr. Thorbjørn Berntsen, Minister for the Environment
- Mr. Ottar Befring, State Secretary, Ministry of Agriculture and Fisheries

SWITZERLAND

- Mr. Philippe Roch, Director of the Federal Office for the Environment, Forests and Landscape
- Mr. Hans Burger, Director of the Federal Office for Agriculture

SWEDEN

- Mr. Olof Johansson, Minister for the Environment and Natural Resources
- Mr. Karl-Erik Olsson, Ministry of Agriculture

UNITED KINGDOM

- Mr. Tim Yeo, Minister for the Environment and Countryside
- The Earl Howe, Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

COMMON WADDEN SEA COOPERATION

- Mr. Folkert de Jong

INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA

- Mr. Emory D. Anderson,

NORTH SEA TASK FORCE

- Mr. Ronny Ferm

OSPAR COMMISSION

- Ms. Claire Nihoul

RHINE COMMISSION

- Mr. Dirk Hogervorst

CEFIC

- Mr. Bruce Julin

COPA

- Mr. Carsten Voltzmann

EUREAU

- Mr. Peter Hall

GREENPEACE INTERNATIONAL

- Mr. Remi Parmentier

ICS

- Mr. P. Randum Nielsen

SAR

- Mr. John Maggs

WWF

- Ms. Alja D. Schmidt-van Dorp

ANNEX 2

RECOMMENDATIONS FROM THE NORTH SEA - QUALITY STATUS REPORT

In taking forward the recommendations set out in Chapter 7 of the Quality Status Report, through the channels identified in this Annex, Ministers agreed

- 0.1 to INVITE the Commission for the European Communities (CEC) to take the recommendations into account when bringing forward proposals relevant to their areas of competence for the recommendations identified for them;
- 0.2 to TAKE joint initiatives to ensure consideration in the International Maritime Organisation (IMO) of the recommendations identified for it;
- 0.3 to INVITE the Oslo and Paris Commissions (OSPARCOM), the International Council for the Exploration of the Sea (ICES) and the parties to the Paris Memorandum of Understanding on Port State Control (PCS), the Agreement on Small Cetaceans of the Baltic and North Seas (ASCOBANS), the UN Economic Commission for Europe Convention on Long Range Transboundary Air Pollution (UNECE-LRTAP) and the discussions on Exclusive Economic Zone jurisdiction in the North Sea (EEZ) to consider the recommendations identified respectively for them;
- 0.4 to ENSURE that the conclusions of the Quality Status Report are taken into account in the relevant work of the Organisation for Economic Cooperation and Development (OECD);
- 0.5 to CONSIDER individually the items identified for the North Sea states or some of them.

Ministers agreed to take forward the recommendations of the Quality Status Report through the following channels:

Recommendations

Channel

METALS AND ORGANIC CONTAMINANTS

General

1. In order to assess the degree of pollution by OSPARCOM chemical sub-stances, an agreement on background concentrations of natural

- compounds is required.
2. The achievement of substantial emission reductions by 1995 that is now under way for many substances makes it imperative to develop policies to ensure that the reductions are at least maintained after 1995. 4NSC
 3. Large quantities of chemicals are used offshore by the oil industry. Their use and discharge to the marine environment are not sufficiently controlled, and measures need to be introduced through the Paris Commission to regulate and reduce such emissions of chemicals from offshore platforms. OSPARCOM

Heavy metals

4. The existing reduction goals for inputs of metals to the North Sea should be implemented. The high concentrations of cadmium found in liver-tissue of fish from the central North Sea indicate that cadmium is a priority substance in this respect and could be made subject to more stringent and specific reduction goals for atmospheric emissions. In general, there is a need to pay more attention to reduction measures directed towards atmospheric emissions of heavy metals. North Sea States + UNECE-LRTAP

Organic contaminants

5. For many organic contaminants, no conclusions can be drawn as to whether the existing goals and measures are sufficient. For some substances, however, such as TBT and hexachlorocyclohexane (HCH), there is evidence of serious problems, which provide the basis for concluding that more stringent goals and measures are urgently needed. Therefore, further reductions in use of TBT or even a ban on its use, should have high priority, especially in areas where measures to date have had little effect. The possible total ban on the use of TBT also implies the need to identify safe substitution products. IMO: Shipping uses of TBT
OSPARCOM + CEC: HCH and land-based uses of TBT
6. For other organic substances (*e.g.*, PCBs and DDT), there is a policy against their production and use. Concentrations in the North Sea States (use and storage) + CEC

marine environment indicate that there are still problems. It is important that sources of PCBs and DDT should be located in order to develop adequate strategies to prevent them from entering the environment.

7. There are also substances (*e.g.*, PAHs), which have not yet been identified as priority substances within the framework of the North Sea Conferences, although they are found in the North Sea in concentrations that may affect the health of the ecosystems. For these substances, reduction policies should be considered. In order to reduce emissions of PAHs, international goals and measures are required, and attention should be paid to emissions to water as well as to the air, both for land-based and sea-based sources. OSPARCOM + CEC
8. There are a large number of synthetic organic chemicals in current use that may, on the basis of comparative toxicity and other studies, be toxic and persistent if they are dis-charged into the marine environment and may, thus, affect marine life. Many of these chemicals are difficult to characterize in marine samples and are commonly referred to by chemists as "unknown" substances. There is a need to evaluate the relative risk from different groups of these substances in terms of toxicity, persistence, and amounts produced and potentially discharged into the sea. High-risk substances should be strictly regulated and their use phased out, even though there is insufficient information on their occurrence in sea water, sediments, and marine biota. OSPARCOM + CEC

The Precautionary principle is applicable to substances that are toxic and persistent and detectable in the marine environment.

Research

9. Knowledge about which synthetic organic compounds occur in the North Sea and at what concentrations is scarce. The effects of PCBs on the susceptibility of seals to infectious diseases and on their reproductive capacity require attention. The effects of co-toxicant (combining organic OSPARCOM + CEC + ICES

substances and metals) anti-fouling substances on ecosystems also need clarification. In general, information is still needed on the relationship between inputs of organic contaminants and the concentrations of these contaminants observed in sediments and biota and their effects on the latter.

Assessment tools

10. Current policy and its expected results, as well as the recommendations contained in this chapter, will substantially reduce the number and seriousness of issues of concern. However, appropriate methodology is lacking by which to assess whether contaminant concentrations in the various parts of the North Sea, including coastal areas, estuaries, and fjords, will have reached levels by the year 2000 that are no longer harmful to man or nature. Therefore, there is a need to develop adequate and duly validated tools to assess the progress in reaching this goal. These tools should make use of background levels and, where this is not possible or feasible, of ecotoxicological information. For specific coastal areas, estuaries, and fjords, detailed assessments should be conducted. Consequently, in developing the assessment tools, the fact that these areas may have different background levels, or differences in vulnerability to specific substances, must be taken into account.
 11. Monitoring to evaluate the effectiveness of regulatory measures should be carried out as close as possible to the sources of inputs and in sedimentation areas. OSPARCOM
- PETROLEUM HYDROCARBONS**
12. Oil (from cuttings, production water, flaring operations, and leaks in existing installations) and its effects on fish are still a matter of concern, and reduction efforts should be continued. Further steps may be required. OSPARCOM
 13. Regarding shipping, concerted action may be necessary to strengthen the enforcement of reduction measures, for instance by better policing and the prosecution of NL (EEZ) + PSC + Bonn-agreement

- offenders.
14. Accidental oil pollution from ships remains a main threat to the North Sea and its coastal areas. Further regional measures could be considered to prevent accidental oil pollution and to decrease the chances of oil being washed ashore in the event of accidental pollution. CEC + IMO + Bonn-agreement
 15. In 1995 it should be possible to assess the effectiveness of the measures already agreed, and an assessment should be made available to the Fourth International Conference on the Protection of the North Sea. The monitoring of oiled seabirds should continue as a useful indicator of the effectiveness of these measures.

NUTRIENTS AND EUTROPHICATION

General

16. A detailed assessment of measures taken to reduce the inputs of nutrients to the North Sea is still needed. It is expected that the goal of a 50% reduction in inputs of nitrogen to potential problem areas will not be realized by 1995, with the measures currently being taken or planned. In view of this, additional measures and better implementation and control to reduce nitrogen inputs must be considered. Given the indications that a further shift in the N/P ratio could increase current eutrophication problems, there is a need to seek a balanced reduction in nutrient inputs. PARCOM + North Sea States
17. High priority should be given to achieving the goals set for nutrient reduction at the Second and Third International Conferences on the Protection of the North Sea. However, compared with background levels, it is expected that nutrient levels will still be elevated in certain areas even after a 50% reduction in inputs has been realized. Consequently, in 1995 the North Sea Ministers should consider the need to take decisions on the next steps in their strategy to reduce the eutrophication problems in the North Sea. These decisions should, *inter alia*, take into account: 4NSC
 - the input reductions realized and the use of

existing national and international guidelines to reduce the input problem areas of nutrients from agriculture and forestry;

- the implementation of the common European agricultural policy and, particularly, of its extensification aspects;
- the observed change of the eutrophication status in problem areas (including impact on species composition and productivity of higher trophic levels);
- the ratio between phosphorus and nitrogen inputs and the possible impact of a shift in this ratio on the occurrence of toxic algal blooms and other effects (*e.g.*, algal composition);
- other anticipated benefits.

Research

- | | |
|---|---------------------|
| 18. Reliable data on eutrophication are still required. They should include phytoplankton time series in the open sea to supplement land-based surveys and a better quantification of nutrient budgets and production, recycling, and circulation processes. Research should be intensified in order to improve risk assessment capability. | PARCOM + ICES + CEC |
| 19. Further studies are also needed on plankton to determine any shift in species composition in the plankton community and at other trophic levels. | PARCOM + ICES + CEC |
| 20. In future, assessments for estuaries which take into account local dynamics and fluxes should be used to provide calculated input budgets to the North Sea that can serve as a basis for control policies. The contribution of atmospheric inputs of nitrogen should also be investigated in greater detail with a view to identifying possible options for further reductions. | PARCOM + ICES + CEC |

RADIOACTIVITY

Research

- | | |
|---|----------------|
| 21. There is a need to investigate the release of polonium-210 from the discharge of phosphogypsum wherever such discharges have occurred in the recent past. | OSPARCOM + CEC |
|---|----------------|

Assessment tools

22. Collecting data and modelling are necessary in order to keep under review the important radionuclides, and their pathways and processes, which contribute to doses to the public and marine organisms. OSPARCOM + CEC

LITTER

23. Given the commitments on further control of litter disposal from ships and leisure craft, it is necessary to assess the impact of such controls through increased surveillance, and to improve the access to reception facilities in harbours. North Sea States

MICROBIOLOGICAL POLLUTION

General

24. Poor bathing-water quality and poor shellfish quality present real human health risks that can only be avoided either by keeping away from the contaminated areas or, where the shellfish are only lightly contaminated, by subjecting them to approved purification techniques. The quality of bathing water can be adversely affected by discharges from inadequately treated sewage and agricultural areas or storm water run-off. This indicates a need for additional policy measures. All waste water should be treated in such a way that environmental objectives concerning the quality of bathing water and of mariculture products are met. Diffuse sources of pollution should be addressed in similar terms. CEC

Research

25. The CEC has initiated an intercalibration exercise for microbiological determination and quantification methods from 1991 to 1993. Following the successful completion of this exercise, an attempt ought to be made to carry out a holistic assessment of the bacteriological status of North Sea coastal water. CEC

FISHERIES AND MARICULTURE

CEC + ICES + other parties responsible for

General

26. Policies for sea fisheries should be directed towards stimulating a sustainable situation with respect to the ecosystem of the North Sea as a whole. Some countries have recently decided to adopt such an approach

Measures to reduce fisheries impact

27. To implement the above objective and to reduce the effects described, North Sea countries could undertake concerted action to reach agreement on the following measures, taking into account the biological constraints and with due respect for the marine ecosystem:

To reduce the general level of fishing to a more sustainable level;

To reduce the by-catch of non-target fish by technical measures (closed season and closed areas, technical improvements to enhance the selectivity of fishing gear) and by changes in the system of Total Allowable Catches (TAC) and quotas; consideration should be given to the introduction of multispecies TACs in the management of commercial fisheries;

To reduce, as a matter of urgency, fishing effort on those species (*e.g.*, North Sea stocks of cod and haddock) which are now exploited at levels that are considered to be in excess of sustainable levels;

To establish undisturbed areas in the North Sea for scientific purposes in order to investigate the recovery and redevelopment of the marine ecosystem, particularly in the absence of fishing activities.

Research

28. Information is needed on short-lived fish species exploited by the industrial fisheries. The impact of fishing activities on non-commercial species of fish should also be assessed.
29. A better understanding of recruitment of

benthic species in areas disturbed by fishing gear is required. General information on the population dynamics of birds and mammals in relation to fishing activities should be collected, and there is a need to improve the knowledge of interrelationships between species and their environment. Fisheries should be viewed as one component of a whole ecosystem.

30. The need for scientific advice based on ecosystem models (or at least broad considerations) is at present being discussed. As scientific advice on ecosystem management becomes more available, it can form the basis for improved environmentally oriented fisheries management. This also applies to mariculture, where efforts should be made to integrate its development into coastal zone management plans.
31. Proposals should be developed to reduce the negative effects of beam trawling on benthic life. Undisturbed reference sites are not available, and the establishment of areas closed to fishing for purposes of scientific investigation would facilitate an understanding of the processes.
32. There is a need to investigate the occurrence of incidental by-catches of sea mammals and birds in fishing gear and to introduce measures based on these investigations.

SPECIES AND HABITATS

General

33. Individual species require particular habitats. Specific habitats can be of value because they represent an important or unique ecosystem within the wider context of the North Sea. Although the Third International Conference on the Protection of the North Sea has taken a first step towards protecting species and habitats, including calling attention to the need to identify marine sites of national or international importance, improving the quality of the North Sea requires that more emphases be given to species and habitat protection. As far as individual species are

CEC+4NSC+ North
Sea States + ASC-
OBANS

concerned, this is especially true for sea mammals, seabirds and coastal birds, and benthic and long-lived species. The North Sea (or parts of it) should be considered as habitats for these species.

34. Generally, coastal areas are habitats which have a special ecological significance for the North Sea. Many of these habitats are interlinked through ecological relationships and also play a role in the life cycle of a number of the species mentioned above. CEC + 4NSC + North Sea States
35. The protection of species and habitats in the North Sea should not be based on a number of separate measures directed to the protection of certain species on the one hand and certain habitats on the other. The protection of species and habitats needs an integrated ecosystem approach, based on the conviction that an ecological network should be protected and restored where necessary. CEC + 4NSC + North Sea States

Measures

36. With reference to the general remarks above, the following is recommended: North Sea States + ASCOBANS
- in the context of the protection of species and habitats, pollution reduction continues to deserve high priority.

In the further development of a strategy to protect species and habitats, the following policy options should be considered:

- to implement with high priority the provisions of the Declaration of the Third International Conference on the Protection of the North Sea concerning the protection of species and habitats, *i.e.*, the identification of marine sites (including coastal, estuarine, and open sea areas) of national or international importance, in accordance with criteria to be adopted;
- to identify an ecological network of habitats in the North Sea which could serve as the focal point for the protection of selected species;
- to use the elements (species and habitats) of this network, and the identified marine sites of national or international importance, for the further elaboration of ecological objectives for the North Sea;
- to develop special protection regimes for

these habitats (including coastal, estuarine, and open sea areas), *inter alia*, including measures to reduce particular sea uses and to establish water quality objectives;

- to establish programmes for the protection and/or recovery of selected species.
37. Marine biodiversity is a matter of growing concern for the protection of species and habitats, but there is a basic need to define "biodiversity" in terms of the marine environment. OSPARCOM + ICES
38. Monitoring habitats is necessary. The monitoring programme should be able to provide information that will be useful in guiding the restoration and protection of North Sea resources by maintaining long-term continuity. OSPARCOM + ICES
39. Not enough is known about diet, food ecology, and the complex relationships between plankton, fish, birds, mammals, and the other components of the ecosystem. OSPARCOM + ICES