

Fifth International
Conference on
the Protection of
the North Sea



Statement of Conclusions

Intermediate
Ministerial Meeting
on the Integration
of Fisheries and
Environmental Issues
13 - 14 March 1997
Bergen, Norway

Statement of Conclusions from the Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues 13-14 March 1997 in Bergen

At the Fourth International Conference on the Protection of the North Sea¹ in Esbjerg, Denmark, 8-9 June 1995, the Ministers and the Member of the European Commission responsible for the protection of the environment of the North Sea invited Norway to organize an intermediate ministerial meeting in order to discuss the integration of fisheries and environmental issues in the North Sea.

THE MINISTERS responsible respectively for the protection of the environment of the North Sea and for fisheries and the Members of the European Commission responsible, within the Commission, for the protection of the environment and for fisheries (hereafter called the Ministers) met in Bergen on 13 and 14 March 1997 for the Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues in the presence of observers from Intergovernmental Organizations and Non-governmental Organizations; and

NOTING that many of these issues are addressed by other international fora and FOCUSING on the impact of fisheries on North Sea ecosystems as well as impact of other human activities on fisheries and North Sea ecosystems;

REAFFIRMING the political commitments made at the four preceding International Conferences on the Protection of the North Sea, in particular the Esbjerg Conference in 1995;

REITERATING that the North Sea is a very important and rich sea supporting fisheries and other activities and RECOGNIZING the importance of sustainable fishing to the North Sea countries in general and the socio-economic importance to coastal communities in particular;

RECOGNIZING that there is concern about the impact of fisheries on the commercially important fish stocks and other fish stocks, and about the adverse effects of fisheries on the North Sea ecosystems in general, including effects on habitats and undesirable mortality of fish, marine mammals, seabirds and benthic organisms;

NOTING that current fisheries practices result in the exploitation of a number of important fish stocks beyond sustainable levels, and further NOTING the concern about the serious situation for a number of commercial fish stocks in the North Sea, as described by the International Council for the Exploration of the Sea (ICES);

¹ For the purpose of this Statement the North Sea comprises the body of water:
a) southwards of latitude 62°N, and eastwards of longitude 5°W at the north west side;
b) northwards of latitude 57° 44.8'N from the northern most point of Denmark to the coast of Sweden;
and
c) eastwards of longitude 5°W and northwards of latitude 48° 30'N, at the south side.

RECOGNIZING that many problems related to fisheries result from overcapacity in the fishing fleet and excessive deployed fishing effort, as well as from insufficiently effective regulation of fishing, including control and enforcement;

RECOGNIZING that further problems result from insufficient application of a precautionary approach in management regimes;

ACKNOWLEDGING the contributions from global and regional conventions and agreements², and RECOGNIZING the commitment to implement them for the North Sea;

Further ACKNOWLEDGING the contributions from other international instruments and guidelines;³

EMPHASIZING the importance of living marine resources⁴ as a source of food both for mankind and the marine biota and RECOGNIZING that proper management of these resources may increase or maintain a sustainable supply of food from the North Sea;

ACKNOWLEDGING the relationship between the quality of the marine environment and the quality of food obtained from the sea;

ACKNOWLEDGING the important relationship between the North Sea and rivers for the life cycle of anadromous and catadromous fish species;

RECOGNIZING that fisheries and environment policies must be further integrated, and RECOGNIZING the desirability of an ecosystem approach, with the aim of ensuring that fisheries and environmental protection, conservation and management measures are consistent with maintaining the characteristic structure and functioning, productivity and biological diversity of the ecosystems, and of a high level of protection, consistent with the needs of food production, of species and their habitats;

NOTING the ongoing revision of current national and European Community legislation relating to fisheries conservation measures;

ACKNOWLEDGING that, in the waters of the Member States of the European Union, legal competence for the establishment of fisheries management policies belongs to the European Community and is implemented within its Common Fisheries Policy and,

² UNCLOS, in particular Part V and XII thereof;

The Convention on Biological Diversity;

The OSPAR Convention and the relevant river conventions; and

The UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks.

³ The Ministerial Declarations of the First, Second, Third and Fourth International Conferences on the Protection of the North Sea;

Chapter 17 of Agenda 21 and the decision of the Commission on Sustainable Development on its review of that chapter, as endorsed by the UN General Assembly resolution;

The FAO International Code of Conduct for Responsible Fisheries;

The Jakarta Mandate;

The Washington Declaration and the UNEP Global Programme of Action for the Protection of the Marine Environment from Land-based Activities; and

The Kyoto Declaration.

⁴ The term «living marine resources» is to be understood here and in subsequent references in this document as defined in national legislation and European Community legislation.

within Norwegian waters, legal competence for management of fisheries lies with Norwegian authorities, and, where joint action is considered necessary, and in the context of this Statement of Conclusions, the bilateral fisheries agreement between the European Community and Norway is the appropriate framework;

NOTING that the North East Atlantic Fisheries Commission provides *inter alia* an appropriate regional framework for the exchange of information on the state of fishery resources that also occur in areas adjacent to the North Sea and for the facilitation of the necessary scientific work of the International Council for the Exploration of the Sea;

RECOGNIZING the valuable work accomplished in the elaboration of the «Assessment Report on Fisheries and Fisheries related Species and Habitats Issues» and NOTING the issues of concern identified therein;

RECOGNIZING the need to take appropriate action, urgently in some cases;

HAVE consequently ADOPTED the following Statement of Conclusions⁵:

⁵ This Statement of Conclusions does not prejudge the decisions to be adopted by the European Community on the basis of the pertinent Articles of the Treaty establishing the European Community.

Introduction

1. Within the tradition of the initiatives launched at Bremen, London, The Hague, Copenhagen and Esbjerg, the Ministers are RESOLVED to follow up and build upon the political commitment to integrate further fisheries and environmental policies, in order to protect the North Sea Environment and to ensure the sustainability of its fish stocks and associated fisheries.

Guiding Principles

2. The Ministers, in the exercise of their political responsibilities, AGREE that the future fisheries and environmental protection, conservation and management measures, including the management of North Sea fisheries, should be guided by the following principles:
 - 2.1 utilization of the ecosystems of the North Sea in a manner consistent with sustainable development, thereby ensuring that the needs of the present generation are met without compromising the ability of future generations to meet their own needs (intergenerational equity);
 - 2.2 conservation of biological diversity and the sustainable use of its components;
 - 2.3 application of a precautionary approach to management of living marine resources, as set out in the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks and the FAO International Code of Conduct;
 - 2.4 basing decisions on the best available scientific knowledge and advice; the absence of adequate scientific knowledge should not be used as a reason for postponing or failing to take conservation management measures;
 - 2.5 implementation of the provisions of the relevant global and regional conventions and agreements;
 - 2.6 further integration of fisheries and environmental protection, conservation and management measures, drawing upon the development and application of an ecosystem approach which, as far as the best available scientific understanding and information permit, is based on in particular:
 - the identification of processes in, and influences on, the ecosystems which are critical for maintaining their characteristic structure and functioning, productivity and biological diversity;
 - taking into account the interaction among the different components in the food-webs of the ecosystems (multi-species approach) and other important ecosystem interactions; and

- providing for a chemical, physical and biological environment in these ecosystems consistent with a high level of protection of those critical ecosystem processes;
- 2.7 integration of environmental objectives into fisheries policy;
- 2.8 maintenance of viable North Sea fishing industries, taking account of the interests of both the producers and the consumers;
- 2.9 involvement of fishermen and other relevant parties in the decision-making process; and
- 2.10 reducing or solving problems in the North Sea should not add to problems elsewhere.

These guiding principles apply to all fisheries for human consumption and all industrial fisheries.

Management Objectives

3. The Ministers AGREE that the main objectives for fisheries and environmental protection, conservation and management measures are:
 - 3.1 to ensure sustainable, sound and healthy ecosystems in the North Sea, thereby restoring and/or maintaining their characteristic structure and functioning, productivity and biological diversity;
 - 3.2 to achieve sustainable exploitation of the living marine resources, thereby securing a high yield of quality food; and
 - 3.3 to ensure economically viable fisheries.

Strategies

4. The Ministers AGREE that to achieve these objectives, strategies should be pursued to:
 - 4.1 take appropriate measures to minimize, in accordance with the FAO Code of Conduct for Responsible Fisheries, adverse impact of fishing activities on North Sea species and their habitats;
 - 4.2 take appropriate measures to minimize, in accordance with previous North Sea declarations, adverse impacts resulting from human activities other than fisheries on living marine resources and their habitats;

- 4.3 apply a precautionary approach to all human activities that involve non-indigenous stocks and alien species and genetically modified organisms:
- in the case of non-indigenous stocks and alien species, to avoid adverse effects on ecosystems or naturally occurring species which might arise from their release; and
 - in the case of genetically modified organisms, to avoid any release or spreading into the aquatic environment which might have adverse effects on the conservation and sustainable use of biological diversity;
- 4.4 minimize any adverse effects of stock enhancement and sea ranching;
- 4.5 maintain stocks of commercially exploited species at, or rebuild them to, levels at which their respective age compositions and spawning stock biomasses are such as to ensure a high probability of recruitment sufficient to ensure replenishment of these stocks;
- 4.6 ensure that stocks of commercially exploited species are not subject to levels of fishing mortality inconsistent with maintenance of such levels of spawning stock biomasses;
- 4.7 ensure that the deployed fishing effort (the product of fleet capacity and activity) is consistent with the achievement of such fishing mortality; and
- 4.8 minimize adverse socio-economic consequences of actions resulting from these strategies.

Actions

5. The actions set out below provide the means for achieving the management objectives within the framework of these strategies.

Rebuilding or Maintenance of Spawning Stock Biomass

6. The Ministers AGREE that the fishing mortality rate should be reduced or controlled for the stocks concerned so that total stocks and spawning stocks are rebuilt to or are maintained at a sustainable level. The Ministers therefore INVITE the competent authorities to consider within the appropriate fora and without delay:
 - 6.1 establishment of priorities for the elaboration of stock assessments and forecasts, or other appropriate stock indicators, for species listed in the Annex (second column);
 - 6.2 establishment, within deadlines to be set by the competent authorities and on the basis of scientific advice to be provided by ICES, of target reference points and limit reference points for stocks of species listed in the Annex (third column);
 - 6.3 establishment of measures which they consider necessary to ensure that the fishing mortality rates are such as to avoid transgression of limit reference points and as to be consistent with target reference points;
 - 6.4 establishment, on the basis of scientific advice to be provided by ICES, of criteria by which stocks shall be judged to be within or outside safe biological limits; and
 - 6.5 establishment of recovery plans for stocks considered to be, and without further action likely to remain, outside safe biological limits, giving priority to North Sea cod and the further implementation of measures agreed between the European Community and Norway for recovery of herring, plaice and mackerel;and, in this context:
 - 6.6 establishment, on the basis of scientific advice, of Total Allowable Catches (TACs) and/or other appropriate measures for stocks for which TACs are not currently established;
 - 6.7 establishment, if appropriate, of measures to protect dense aggregations of spawning fish from excessive levels of exploitation;
 - 6.8 suspension or reduction of the harvesting of depleted stocks, in the form of sustained and appropriate reduction of fishing mortality rates, and taking into account the problems of mixed fisheries;

- 6.9 further reduction of the capacity of the fishing fleet and/or the deployed fishing effort to levels which ensure consistency with the available fisheries resources; and
 - 6.10 implementation of appropriate actions to ensure that activities of any fishery do not significantly hamper the rebuilding or maintenance of stocks.
7. The Ministers WELCOME and SUPPORT a prohibition of sea fishing for Rhine salmon and Rhine sea trout to facilitate recovery of these stocks.

Protection of Juvenile Fish, Crustaceans and Molluscs

8. The Ministers AGREE that measures should be taken to protect juvenile fish, crustaceans and molluscs so that the biomass of both juveniles and ensuing adults is increased. The Ministers therefore INVITE the competent authorities to consider within the appropriate fora means of strengthening such protection through:
- 8.1 as a matter of urgency, searching for all possible effective means, including the possibility of a ban, to minimize discards;
 - 8.2 specification of appropriate mesh sizes for nets employed for the capture of commercially exploited species of fish, crustaceans and molluscs;
 - 8.3 maintenance, revision or introduction of minimum legal sizes of fish, crustaceans and molluscs;
 - 8.4 establishment or maintenance of permanent or temporary closed areas and/or seasons where there is a high incidence of juvenile fish, crustaceans and molluscs;
 - 8.5 development and application of measures, particularly with respect to selective fishing gears and fishing techniques, to minimize the capture and damage of juvenile fish, crustaceans and molluscs; and
 - 8.6 exploration of the utility of measures to minimize «high grading»⁶ as well as investigating ways of administering national quotas so as to reduce discarding.

⁶ «High grading» refers to a practice whereby fishermen catch more than is necessary, in order to sort the most valuable components of the catch with the resulting discarding of the remainder.

Protection of Species and Habitats

9. The Ministers AGREE that fishing practices should be adjusted to minimize the deterioration of sensitive habitats and unacceptable incidental mortality generated by such practices. The Ministers therefore INVITE the competent authorities to consider within the appropriate fora and without delay:
- 9.1 application of measures, particularly in relation to selective fishing gear to minimize catches of, and/or damage to, all organisms which may be caught or damaged by fishing gears and in which the fishermen operating such gears have no commercial interest;
 - 9.2 restrictions on fishing in any area where the competent authorities judge that the ecosystem of that area requires protection against the impact of such fishing and restriction on, or prohibition of, the use of fishing gears and practices where the competent authorities judge that such gears or practices would have a disproportionately harmful ecological impact on species and habitats; and
 - 9.3 implementation of appropriate steps to protect or restore biological diversity and habitats, including the establishment of temporarily or permanently closed or protected areas;

and, in this context:

- 9.4 implementation of any measures necessary to prevent the loss of fishing gear in order to avoid ghost fishing; and
- 9.5 establishment of effective procedures to undertake appropriate environmental assessments of new fishing practices, with the aim of minimizing adverse effects on the marine ecosystem.

Protection from Activities other than Fisheries

10. The Ministers are AWARE of the importance for fisheries of other human activities both on land and at sea. Such problems have been addressed by political commitments embodied in the declarations of the International Conferences on the Protection of the North Sea, particularly in respect of the protection of species and habitats in coastal and offshore areas, the prevention of pollution by hazardous substances, the prevention of eutrophication effects by reduction of nutrient inputs to the North Sea, the prevention of pollution from ships and from offshore installations and the management of radioactive substances, including waste. The Ministers REAFFIRM all these political commitments and WELCOME the way in which many of these political commitments have been developed into binding provisions, *inter alia* by decisions of the Oslo and Paris Commissions, by European Community directives, some of which are also applicable throughout the European Economic Area, and by amendments to global conventions such as MARPOL 73/78. For the future, they RECOGNIZE the need for additional protection for North Sea ecosystems, in particular for spawning grounds and nursery areas for fisheries resources, and for this purpose:

- 10.1 for land-based activities, to give the highest priority to the actions agreed by them internationally to eliminate pollution by hazardous substances from land-based sources, in particular the implementation of Chapter III of the Esbjerg Declaration, as well as to reduce eutrophication effects from the inputs of nutrients and other adverse impacts from other land-based activities in such grounds and areas; and
- 10.2 for sea-based activities, to develop more stringent requirements to protect such grounds and areas, in particular against pollution from offshore oil and gas activities and shipping operations, and from adverse physical impacts of activities, such as dredging and the exploration for, and exploitation of, oil, gas and other minerals, as well as to maintain existing controls to prevent adverse effects from the disposal of contaminated dredged spoil.

They therefore INVITE the North Sea states (especially in concert within the International Maritime Organization), the European Community and OSPAR, within their respective competences, to take action accordingly.

Control and Enforcement

11. The Ministers RECOGNIZE the importance of effective control and enforcement and WELCOME strengthening of the co-operation on control and enforcement in the North Sea both within the framework of the bilateral fisheries agreement between the European Community and Norway and through bilateral cooperation between North Sea states, NOTE the development of the application of satellite monitoring and INVITE the competent authorities to consider within the appropriate fora:
 - 11.1 the development of fishery regulations so as to ensure that such measures have equivalent conservation effect when applied in the respective areas of fisheries jurisdiction of North Sea states including, *inter alia*, procedures of control and monitoring and procedures for the registration and accounting of catches;
 - 11.2 the development and application of more effective and consistent methods and enforcement schemes, including improved monitoring and control at sea and on-shore;
 - 11.3 the development of further co-operation and transparency in control and enforcement between North Sea states including, *inter alia*, the exchange of observers and know-how;
 - 11.4 the assessment of the feasibility of introducing satellite monitoring within the framework of the bilateral fisheries agreement between the European Community and Norway; and
 - 11.5 the development of data-bases for control purposes, including, *inter alia*, exchange of catch data on a continuous basis.

Science, Technology and Economic Impacts

12. The Ministers RECOGNIZE the need to enhance or initiate additional research in areas where improved scientific knowledge will strengthen the implementation of effective measures.
13. The Ministers RECOGNIZE the role of ICES as the international scientific organization for research and independent scientific advice on living marine resources and environment issues in the North Sea and ACKNOWLEDGE the need to secure and maintain the role of ICES. They furthermore RECOGNIZE that a prerequisite for maintaining the role of ICES is improved provision of accurate data to ICES from all parties concerned. The Ministers also WELCOME current moves within ICES to restructure Advisory Committees so as to ensure that fisheries and environmental issues are given the fullest consideration.
14. The Ministers REAFFIRM their request, at the Esbjerg Conference, to the competent authorities to facilitate research on:
 - selectivity of fishing gear with respect to fish;
 - reduction of mortality rate of birds, mammals and benthic organisms;
 - possible effects of industrial fisheries;
 - discards;
 - enlargement of knowledge on the state of fish stocks and the populations of other biota;
 - investigation of the possible effects of hazardous substances; and
 - undisturbed areas.
15. The Ministers RECOGNIZE the additional requirements:
 - 15.1 to further studies to elucidate the effects of the different fisheries on the ecosystems, giving priority to quantification of the effects of beam trawling and industrial fisheries;
 - 15.2 to encourage the competent authorities, which have been asked to develop an ecosystem approach, to commission the necessary research needed for this work;
 - 15.3 within the appropriate fora, to explore and develop appropriate incentives to encourage more support for fisheries and environmental protection, conservation and management measures;
 - 15.4 to explore and develop means of encouraging producers, middlemen, consumers and other economic actors to be concerned that fisheries are conducted in compliance with measures aimed at ensuring sustainable use of fish stocks and to give practical effect to such concerns;
 - 15.5 to investigate socio-economic effects of alternative options for regulatory regimes for the conservation of fish stocks and/or the protection of the ecosystems;
 - 15.6 to investigate the ecological and economic effects of and the practicability of applying a discard ban; and

- 15.7 to introduce and maintain scientific sampling programmes for all relevant fisheries that will make it possible to collect reliable and accurate data on levels of discards, in order to monitor discard levels and ensure that scientific basis for the biological advice of ICES is enhanced.

Information and Involvement

16. The Ministers RECOGNIZE the requirement to improve the provision of information for fishermen and their communities, particularly on the effects of fisheries on the ecosystems and on fish stock conservation. They further RECOGNIZE that dissemination of appropriate information by Intergovernmental and Non-governmental Organizations can represent a significant support in this respect.
17. The Ministers RECOGNIZE the need to develop contacts between fisheries scientists, the fishing industry and environmental groups in order to increase mutual understanding.
18. The Ministers RECOGNIZE the importance of the involvement of fishermen and other interested parties in the decision-making process to ensure enhanced support for management decisions. They further RECOGNIZE the important contribution different types of co-management schemes can make, in appropriate circumstances, at various levels and in many aspects of integrated management of fisheries, and WELCOME further research in this field.

Further Integration of Fisheries and Environmental Policies

19. The Ministers STRESS the importance of the further integration of fisheries and environmental policies. To facilitate this integration and the implementation of the relevant guiding principles, in particular those in paragraphs 2.6 and 2.7, they RECOGNIZE the need to develop an ecosystem approach as described in paragraph 2.6. Such work should focus upon the critical ecological processes, the ecosystem interactions and the chemical, physical and biological environment. It should be based upon co-operation between the various competent authorities involved. It would be iterative and need to include:
- 19.1 in respect of fisheries management, consideration of the interactions among different species and how management decisions can be taken over the longer term;
- 19.2 in respect of environmental protection and conservation, assessment of the impact of human activities on North Sea ecosystems; and
- 19.3 appropriate arrangements for integrating the different aspects.

They therefore INVITE the competent authorities for fisheries management and for the other aspects respectively to consider such development and its possible implementation and to analyse periodically the progress achieved and the

problems remaining, doing so for the first time preferably before the Fifth North Sea Conference.

20. In addition, they RECOGNIZE the need for further implementation of the precautionary approach⁷ as a basis for the management of fisheries, stock enhancement, sea ranching and aquaculture in the North Sea, and INVITE the competent authorities to consider how to do so.

Implementation and Review of Progress

21. The Ministers EMPHASIZE the necessity of effective implementation of the foregoing guiding principles, strategies and actions to ensure sustainable, sound and healthy ecosystems in the North Sea.
22. The Ministers CONCLUDE that progress towards achieving these strategies and actions should be reviewed on a regular basis. They INVITE the competent authorities to do so. Reports in this respect should be prepared and published on a regular basis, and the first in due time before the Fifth North Sea Conference.

⁷ In addition to the FAO Code of Conduct for Responsible Fisheries, «Precautionary Approach to Fisheries, Part I: Guidelines on the precautionary approach to capture fisheries and species introductions» (FAO Fisheries Technical Paper 350/1 - the «Lysekil Guidelines») and «The Precautionary Approach to North Sea Fisheries Management» (Report of the Oslo Seminar 1996) will be relevant to this work.

Annex

Species	Stock Assessments and Forecasts	Target and Limit Reference Points
Cod (<i>Gadus morhua</i>)		A
Plaice (<i>Pleuronectes platessa</i>)		A
Herring (<i>Clupea harengus</i>)		A
Mackerel (<i>Scomber scombrus</i>)		A
Haddock (<i>Melanogrammus aeglefinus</i>)		A
Whiting (<i>Merlangius merlangus</i>)		A
Saithe (<i>Pollachius virens</i>)		A
Northern prawn (<i>Pandalus borealis</i>)		A
Common sole (<i>Solea solea</i>)		A
Norway pout (<i>Trisopterus esmarkii</i>)	A*	A
Sandeel (<i>Ammodytes</i> spp.)	B*	A
Sprat (<i>Sprattus sprattus</i>)	B	B
Horse mackerel (<i>Trachurus trachurus</i>)	B	B
Blue ling (<i>Molva dypterygia</i>)	C	C
Ling (<i>Molva molva</i>)	C	C
Tusk (<i>Brosme brosme</i>)	C	C
Norway lobster (<i>Nephrops norvegicus</i>)	C*	
Argentines (<i>Argentina</i> spp.)	C	
Roundnose grenadier (<i>Coryphaenoides rupestris</i>)	C	
Anglerfish (<i>Lophius piscatorius</i>)	C	
Gurnards (<i>Triglidae</i>)	C	
Other flatfishes (<i>Pleuronectiformes</i>)	C	
Sharks, skates, rays (<i>Elasmobranchii</i>)	C	

*) Assessments available but no forecasts provided.

Note for information:

The Secretariat of ICES indicated during the preparations for the Intermediate Ministerial Meeting that ICES may be able to provide the necessary technical information to enable establishment, by the competent authorities, of target and limit reference points and to present stock assessments and forecasts, or other appropriate stock indicators, where these are currently not available, within the indicative time frames from initiation indicated below:

A: 2 years; B: 6-7 years; C: 10 years.