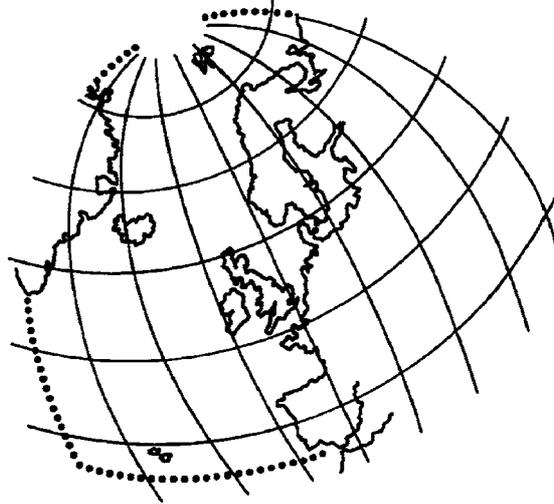


OSPAR Commission



Ministerial Meeting of the OSPAR Commission

Sintra, 22-23 July 1998

Main Results

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 Union 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 l'Espagne et l'Union européenne.

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OSPAR Commission 1998



Ministerial Meeting of the OSPAR Commission Sintra, 22-23 July 1998

Main Results

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INTRODUCTION

On 25 March 1998, the 1992 OSPAR Convention entered into force. The 1998 Ministerial Meeting of the OSPAR Commission was held in conjunction with the 1998 annual meeting of the Commission in Sintra (Portugal) on 22-23 July 1998. At the end of their meeting, Ministers adopted the Sintra Statement (see page 9) setting out the political impetus for future action by the OSPAR Commission with a view to ensuring the protection of the marine environment of the North-East Atlantic.

The main products of this first meeting of the new OSPAR Commission were as follows:

- a. a new Annex to the 1992 OSPAR Convention concerning the protection and conservation of the ecosystems and biological diversity of the maritime area covered by the Convention (see page 16), and a related Appendix (see page 18). Furthermore, an agreement on the meaning of certain concepts used in Annex V was made (see page 19)¹.

Although not a product of the Ministerial Meeting, the complete text of the 1992 OSPAR Convention (updated with the new Annex V and Appendix 3) is attached, for reference purposes, as an Annex to this report (see page 79);

- b. strategies aimed at guiding future work of the Commission on the longer term with regard to:
 - (i) hazardous substances (see page 21);
 - (ii) radioactive substances (see page 41);
 - (iii) eutrophication (see page 47);
 - (iv) conservation of the ecosystems and biological diversity of the maritime area (see page 55);
- c. an Action Plan setting out actions for the period 1998-2003 to be taken by the Commission with a view to implementing these strategies (see page 59);
- d. new rules governing the participation of non-governmental organisations (NGOs) in the work of the Commission, which enable NGOs to participate at all levels of the Commission's working structure. These rules will be published on the OSPAR web-site (address: <http://www.OSPAR.org>).

¹ In accordance with Article 15 of the 1992 OSPAR Convention, for those Contracting Parties which have ratified them, Annex V and Appendix 3 will enter into force on the thirtieth day after receipt by the Depositary Government of notification of their ratification by at least seven Contracting Parties. Thereafter they will enter into force for any other Contracting Party on the thirtieth day after that Contracting Party has deposited its instrument of ratification of these amendments to the Convention.

The Commission also adopted the following measures:

- a. OSPAR Decision 98/1² concerning the Status of Decisions and Recommendations and Other Agreements Adopted under the Former Oslo Convention and Paris Convention within the Framework of the OSPAR Convention;
- b. OSPAR Decision 98/2 on Dumping of Radioactive Waste. With the entry into force of this OSPAR Decision, subparagraphs (b) and (c) of paragraph 3 of Article 3 of Annex II to the 1992 OSPAR Convention will cease to have effect;
- c. OSPAR Decision 98/3 on the Disposal of Disused Offshore Installations;
- d. OSPAR Decision 98/4 on Emission and Discharge Limit Values for the Manufacture of Vinyl Chloride Monomer (VCM) including the Manufacture of 1,2-dichloroethane (EDC);
- e. OSPAR Decision 98/5 on Emission and Discharge Limit Values for the Vinyl Chloride Sector, Applying to the Manufacture of Suspension-PVC (s-PVC) from Vinyl Chloride Monomer (VCM);
- f. OSPAR Recommendation 98/1 concerning Best Available Techniques and Best Environmental Practice for the Primary Non-Ferrous Metal Industry (Zinc, Copper, Lead and Nickel Works);
- g. OSPAR Recommendation 98/2 on Emission and Discharge Limit Values for Existing Aluminium Electrolysis Plants;
- h. OSPAR Guidelines for the Management of Dredged Material (reference number: 1998-20);
- i. OSPAR Guidelines for Dumping of Fish Waste from Land-Based Industrial Fish Processing Operations (reference number: 1998-21).

The text of these measures will be published in a separate report as well as on the OSPAR web-site.

² In accordance with Article 13 of the 1992 OSPAR Convention, an OSPAR Decision becomes binding on the expiry of a period of two hundred days after its adoption for those Contracting Parties that voted for it and have not within that period notified the Executive Secretary in writing that they are unable to accept the decision.

SINTRA STATEMENT

WE, THE MINISTERS AND THE MEMBER OF THE EUROPEAN COMMISSION, meeting within the framework of the OSPAR Commission for the Protection of the Marine Environment of the North East Atlantic, in the year 1998, which was declared International Year of the Oceans by the United Nations, and during EXPO 1998, which is dedicated to the oceans as the common heritage of mankind,

EMPHASISE our commitment to take all possible steps to achieve our overall objective for the protection of the marine environment of the North East Atlantic of preventing and eliminating pollution, protecting human health and ensuring sound and healthy marine ecosystems, and

COMMIT ourselves to pursuing this goal through the following actions to produce a sustainable approach to the marine environment of the OSPAR maritime area and thus protect this inheritance for the new millennium.

CONTINUITY AND PROGRESS

WE WELCOME the entry into force on 25 March 1998 of the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic.

WE WELCOME the continuity with the former Oslo and Paris Commissions that has been achieved through a Decision clarifying which decisions, recommendations and other agreements of the Oslo and Paris Commissions remain in force as a basis of the work of the OSPAR Commission.

WE RE-EMPHASISE the clear commitments to the application of the precautionary principle and the polluter-pays principle and to the identification of best available techniques (BAT) and best environmental practice (BEP), including, where appropriate, clean technology.

ECOSYSTEMS AND BIOLOGICAL DIVERSITY

WE STRENGTHEN the Convention's framework for the protection of the marine environment by the unanimous adoption of an Annex on the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area. WE SHALL SEEK an early entry into force of this Annex.

WE RE-EMPHASISE our commitment, in implementing the new Annex, to protect and conserve the biological diversity of the maritime area and its ecosystems which are, or could be, affected as a result of human activities, and to restore, where practicable, marine areas which have been adversely affected.

To this end, the Commission will implement the strategy on the protection and conservation of the ecosystems and biological diversity of the maritime area and, in doing so, *inter alia*:

- assess a candidate list of human activities which may produce adverse impacts on the marine environment and its species, habitats and ecological processes other than through causing pollution;
- identify and prioritise those of the activities for which programmes and measures should be developed;
- identify those marine species, habitats or ecosystems that need to be protected, conserved or restored;

- promote the establishment of a network of marine protected areas to ensure the sustainable use and protection and conservation of marine biological diversity and its ecosystems;
- as a first step develop by 2003 the most necessary programmes and measures to achieve the purposes of the Annex.

HAZARDOUS SUBSTANCES

WE AGREE to prevent pollution of the maritime area by continuously reducing discharges, emissions and losses of hazardous substances (that is, substances which are toxic, persistent and liable to bioaccumulate or which give rise to an equivalent level of concern), with the ultimate aim of achieving concentrations in the environment near background values for naturally occurring substances and close to zero for man-made synthetic substances. WE SHALL MAKE every endeavour to move towards the target of cessation of discharges, emissions and losses of hazardous substances by the year 2020. WE EMPHASISE the importance of the precautionary principle in this work.

To this end, the Commission will:

- implement our strategy progressively and with well-defined intermediate targets; this implementation will start from the OSPAR List of Chemicals for Priority Action which we have already agreed, including carrying forward the drawing up of programmes and measures by 2003 for the control of discharges, emissions and losses of the substances on that list, and their substitution with less hazardous or non-hazardous substances where feasible;
- develop a dynamic selection and prioritisation mechanism, in order to tackle first the substances and groups of substances which cause most concern, and use it to up-date by 2000 the current OSPAR List of Chemicals for Priority Action;
- identify and assess substances that, although not fulfilling all the traditional criteria of a hazardous substance give rise to equivalent concern, especially those that act as endocrine disruptors;
- develop the necessary programmes and measures within three years after agreeing on the need for OSPAR action on a substance or group of substances.

WE INVITE industry and other international organisations to join us in these efforts to achieve this target.

WE ACKNOWLEDGE the need to provide consumer and purchaser with information on hazardous substances in goods thereby promoting the reduction of risks from the use of such chemicals, and WE WILL DEVELOP, individually or jointly, further means for disseminating this information.

RADIOACTIVE SUBSTANCES

WE WELCOME the announcements by the French and United Kingdom Governments that they wish to give up their possible future exemptions from the ban on the dumping of low-level and intermediate-level radioactive wastes. WE ARE GLAD to complete that ban through a unanimous Decision terminating the possible exemptions for France and the United Kingdom.

WE AGREE, in addition, to prevent pollution of the maritime area from ionising radiation through progressive and substantial reductions of discharges, emissions and losses of radioactive substances, with the ultimate aim of concentrations in the environment near background values for naturally occurring radioactive substances and close to zero for artificial radioactive substances. In achieving this objective, the following issues should, inter alia, be taken into account:

- legitimate uses of the sea;
- technical feasibility;
- radiological impacts to man and biota.

WE SHALL ENSURE that discharges, emissions and losses of radioactive substances are reduced by the year 2020 to levels where the additional concentrations in the marine environment above historic levels, resulting from such discharges, emissions and losses, are close to zero. WE SHALL PAY particular attention to the safety of workers in nuclear installations.

To this end, the Commission will:

- undertake the development of environmental quality criteria for the protection of the marine environment from adverse effects of radioactive substances and report on progress by the year 2003;
- continue to reduce radioactive discharges from nuclear installations to the marine environment by applying BAT;
- review activities which may give rise to concern of this kind, and assess them to identify and prioritise fields where action is required and develop the necessary measures.

WE NOTE the concerns expressed by a number of Contracting Parties about the recent increases in technetium discharges from Sellafield and their view that these discharges should cease. WE FURTHER NOTE that the UK Ministers have indicated that such concerns will be addressed in their forthcoming decisions concerning the discharge authorisations for Sellafield. WE WELCOME the announcement of the UK Government that no new commercial contracts will be accepted for reprocessing spent fuel at Dounreay, with the result of future reductions in radioactive discharges to the maritime area.

WE SHALL TAKE STEPS, both nationally and in international discussions, to bring the Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste into force as soon as possible.

EUTROPHICATION

WE AGREE to eliminate eutrophication where it occurs in the maritime area from anthropogenic inputs and to prevent future occurrences.

To this end, to supplement the existing obligations and commitments of the Contracting Parties to address nutrient inputs, especially from urban and industrial waste-water and agriculture, the Commission will:

- apply the Common Procedure for the Identification of the Eutrophication Status of the Maritime Area to make an initial identification on non-problem areas by 2000 and complete the identification and characterisation of the eutrophication status of all parts of the maritime area by 2003;
- implement immediately the integrated target-oriented and source-oriented actions provided for areas already identified as problem areas with regard to eutrophication;

- as one of the main elements of the source-oriented actions promote good housekeeping in industry and sewage treatment and good agricultural practice, ecological agriculture and balanced fertilisation;
- agree by 2003 any additional programmes and measures needed to achieve by 2010 a healthy marine environment where eutrophication due to anthropogenic inputs does not occur;
- take preventive action in areas identified as potential problem areas with regard to eutrophication;
- review the status of areas identified as non-problem areas with regard to eutrophication if there is ground for concern that there has been a substantial increase in their anthropogenic nutrient load.

WE EMPHASISE the importance in combating eutrophication of relevant EC Directives and corresponding legislation of other Contracting Parties and WE AGREE that compliance with such legislation is of the utmost importance.

OFFSHORE OIL AND GAS

WE RE-EMPHASISE our commitment to prevent the sea being used as a dumping ground for waste, whether from the sea or from land based activities. WE ADOPT a Decision on the disposal of disused offshore installations in support of this. Under this Decision, all dumping of steel installations is prohibited. Derogations, subject to assessment and consultation under agreed procedures, may allow the footings of steel installations weighing more than 10,000 tonnes to remain in place. However, WE WILL STRIVE to avoid using such derogations for footings of steel installations, by returning to land for recycling and disposal all steel installations where it is safe and practicable to do so. Derogations will also be available for concrete installations. WE HAVE no plans to create new concrete installations in any new oil-field developments in the maritime area. Concrete installations will only be used when it is strictly necessary for safety or technical reasons.

The Commission will review this Decision from time to time in the light of developments, with the aim of reducing as fast and as far as possible the cases for which derogations from the general ban on sea disposal may be considered. To support this, WE SHALL PROMOTE

- research and development by industry and relevant Contracting Parties on techniques for reusing and dismantling disused offshore installations and returning them to land for recycling or final disposal;
- exchange of information between competent authorities of Contracting Parties, operators and contractors on such techniques;
- collaboration between operators of offshore installations in joint operations to decommission such installations.

WE AGREE that environmental goals should be set for the offshore oil and gas industry and improved management mechanisms established to achieve them. The Commission will adopt a strategy for this purpose at its next meeting. In preparing this strategy, the Commission will consider how to address, *inter alia*:

- the use and discharge of hazardous substances, consistent with the Strategy with Regard to Hazardous Substances;
- discharges of oil from offshore installations, including that in produced water;
- reduction of emissions of substances likely to pollute the air.

QUALITY STATUS REPORT

WE NOTE progress on the preparation of the Quality Status Report on the marine environment of the North East Atlantic, to be published in 2000. This is a major, ground-breaking task, since a comprehensive quality status report on this scale has not previously been produced. WE AGREE the special budget for the Commission's future work on this report, and WE LOOK FORWARD to establishing through it and the Joint Assessment and Monitoring Programme a sound, scientific basis for identifying and prioritising future tasks in an overall comparative approach.

WIDER INTERNATIONAL COOPERATION

WE SHALL SEEK the cooperation in our work of other states within the catchment of the North East Atlantic, especially the Czech Republic and the Russian Federation.

WE RECOGNISE that the North East Atlantic is only a small part of the world's oceans and that many other international organisations make vital contributions to protecting the marine environment. WE SHALL CONTINUE to work nationally, within the OSPAR Commission, with other regional seas programmes, especially those for the Arctic Ocean, the Baltic Sea and the Mediterranean and with bodies such as the Convention on the Long-Range Transport of Air Pollution, to achieve the effective application, world-wide, of the recommendations of Chapter 17 (Oceans and All Seas) of Agenda 21 and the full implementation of the Global Programme of Action for the Protection of the Marine Environment against Land-Based Activities. WE ESPECIALLY WELCOME the extra support which the Netherlands Government has given for this purpose.

WE SHALL COOPERATE, especially in the work of the International Maritime Organization, to tackle threats to the marine environment from shipping through promoting better waste reception facilities and their more effective use including harmonised arrangements to remove economic, administrative or organisational incentives for ships not to use port waste reception facilities, through banning the use of tributyl-tin (TBT) antifouling treatments and replacing them with clean antifouling technologies, improved controls over the unintended transport of non-native species by ships, through measures to eliminate marine litter and through bringing into effect the new Annex VI to MARPOL controlling air pollution from ships.

WE SHALL CONTINUE AND INTENSIFY our cooperation with the international river organisations for the Rhine, Meuse, Scheldt and Elbe, in order to reduce further riverine inputs into the North-East Atlantic and to improve the important ecological relations between the rivers and the sea.

FOLLOW-UP

WE LOOK FORWARD to the greater involvement of non-governmental organisations in the work of the Commission as a result of the opening of committees and working groups to them as observers.

Finally, WE COMMIT ourselves to continuing involvement of Ministers and members of the European Commission in the work of the OSPAR Commission, in order to ensure proper political support and direction. WE SHALL THEREFORE ARRANGE another Ministerial Meeting of the Commission in 2003 based on a thorough review of progress in the implementation of the strategies and their effectiveness and the implications of the Quality Status Report 2000.

Sintra, 23 July 1998

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**THE PROTECTION AND CONSERVATION OF THE ECOSYSTEMS AND
BIOLOGICAL DIVERSITY OF THE MARITIME AREA**

(reference number 1998-15.1)

RECALLING the welcome in the Final Declaration of the Ministerial Meeting of the Oslo and Paris Commissions, 21-22 September 1992, for the possibility under the 1992 OSPAR Convention of addressing matters relating to the protection of the marine environment other than those relating to the prevention and elimination of pollution, and for the possibility of taking any necessary measures on these matters by the adoption of new Annexes to that Convention in the future;

RECALLING the Recitals of the 1992 OSPAR Convention;

RECALLING Article 16 and 18 of that Convention, which provide the procedure for the proposal, adoption and entry into force of new Annexes and of new Appendixes to that Convention;

RECALLING the United Nations Convention on the Law of the Sea, in particular the provisions relating to navigation and the exploitation of natural resources;

RECALLING the provisions of other global and regional agreements on the protection and conservation of marine ecosystems and biological diversity;

RECALLING the importance of coordination and harmonisation of work in different forums for the protection of marine species and their habitats;

RECALLING the significant differences which exist between:

- a. the ecological conditions of the maritime area;
- b. the impacts of human activities affecting these conditions;

in the different regions and sub-regions covered by the 1992 OSPAR Convention;

RECALLING the fact that certain Contracting Parties are not coastal states bordering the maritime area;

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic adopt Annex V and Appendix 3 to the Convention and further decide that:

- a. programmes or measures under this new Annex shall avoid duplicating action which is already prescribed by other international conventions and the subject of appropriate measures agreed by other international organisations; and
- b. before a programme or measure is adopted under this new Annex, consideration shall be given to whether action could be taken more appropriately under some other international convention or arrangement.

ANNEX V

ON THE PROTECTION AND CONSERVATION OF THE ECOSYSTEMS AND BIOLOGICAL DIVERSITY OF THE MARITIME AREA

ARTICLE 1

For the purposes of this Annex and of Appendix 3 the definitions of “biological diversity”, “ecosystem” and “habitat” are those contained in the Convention on Biological Diversity of 5 June 1992.

ARTICLE 2

In fulfilling their obligation under the Convention to take, individually and jointly, the necessary measures to protect the maritime area against the adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected, as well as their obligation under the Convention on Biological Diversity of 5 June 1992 to develop strategies, plans or programmes for the conservation and sustainable use of biological diversity, Contracting Parties shall:

- a. take the necessary measures to protect and conserve the ecosystems and the biological diversity of the maritime area, and to restore, where practicable, marine areas which have been adversely affected; and
- b. cooperate in adopting programmes and measures for those purposes for the control of the human activities identified by the application of the criteria in Appendix 3.

ARTICLE 3

1. For the purposes of this Annex, it shall *inter alia* be the duty of the Commission:

- a. to draw up programmes and measures for the control of the human activities identified by the application of the criteria in Appendix 3;
- b. in doing so:
 - (i) to collect and review information on such activities and their effects on ecosystems and biological diversity;
 - (ii) to develop means, consistent with international law, for instituting protective, conservation, restorative or precautionary measures related to specific areas or sites or related to particular species or habitats;
 - (iii) subject to Article 4 of this Annex, to consider aspects of national strategies and guidelines on the sustainable use of components of biological diversity of the maritime area as they affect the various regions and sub-regions of that area;
 - (iv) subject to Article 4 of this Annex, to aim for the application of an integrated ecosystem approach.
- c. also in doing so, to take account of programmes and measures adopted by Contracting Parties for the protection and conservation of ecosystems within waters under their sovereignty or jurisdiction.

2. In the adoption of such programmes and measures, due consideration shall be given to the question whether any particular programme or measure should apply to all, or a specified part, of the maritime area.

ARTICLE 4

1. In accordance with the penultimate recital of the Convention, no programme or measure concerning a question relating to the management of fisheries shall be adopted under this Annex. However where the Commission considers that action is desirable in relation to such a question, it shall draw that question to the attention of the authority or international body competent for that question. Where action within the competence of the Commission is desirable to complement or support action by those authorities or bodies, the Commission shall endeavour to cooperate with them.

2. Where the Commission considers that action under this Annex is desirable in relation to a question concerning maritime transport, it shall draw that question to the attention of the International Maritime Organisation. The Contracting Parties who are members of the International Maritime Organisation shall endeavour to cooperate within that Organisation in order to achieve an appropriate response, including in relevant cases that Organisation's agreement to regional or local action, taking account of any guidelines developed by that Organisation on the designation of special areas, the identification of particularly sensitive areas or other matters.

APPENDIX 3

CRITERIA FOR IDENTIFYING HUMAN ACTIVITIES FOR THE PURPOSE OF ANNEX V

1. The criteria to be used, taking into account regional differences, for identifying human activities for the purposes of Annex V are:
 - a. the extent, intensity and duration of the human activity under consideration;
 - b. actual and potential adverse effects of the human activity on specific species, communities and habitats;
 - c. actual and potential adverse effects of the human activity on specific ecological processes;
 - d. irreversibility or durability of these effects.
2. These criteria are not necessarily exhaustive or of equal importance for the consideration of a particular activity.

**OSPAR AGREEMENT ON THE MEANING OF CERTAIN CONCEPTS IN
ANNEX V TO THE 1992 OSPAR CONVENTION ON THE PROTECTION
AND CONSERVATION OF THE ECOSYSTEMS AND BIOLOGICAL
DIVERSITY OF THE MARITIME AREA**

(Reference number: 1998-15.2)

OSPAR agreed that references in Annex V to the 1992 OSPAR Convention on the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area to “questions relating to the management of fisheries” are references to the questions on which action can be taken under such instruments as those constituting:

- a. the Common Fisheries Policy of the European Community;
- b. the corresponding legislation of Contracting Parties which are not Member States of the European Union; or
- c. the corresponding legislation in force in the Faroe Islands, Greenland, the Channel Islands and the Isle of Man.
- d. the North East Atlantic Fisheries Commission and the North Atlantic Salmon Commission

whether or not such action has been taken.

For the avoidance of doubt, in the context of the OSPAR Convention, the management of fisheries includes the management of marine mammals.

OSPAR STRATEGY WITH REGARD TO HAZARDOUS SUBSTANCES

RECALLING the Convention for the Protection of the Marine Environment of the North-East Atlantic (“OSPAR Convention”) and in particular Article 2.1(a) in which Contracting Parties agree to take all possible steps to prevent and eliminate pollution and to take the necessary measures to protect the maritime area against adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected;

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic ADOPT the following objective and strategy for the purposes of directing the future work of the Commission with regard to hazardous substances³

1. OBJECTIVE

1.1 In accordance with the general objective, the objective of the Commission with regard to hazardous substances is to prevent pollution of the maritime area by continuously reducing discharges, emissions and losses of hazardous substances (as defined in Annex 1), with the ultimate aim of achieving concentrations in the marine environment near background values for naturally occurring substances and close to zero for man-made synthetic substances.

2. GUIDING PRINCIPLES

2.1 The strategy will use the following principles as a guide:

- a. assessments made, and programmes and measures adopted, to achieve the objective and implement the strategy will be in accordance with the general obligations as set out in Article 2 of the OSPAR Convention and consequently will involve the application of:
 - (i) the precautionary principle;
 - (ii) the polluter pays principle;
 - (iii) best available techniques and best environmental practice, including, where appropriate, clean technology;
- b. in addition, the principle of substitution, i.e. the substitution of hazardous substances by less hazardous substances or preferably non-hazardous substances where such alternatives are available, is a means to reach this objective;⁴
- c. emissions, discharges and losses of new hazardous substances shall be avoided, except where the use of these substances is justified by the application of the principle of substitution;

³ A number of terms used in this strategy are defined in Annex 1. In addition to this, a number of other technical terms used are described in the Glossary (Annex 5).

⁴ “Available” in the context of substitution must be understood in the same sense as in the definition of Best Available Techniques in the OSPAR Convention 1992 and should take into account the principles contained in the definition of Best Environmental Practice in the OSPAR Convention 1992 related to substitution of products.

- d. in the work to achieve the objective, the scientific assessment of risks (in connection with the criteria stipulated at Appendix 2 of the 1992 OSPAR Convention and in connection with Annex IV of the 1992 OSPAR Convention) is a tool for setting priorities and developing action programmes.

3. STRATEGY OF OSPAR WITH REGARD TO HAZARDOUS SUBSTANCES

3.1 The Commission will develop programmes and measures to identify, prioritise, monitor and control (i.e., to prevent and/or reduce and/or eliminate) the emissions, discharges and losses of hazardous substances which reach, or could reach, the marine environment. To this end the Commission will:

- a. complete the development of a dynamic selection and prioritisation mechanism (already under way, *inter alia*, in OSPAR's Diffuse Sources Working Group) to select the hazardous substances to be given priority in its work.

Criteria to be used in this selection and prioritisation mechanism include that the substances or groups of substances:

- (i) due to their highly hazardous properties, are a general threat to the aquatic environment;
- (ii) show strong indications of risks for the marine environment;
- (iii) have been found widespread in one or more compartments of the maritime area, or may endanger human health via consumption of food from the marine environment;
- (iv) reach, or are likely to reach, the marine environment from a diversity of sources through various pathways.

The Commission will stimulate the further development of the criteria for hazardous substances namely toxicity, persistency and liability to bioaccumulate with respect to the marine environment and improve their operation as part of the work to implement this strategy. Working definitions as a basis for this work are given in the Glossary.

The application of these criteria should both reflect the hazardous characteristics of substances or groups of substances and give priority to their actual or potential occurrence and effects in the maritime area;

- b. carry forward the drawing up of programmes and measures in relation to the OSPAR List of Chemicals for Priority Action set out in Annex 2;
- c. apply the selection mechanism to substances and groups of substances of concern including those substances and groups of substances set out in the OSPAR 1998 List of Candidate Substances at Annex 3 in order to review the OSPAR List of Chemicals for Priority Action (cf. Annex 2) and to apply the prioritisation mechanism to rank these substances in order of priority;
- d. urge other relevant international bodies (e.g. UNEP, UN-ECE, OECD and IMO) and countries to take the necessary measures to control the hazardous substances contained in the lists 5 and 8 of Annex 3 and in the OSPAR List of Chemicals for Priority Action on the grounds that

- these substances may enter the Convention Area and have otherwise been phased out or are under action by OSPAR;
- e. as soon as possible, develop or adopt, as part of the selection mechanism, a means of identifying substances which give reasonable grounds for concern that they are endocrine disruptors, and apply this means of identification to relevant substances, including those substances and groups of substances set out in lists 6 and 7 of Annex 3. To this end the Commission will:
 - (i) develop and apply appropriate evaluation criteria (involving the use of internationally recognised testing procedures where these are available) to establish whether substances on these lists of potential endocrine disruptors list have the potential to cause adverse effects to organisms in the marine environment;
 - (ii) collaborate with various international fora with a view to optimising international research effort on endocrine disruptors leading to the development of testing and assessment tools for identifying substances of concern and their occurrence and distribution and effect in the marine environment. The Commission will allocate priority to the research and development actions listed in Annex 4;
 - f. address, in developing programmes or measures in relation to any substance, all relevant aspects of that substance, including its toxicity and its ability to disrupt endocrine processes;
 - g. keep the selection mechanism, including the means of identifying endocrine disruptors, under review to ensure that it remains effective to identify all aspects of hazard and risk which should give rise to reasonable grounds of concern about substances taking account of developments in the International Forum on Chemical Safety and the UN-ECE Convention on Long-range Transboundary Air Pollution.

4. TIMEFRAME

4.1 Following on from the commitment in the Final Declaration of the Ministerial Meeting of the Oslo and Paris Commissions 1992, that, as a matter of principle for the whole maritime area of the Convention, the Commission should continue to work towards the reduction, by the year 2000, of discharges, emissions and losses of hazardous substances which could reach the marine environment, to levels that are not harmful to man or nature with the aim of their elimination, the Commission will implement this strategy progressively by making every endeavour to move towards the target of the cessation of discharges, emissions and losses of hazardous substances by the year 2020.

5. IMPLEMENTATION

5.1 This strategy will be implemented and the details developed under the Commission's Action Plan, which will establish priorities, assign tasks, and set deadlines and targets. The Action Plan will concentrate on substances of the highest concern to the marine environment and make best use of resources. This is likely to involve developing stronger links with other international bodies.

5.2 Effective action is to be taken when there are reasonable grounds for concern that hazardous substances introduced into the marine environment, or which reach or could reach the marine environment, may bring about hazards to human health, harm living and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea, even when there is no conclusive evidence of a causal relationship between the inputs and the effects.

5.3 With regard to hazardous substances identified by the Commission for action, such action should include:

- a. identifying the sources of hazardous substances and their pathways to the marine environment, using, *inter alia*, information derived from monitoring, research, specific surveys and assessment activities;
- b. establishing with the help of an appropriate combination of monitoring, modelling, risk characterisation and risk assessment techniques, whether these sources represent either a widespread problem or a problem restricted to regional or local environments within the maritime area;

and, as a result,

- c. the identification of relevant measures to deal with the problem, including the adoption of measures to reduce discharges, emissions and losses of hazardous substances and taking into account the sources and pathways of hazardous substances.

5.4 There is limited experience with the scientific assessment of the risk of potential hazardous substances in the marine environment, particularly as regards the consequences of extremely large dilution, low degradation rates and long term exposure on marine organisms. The Commission therefore will address the following issues as a matter of urgency:

- a. the development of the relevant scientific tools for assessing risks of potential hazardous substances in the marine environment. The Commission will cooperate with the EU in accelerating progress in improving such tools, drawing upon the relevant elements in the existing EU Technical Guidance in Support of Directive 93/67/EEC on Risk Assessment for New Notified Substances and Regulation EC 1488/94 on Risk Assessment for Existing Substances, and future expansions of that guidance;
- b. the extent to which methodologies and results of a freshwater risk-assessment, or of any other relevant risk assessment, can be translated to and used for the assessment of the risk that a substance poses to the marine environment;
- c. the development of criteria and methods which could be used for identification and development of less hazardous, or preferably non-hazardous, substances which could be used as substitutes for hazardous substances.

5.5 Measures should be selected taking into account:

- a. the sustainability of the marine ecosystem;
- b. the guiding principles;
- c. an assessment of the advantages, disadvantages and effectiveness of proposed measures.

When deciding upon the implementation of such measures the most cost effective measures should have the highest priority. Risk reduction measures should be developed and/or applied in the light of the requirements laid down in the definitions of BAT and BEP in the OSPAR Convention. If in this process

hazardous substances are to be substituted by other available⁵ substances, it has to be assured that less hazardous, or preferably non-hazardous, substances are to be selected.

5.6 The Commission and Contracting Parties, individually or jointly, will endeavour to maintain and develop further a constructive dialogue with regard to hazardous substances with all parties concerned, including producers, manufacturers, user groups, authorities and environmental NGOs. This should ensure that all relevant information, such as reliable data on production volumes, use patterns, emission scenarios, exposure concentrations and on properties of substances, is available for the work of the Commission in connection with this strategy.

5.7 The Commission will invite industry to cooperate in fulfilling the objective of OSPAR with regard to hazardous substances.

5.8 Taking into account the increased environmental awareness, industry could help in achieving this OSPAR objective through:

- a. the incorporation, as a strategy, of the objective in their development of clean production and clean products, and in this context:
 - (i) the encouragement of the use and development of environmentally sound products and the development of less hazardous or preferably non hazardous substances;
 - (ii) the employment of usages and practices including waste handling and waste management that avoid losses of hazardous substances to the environment;
- b. the provision of reliable data on production volumes, use patterns, emission scenarios, exposure concentrations and properties of substances.

The attitude of regulatory authorities can influence these approaches.

5.9 Pollution from diffuse sources becomes in comparison with point sources more and more important. Various (groups of) substances, products and pollutants from many different diffuse sources continue to pose a serious threat to the environment. Such sources are large in number, highly diverse and extend over a wide geographical area and the pollutants often follow a complex path through different environmental media / compartments before entering or reaching the marine environment. In some cases the sources are mobile, and even create transboundary effects and may cause varying loadings over time. Because of this specific complexity, the Commission will develop a programme of work with regard to diffuse sources.

5.10 The management of dredged materials containing hazardous substances requires special consideration because of the existing occurrence of such substances in sediments and the problem of their removal. Such management is regulated by the OSPAR Guidelines on the Management of Dredged Materials (reference number: 1998-20), and any programmes or measures adopted under Annex II of the OSPAR Convention.

5.11 In order to achieve internationally harmonised approaches and to avoid duplication of work, on hazardous substances, the Commission will ensure that measures and information (e.g. principles and methodologies, specific targets and BAT/BEP work) which have already been agreed (*inter alia* by means of legally

⁵ "Available" in the context of substitution must be understood in the same sense as in the definition of Best Available Techniques in the OSPAR Convention 1992 and should take into account the principles contained in the definition of Best Environmental Practice in the OSPAR Convention 1992 related to substitution of products.

binding instruments, recommendations or by way of political commitments) or which are being negotiated by Contracting Parties in other fora⁶ are considered by the Commission, as appropriate, in the development of measures and initiatives to control hazardous substances within OSPAR. Contracting Parties shall bring these measures and this information to the attention of the Commission. When significant common ground has been identified in measures and initiatives proposed by OSPAR and those of other fora, the Commission will initiate appropriate discussions to determine what level of co-operation and liaison is necessary.

5.12 The internationally harmonised classification criteria for “Dangerous Substances” as specified in Annex VI of Council Directive 67/548/EEC, could form the basis of a general screening tool for identifying hazardous substances of concern in the marine environment and to give guidance for developing less hazardous or preferably non-hazardous substances. Section 5.2 of Annex VI of Council Directive 67/548/EEC (Criteria for classification, indication of danger, choice of risk phrases) and in particular section 5.2.1 dealing with the aquatic environment and section 4 dealing with specific effects on human health offer a good starting point for the development of such a screening tool.

5.13 Contracting Parties which participate in other fora will, if appropriate, endeavour to ensure that programmes and measures on hazardous substances developed within these other fora are compatible with any relevant programmes and measures adopted by the Commission.

5.14 The implementation of this strategy should take due account of Article 24 on regionalisation and Annex IV on assessment of the quality of the marine environment of the OSPAR Convention 1992.

6. OVERALL EVALUATION AND REVIEW OF PROGRESS

6.1 The Commission will develop appropriate machinery to enable the preparation of a quinquennial review of progress achieved through this strategy. Based upon this review the Commission will, if necessary, revise the strategy. Such a review should, for the first time, take place by the next ministerial meeting of the Commission, and take account of *inter alia*:

- a. assessments of the implementation and effectiveness of programmes and measures in addressing the problems identified;
- b. results from the implementation of the Joint Assessment and Monitoring Programme and the findings of (periodic) quality assessment reports, initially the QSR 2000;
- c. experience gained and information used in the application of the selection scheme for hazardous substances;
- d. the experience gained with this strategy;
- e. any further new information.

⁶ Other fora include the EU (e.g. through relevant EC Directives and Regulations, in particular, the IPPC Directive (96/61/EC) and the future Council Directive establishing a framework for the European Community Water Policy and its strategy, as far as the marine environment is concerned), OECD, UN-ECE, UNEP (the Global Programme of Action for the Protection of the Marine Environment against Pollution from Land-Based Sources), the Helsinki and Barcelona Conventions, the international river organisations, the Arctic Council and the North Sea Conference.

Annex 1**DEFINITIONS**

1. For the purpose of this strategy:
 - a. “hazardous substances”⁷ are substances which fall into one of the following categories:
 - (i) substances or groups of substances that are toxic, persistent and liable to bioaccumulate;
 - (ii) other substances or groups of substances which are assessed by the Commission as requiring a similar approach as substances referred to in (i), even if they do not meet all the criteria for toxicity, persistence and bioaccumulation, but which give rise to an equivalent level of concern.

This category will include both substances which work synergistically with other substances to generate such concern, and also substances which do not themselves justify inclusion but which degrade or transform into substances referred to in (i) or substances which require a similar approach.

The Commission will identify and assess such other substances or groups of substances using available information and internationally accepted methods and criteria;
 - b. “substance” means a chemical element or compound in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the product and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;
 - c. “group of substances” means a number of substances where:
 - (i) the substances have been shown to present a similar level of hazard, using internationally accepted criteria; and
 - (ii) extrapolation from the assessment of an appropriate sample from among that number of substances has shown that those substances:
 1. require preventive action because of the level of risk which they pose to man and the environment; and
 2. are sufficiently related both in terms of their physico-chemical properties and their field of application to be jointly managed for the purposes of this strategy.
2. In the definition of hazardous substances, “toxicity” is defined as the capacity of a substance to cause toxic effects to organisms or their progeny (cf. Glossary, Annex 5).

⁷ Substances which are hazardous solely because of their radioactive properties are not addressed by this strategy but by the OSPAR Strategy with regard to Radioactive Substances (Reference Number. 1998-17).

Annex 2

OSPAR LIST OF CHEMICALS FOR PRIORITY ACTION

Polychlorinated dibenzodioxins (PCDDs)
Polychlorinated dibenzofurans (PCDFs)
Polychlorinated biphenyls (PCBs)
Polyaromatic hydrocarbons (PAHs)
Pentachlorophenol (PCP)
Short chained chlorinated paraffins (SCCP)
Hexachlorocyclohexane isomers (HCH)
Mercury and organic mercury compounds
Cadmium
Lead and organic lead compounds
Organic tin compounds
Nonylphenol/ethoxylates (NP/NPEs) and related substances
Musk xylene
Brominated flame retardants
Certain Phthalates – Dibutylphthalate and Diethylhexylphthalate

Annex 3**OSPAR 1998 LIST OF CANDIDATE SUBSTANCES**

List of substances which are candidates for selection, assessment and prioritisation according to paragraph 3.1.c. (for lists 1-5) or paragraph 3.1.e (for lists 6 and 7) of the OSPAR Strategy with regard to Hazardous Substances. This list includes substances and families of substances already included in the OSPAR Work Programme.

Key to Lists 1-9

- 1:** List of priority substances agreed by the Third North Sea Conference (Annex 1A to the Hague Declaration).
- 2:** Reference List of Substances agreed by the Third North Sea Conference (e.g. Annex 1D to the Hague Declaration).
- 3:** Pesticides referred to in paragraph 27 of the Esbjerg Declaration (Annex 2, Appendix 1 of the Esbjerg Declaration).
- 4:** List of substances identified as of concern by OSPAR in the period 1991-1997, which are part of the OSPAR Work-Programme.
- 5:** List of Substances for international Action, including a global legally binding instrument (UNEP POP-Programme).
- 6:** OSPAR List of Potential Endocrine Disruptors - Part A, which have been reported in the scientific literature to induce changes to the endocrine system of varying severity in the course of *in vivo* tests.
- 7:** OSPAR List of Potential Endocrine Disruptors - Part B, which have been reported in the scientific literature to induce changes to the endocrine system of varying severity in the course of *in vitro* tests.
- 8:** List of Substances for international Action within the UNECE POP- and Heavy Metal-protocols.
- 9:** List of Substances in the OECD and IPCS Chemicals Programmes.
 - X - OECD risk assessment available, or in preparation
 - Y - risk management activity under the OECD
 - Z - risk management recommendations under the International Programme on Chemical Safety

Round brackets in list 9 indicate that the lead country is not an OSPAR Contracting Party.

		LISTS								
Casn	Name	1	2	3	4	5	6	7	8	9
Alkanes										
79-34-5	1,1,2,2-Tetrachloroethane		X							
79-00-5	1,1,2-Trichloroethane		X							
76-13-1	1,1,2-Trichlorotrifluoroethane		X							
75-34-3	1,1-Dichloroethane		X							(Y), Z
78-87-5	1,2-Dichloropropane		X	X						
2163-00-0	1,6-Dichlorohexane		X							
544-10-5	1-Chlorohexane		X							
56-23-5	Carbontetrachloride	X								
85535-84-8	Chlorinated paraffins, short chained				X					X
n.a.	Chlorinated paraffins, medium and long chained (<i>OSPAR Action Plan 1992</i>)				X					(X)
n.a.	Chlorinated paraffins, long chained (<i>OSPAR Action Plan 1992</i>)				X					Y
67-66-3	Chloroform	X								X
110-82-7	Cyclohexane		X							X
107-06-2	Dichloroethane 1,2-	X								
75-09-2	Dichloromethane (methylenechloride)		X							
101-81-5	Diphenylmethane		X							
67-72-1	Hexachloroethane		X							
108-87-2	Methylcyclohexane		X							
111-65-9	Octane		X							
76-01-7	Pentachloroethane		X							
109-66-0	Pentane		X							X
558-13-4	Tetrabromomethane		X							
71-55-6	Trichloroethane	X								(Y), Z
Alkenes (Olefins)										
75-35-4	1,1-Dichloroethene		X							
540-59-0	1,2-Dichloroethene		X							
542-75-6	1,3-Dichloropropene		X	X						
78-88-6	2,3-Dichloropropene		X							
126-99-8	2-Chloro-1,3-butadiene (chloroprene)		X							
107-05-1	3-Chloropropene (allylchloride)		X							
75-01-4	Chloroethene (vinylchloride)		X							
n.a.	Halogenated solvents (<i>OSPAR Action Plan 1995</i>)				X					
127-18-4	Tetrachloroethylene	X								X
79-01-6	Trichloroethylene	X								X
Anilines										
14861-17-7	2,4-Dichlorophenoxy-4-aniline		X							
95-51-2	2-Chloroaniline		X							

Casn	Name	LISTS								
		1	2	3	4	5	6	7	8	9
95-76-1	3,4-Dichloroaniline						X			X
108-42-9	3-Chloroaniline		X							
106-47-8	4-Aniline		X							
121-87-9	4-Chloro-2-nitroaniline		X							
27134-27-6	Dichloroaniline (all isomers)		X							

Benzenes

95-94-3	1,2,4,5-Tetrachlorobenzene		X							
95-50-1	1,2-Dichlorobenzene		X							
541-73-1	1,3-Dichlorobenzene		X							
99-65-0	1,3-Dinitrobenzene		X							
106-46-7	1,4-Dichlorobenzene		X							X
97-00-7	1-Chloro-2,4-dinitrobenzene		X							
1544-68-9	1-Fluoro-4-isocyanatobenzene		X							
89-21-4	2-Chloronitrobenzene		X							
88-73-3	3-Chloronitrobenzene		X							
121-73-3	4-Chloronitrobenzene		X							
1817-47-6	4-Nitro-1-isopropylbenzene		X							
71-43-2	Benzene		X							X, Z
108-90-7	Chlorobenzene		X							
25567-67-3	Chlorodinitrobenzene (mixed isomers)		X							
27900-75-0	Dichloronitrobenzene (all isomers)		X							
100-41-4	Ethylbenzene		X							X
98-82-8	Isopropylbenzene (cumene)		X							X
98-95-3	Nitrobenzene		X							X
608-93-5	Pentachlorobenzene		X							
12002-48-1	Trichlorobenzene	X			X					(X)

Hormones

57-63-6	17-Ethynylestradiol						X			
56-53-1	Diethylstilbestrol						X			
72-33-3	Mestranol						X			
50-28-2	Oestradiol						X			
53-16-7	Oestron						X			

Inorganic compounds

7681-52-9	Hypochlorite, sodium-				X					
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Metallic compounds

7440-38-2	Arsenic	X								
7440-43-9	Cadmium	X							X	X, Y
7440-47-3	Chromium	X								
7440-50-8	Copper	X			X					
7439-92-1	Lead	X							X	Y
7439-97-6	Mercury	X			X				X	
7440-02-0	Nickel	X								X

		LISTS								
Casn	Name	1	2	3	4	5	6	7	8	9
7440-66-6	Zinc	X			X					X
Organic nitrogen compounds										
33855-47-9	1,2-Ethanediamine		X							
108-77-0	2,4,6-Trichloro-1,3,5-triazin (cyanuric chloride)		X							
92-87-5	4,4'-diaminodiphenyl (benzidine)		X							
14678-05-8	5-Isoxazamine		X							
461-58-5	Cyanoguanidine		X							
108-91-8	Cyclohexylamine		X							
1331-47-1	Dichlorodiaminodiphenyl (dichlorobenzidine) (all isomers)		X							
109-89-7	Diethylamine		X							
124-40-3	Dimethylamine		X							
122-39-4	N,N-Diphenylamine		X							X
Organic oxygen compounds										
96-23-1	1,3-Dichloro-2-propanol		X							
75-99-0	2,2-Dichloropropionic acid		X							
107-07-3	2-Chloroethanol		X							
104-76-7	2-Ethyl-1-hexanol		X							
3452-97-9	3,5,5-Trimethyl-1-hexanol		X							
108-60-1	bis(2-Chloroisopropyl)ether		X							
85-68-7	Butylbenzylphthalate		X				X			X
79-11-8	Chloroacetic acid		X							X
112-30-1	Decanol		X							
117-84-0	Di-n-octylphthalate		X							X
84-74-2	Dibutylphthalate		X				X			X
117-81-7	Diethylhexylphthalate							X		X, Z
84-66-2	Diethylphthalate		X							
102-09-0	Diphenoxymethanal (carbonic acid, diphenyl ester)		X							
101-84-8	Diphenylether		X							
106-89-8	Epichlorhydrine		X							
25339-17-7	Isodecanol		X							
27258-94-2	Isononanol		X							
90193-76-3	o-Phthalic acid		X							
111-87-5	Octanol		X							
76-03-9	Trichloroacetic acid		X							X
302-17-0	Trichloroethanal (chloral)		X							
n.a.	Phthalates, certain other (<i>OSPAR Action Plan 1996-1997</i>)							X		(X)
Organic phosphorous compounds										
26444-49-5	Cresyldiphenylphosphate		X							
126-72-7	Tris(2,3-dibromo-1- propyl)phosphate		X							Z
126-73-8	Tributylphosphate		X							

		LISTS								
Casn	Name	1	2	3	4	5	6	7	8	9
1330-78-5	Tricresylphosphate		X							
78-42-2	Trioctylphosphate		X							
115-86-6	Triphenylphosphate		X							
25155-23-1	Trixylenylphosphate		X							
Organic compounds										
107-64-2	Dimethyldistearylammoniumchloride				X					
61789-80-8	Dimethylbis(hydrogenated tallowalkyl)ammoniumchloride				X					
68783-78-8	Dimethyl ditallowalkylammoniumchloride				X					
n.a.	Organohalogens (toxic, persistent and liable to bioaccumulate) (OSPAR Action Plan 1996-1997)				X					
n.a.	Substances suspected to have endocrine or hormone-like effects (OSPAR Action Plan 1996-1997)				X					
Organometallic compounds										
77-58-7	Dibutylbis(oxylauroyl)tin		X							
818-08-6	Dibutyltinoxide		X							
712-48-1	Diphenylchloro arsine		X							
598-14-1	Ethylchloro arsine		X							
1461-25-2	Tetrabutyltin		X							
13463-39-3	Tetracarbonyl nickel		X							
78-00-2	Tetraethyl lead		X							
Pesticides										
94-75-7	2,4-Dichlorophenoxyacetic acid (2,4-D)		X							
120-36-5	2,4-Dichlorophenoxypropanoic acid (dichlorprop)		X							
1194-65-6	2,6-Dichlorobenzonitrile		X							
93-76-5	2,4,5-T			X						
94-74-6	2-Methyl-4-chlorophenoxyacetic acid (MCPA)		X							
93-65-2	2-Methyl-4-chlorophenoxypropanoic acid (MCPA)		X							
15972-60-8	Alachlor			X						
116-06-3	Aldicarb		X							
309-00-2	Aldrin	X				X			X	
61-82-5	Amitrol		X							
1912-24-9	Atrazine	X						X		
2642-71-9	Azinphos-ethyl	X								
86-50-0	Azinphos-methyl	X								
25057-89-0	Bentazone		X							
319-85-7	beta-HCH					X			X	
86-74-8	Carbazole		X							
1563-66-2	Carbofuran		X							
57-74-9	Chlordane					X		X	X	

Casn	Name	LISTS								
		1	2	3	4	5	6	7	8	9
143-50-0	Chlordecone (Kepon)						X		X	
15545-48-9	Chlorotoluron			X						
56-72-4	Cumafos		X							
21725-46-2	Cyanazine			X						
50-29-3	DDT	X				X	X		X	
57-74-9	Demeton		X							
n.a.	Dibutyltin salt (all)		X	X						
62-73-7	Dichlorvos	X		X						
115-32-2	Dicofol		X					X		
60-57-1	Dieldrin	X				X		X	X	
13464-80-7	Dihydrazinesulphate		X							
60-51-5	Dimethoate		X	X						
1335-85-9	Dinitro-o-cresol			X						
88-85-7	Dinoseb		X							
298-04-4	Disulfoton		X	X						
148-18-5	Dithiocarbamates		X							
330-54-1	Diuron			X						
n.a.	Drins	X				X			X	
115-29-7	Endosulfan	X						X		
72-20-8	Endrin					X			X	
122-14-5	Fenitrothion	X								
55-38-9	Fenthion	X								
14816-18-3	Foxim		X							
608-73-1	HCH	X							X	
76-44-8	Heptachlor					X			X	
118-74-1	Hexachlorobenzene	X				X		X	X	
87-68-3	Hexachlorobutadiene	X								
34123-59-6	Isoproturon			X						
51235-04-2	Hexazinone			X						
115-32-2	Kelthane							X		
58-89-9	Lindane				X		X		X	
330-55-2	Linuron		X							
121-75-5	Malathion	X								
1929-88-0	Metabenzthiazuron			X						
67129-08-2	Metazachlor			X						
51218-45-2	Methalachlor			X						
10265-92-6	Methamidophos		X							
72-43-5	Methoxychlor							X		
19937-59-6	Metoxuron			X						
7786-34-7	Mevinphos		X	X						
2385-85-5	Mirex					X			X	
1746-81-2	Monolinuron		X							
1113-02-6	Omethoate		X							
301-12-2	Oxydemeton-methyl		X							
2074-50-2	Paraquat		X							
56-38-2	Parathion	X								

Casn	Name	LISTS								
		1	2	3	4	5	6	7	8	9
56-38-2	Parathion-ethyl			X						
298-00-0	Parathion-methyl	X								
617883-38-8	PCT (mixtures)							X		
87-86-5	Pentachlorophenol	X								
n.a.	Pesticides (agriculture, horticulture and forestry) (OSPAR Action Plan 1992)				X					
1918-16-7	Propachlor			X						
709-98-8	Propanil		X							
1698-60-8	Pyrazone (chloridazon)		X	X						
n.a.	Pyrethroids, synthetic							X		
122-34-9	Simazine	X								
148-79-8	Thiobendazole			X						
8001-35-2	Toxaphene					X		X	X	
n.a.	Triazines (e.g. atrazine)							X		
24017-47-8	Triazophos		X							
n.a.	Tributyltin compounds	X		X			X			(X)
52-68-6	Trichlorfon		X							
1582-09-8	Trifluralin	X								
n.a.	Triphenyltin compounds	X		X						
50471-44-8	Vinclozolin						X			

Phenols

140-66-9	1,1,3,3-Tetramethyl-4-butylphenol		X							X
576-24-9	2,3-Dichlorophenol		X							
120-83-2	2,4-Dichlorophenol		X							
95-85-2	2-Amino-4-chlorophenol		X							
120-32-1	2-Benzyl-4-chlorophenol		X							
95-57-8	2-Chlorophenol		X							
97-54-1	2-Methoxy-4-propenylphenol		X							
95-48-7	2-Methylphenol		X							
108-43-0	3-Chlorophenol		X							
80-05-7	4,4'-Methylethylidenebisphenol		X				X			
59-50-7	4-Chloro-3-methylphenol		X							
106-48-9	4-Chlorophenol		X							
25013-16-5	Butylhydroxyanisol							X		
98-54-4	Butylphenol							X		
1335-85-9	Dinitro-2-methylphenol (dinitro- <i>o</i> -cresol, DNOC)		X							
27193-86-8	Dodecylphenol (mixed isomers)		X							
104-40-5	Nonylphenol, 4-		X		X		X			(X)
9016-45-9	Nonylphenoethoxylate				X			X		
n.a.	Nonylphenoethoxylate carboxylic acid (OSPAR Action Plan 1995)				X			X		
140-66-9	Octylphenol				X		X			
9036-19-5	Octylphenoethoxylate									
95-95-4	Trichlorophenol (all isomers)		X							

		LISTS								
Casn	Name	1	2	3	4	5	6	7	8	9
Polycyclic aromatic compounds										
n.a.	Brominated flame retardants (OSPAR Action Plan 1992)				X			X		X, (Y)
36355-01-8	Hexabromobiphenyl								X	
1336-36-3	PCB				X	X	X		X	
n.a.	PCB hydroxy metabolites						X			
1335-87-1	Polyhalogenated naphthalenes (hexachloro-)				X					
1746-01-6	TCDD, PCDD, PCDF	X				X	X		X	
Polycyclic aromatic hydrocarbons										
3389-71-7	1,2,3,4,7,7- Hexachloronorborene		X							
131-09-9	2-Chloroanthracene		X							
83-32-9	Acenaphthene		X							
120-12-7	Anthracene		X							X
92-52-4	Biphenyl		X							
25586-43-0	Chloronaphthalene (all isomers)		X							
206-44-0	Fluoranthene		X							
1335-87-1	Hexachloronaphthalene		X							
91-20-3	Naphthalene		X							X
50-32-8	PAH				X			X	X	
85-01-8	Phenanthrene		X							
Products										
8012-95-1	Mineral oil		X							
Toluenes and xylenes										
95-47-6	1,2-xylene (o-xylene)		X							
108-38-3	1,3-xylene (m-xylene)		X							
106-42-3	1,4-xylene (p-xylene)		X							
602-01-7	2,3-Dinitrotoluene		X							
121-14-2	2,4-Dinitrotoluene		X							X, Y
95-49-8	2-Chlorotoluene		X							
108-41-8	3-Chlorotoluene		X							
106-43-4	4-Chlorotoluene		X							
98-51-1	4-tert-Butyltoluene		X							
384-22-5	alpha,alpha,alpha-Trifluoro-2-nitrotoluene		X							
98-46-4	alpha,alpha,alpha-Trifluoro-3-nitrotoluene		X							
n.a.	alpha,alpha,alpha-Trifluoro-3-nitro-4-chlorotoluene		X							
402-54-0	alpha,alpha,alpha-Trifluoro-4-nitrotoluene		X							
98-87-3	alpha,alpha-Dichlorotoluene (benzylidenechloride)		X							
100-44-7	alpha-Chlorotoluene (benzylchloride)		X							

Casn	Name	LISTS								
		1	2	3	4	5	6	7	8	9
1715-40-8	Bromocylene				X					
n.a.	Chloroaminotoluene (chlorotoluidine, all isomers)		X							
25567-68-4	Chloronitrotoluene (all isomers)		X							
25550-14-5	Ethyltoluene (mixed isomers)		X							
81-15-2	Musk xylene				X					X
108-88-3	Toluene		X							X

Annex 4

LIST OF PRIORITY RESEARCH AND DEVELOPMENTS ACTIONS WITH REGARD TO ENDOCRINE DISRUPTORS

1. Studies of reproductive disorders on fish and other species that might be induced by endocrine disrupting substances
2. Refinement of radio-immunoassay (RIA), enzyme-linked immunosorbant assay (ELISA) techniques for the determination of vitellogenin production in selected marine species
3. Development of promising in vitro screens based on genetically engineered yeasts in combination with Toxicity Identification and Evaluation (TIE) techniques
4. Investigation of mechanisms of endocrine disruption in invertebrates
5. Development of quality assurance programmes to underpin broader-based studies in the marine environment
6. Once analytical methodologies and protocols for quality assurance procedures have been established an international intercomparison exercise should be conducted using RIA and ELISA methods on a marine fish species (e.g. flounder).

GLOSSARY

The following working definitions, which will be reviewed from time to time in the light of further developments, are proposed for the purpose of this strategy:

1. “Toxicity” is defined as the capacity of a substance to cause toxic effects, to organisms or their progeny such as:
 - a. reduction in survival, growth and reproduction;
 - b. carcinogenicity, mutagenicity or teratogenicity;
 - c. adverse effects as result of endocrine disruption.

Depending on the exposure time and life cycle of the target organism, toxicity can be classified as:

- a. acute toxicity: lethal and/or sublethal toxicity resulting from intermittent or continuous exposure to a substance or mixture of substances for a period substantially shorter than the life cycle of the organism in question (e.g. 96h LC50 for a fish with a life cycle measured in months or years);
 - b. subchronic toxicity: sublethal (and possibly also lethal) toxicity resulting from intermittent or continuous exposure to a substance or mixture of substances for a period which is a substantial proportion of the life cycle of the organism in question (e.g. 21 day reproductive NOEC for a crustacean with a life cycle measured in weeks or months);
 - c. chronic toxicity: sublethal toxicity resulting from intermittent or continuous exposure to a substance or mixture of substances for a period not less than the life cycle of the organism in question (e.g. lifecycle reproductive NOEC for a fish which includes measurements of the F1 generation).
2. A substance is defined to be “persistent” if its conversion or the conversion of its degradation products is slow enough to permit long-term occurrence and widespread distribution in the marine environment.
 3. “Bioaccumulation” is defined as the enrichment of a substance in an organism and includes “bioconcentration” from environmental concentrations and additional uptake via the foodchain.
 4. “Bioconcentration” is defined as the net result of uptake, distribution and elimination of a substance in an organism due to water-borne exposure, whereas bioaccumulation includes all routes, i.e. air, water, soil and food.
 5. “Risk assessment” is the determination of the relationship between the predicted exposure and adverse effects in four major steps: hazard identification, dose-response assessment, exposure assessment and risk characterisation.
 6. “Exposure assessment” is the determination of the emissions, pathways and rates of movement of a substance and its transformation or degradation in order to estimate the concentration/doses to which human populations or environmental compartments are or may be exposed.
 7. “Hazard identification” is the identification of the adverse effects which a substance has an inherent capacity to cause.
 8. “Dose (concentration) - response (effect) assessment” is the estimation of the relationship between dose, or level of exposure to a substance, and the incidence and severity of an effect.

9. “Risk characterisation” is the estimation of the incidence and severity of the adverse effects likely to occur in a human population or environmental compartment due to actual or predicted exposure to a substance, and may include “risk estimation”, i.e., the quantification of that likelihood.

10. In accordance with the OECD Weybridge Workshop, an “endocrine disruptor” is an exogenous substance that causes adverse health effects in an intact organism, or its progeny, consequent to changes in endocrine function. In applying this definition to the marine environment it will be necessary to consider substances that are likely to affect directly or indirectly the hormonal regulation in whole organisms by the mimicking of hormones or by affecting enzyme systems responsible for hormone equilibria.

11. “Losses” are unintentional transfers of substances, other than as discharges, emissions or the result of accidents, directly or indirectly to the marine environment, which have, for example:

- a. leached, eroded or become detached from a manufactured product, waste or structure;
- b. leached or run off from land on which it has been spread or deposited;
- c. leaked or escaped from a container in which it has been kept.

OSPAR STRATEGY WITH REGARD TO RADIOACTIVE SUBSTANCES

(Reference Number: 1998-17)

RECALLING the Convention for the Protection of the Marine Environment of the North-East Atlantic (“OSPAR Convention”) and in particular Article 2.1(a) in which Contracting Parties agree to take all possible steps to prevent and eliminate pollution and to take the necessary measures to protect the maritime area against adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected;

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic ADOPT the following objective and strategy for the purposes of directing the future work of the Commission with regard to radioactive substances⁸:

1. OBJECTIVE

1.1 In accordance with the general objective, the objective of the Commission with regard to radioactive substances, including waste, is to prevent pollution of the maritime area from ionising radiation through progressive and substantial reductions of discharges, emissions and losses of radioactive substances, with the ultimate aim of concentrations in the environment near background values for naturally occurring radioactive substances and close to zero for artificial radioactive substances. In achieving this objective, the following issues should, *inter alia*, be taken into account:

- a. legitimate uses of the sea;
- b. technical feasibility;
- c. radiological impacts to man and biota.

2. GUIDING PRINCIPLES

2.1 Assessments made, and the programmes and measures adopted, to achieve this objective will be in accordance with the general obligations as set out in Article 2 of the OSPAR Convention and consequently will involve the application of:

- a. the precautionary principle;
- b. the polluter pays principle;
- c. best available techniques and best environmental practice, including, where appropriate, clean technology.

2.2 When adopting programmes and measures in relation to radioactive substances, including waste, the Contracting Parties shall also take account of:

- a. the recommendations of the other appropriate international organisations and agencies;

⁸ A number of terms used in this strategy are defined in Annex 1.

- b. the monitoring procedures recommended by these international organisations and agencies;
- c. existing scientific assessments of dose and risk as part of the tools for setting priorities and developing action programmes;
- d. the relevant international conventions and Contracting Parties' obligations under international law relevant to this OSPAR objective.

3. STRATEGY OF OSPAR WITH REGARD TO RADIOACTIVE SUBSTANCES

3.1 The Commission will develop programmes and measures to identify, prioritise, monitor and control (i.e. to prevent and/or reduce and/or eliminate) the emissions, discharges and losses of radioactive substances caused by human activities which reach, or could reach, the marine environment and which could cause pollution through ionising radiation. To these ends, the Commission will ⁹:

- a. identify radioactive substances and/or human activities which give rise to concern about the impact of discharges, emissions or losses of radioactive substances.

This identification should be based upon an evaluation of:

- (i) the sources and pathways of radioactive substances and their concentrations in the maritime area;
- (ii) the radiation exposure of humans and marine ecosystems;
- (iii) biological and ecological effects in the marine environment, including the vulnerability of marine ecosystems, arising from existing and future foreseen discharges, emissions and losses of radioactive substances;
- (iv) other adverse effects which may affect other legitimate uses of the sea;

and take account of:

- (v) results of scientific investigations relevant to radioactive substances in the marine environment such as the MARINA-Project of the European Commission and UNSCEAR 1996 "Effects of Radiation on the Environment";
 - (vi) existing methodologies for the scientific assessments of dose and risk;
- b. assess and prioritise such substances or activities to judge whether there is a need for action;
 - c. develop programmes and measures which ensure the application of BAT/BEP including, where appropriate, clean technology and taking into account and not unnecessarily duplicating:
 - (i) work practices including waste management, that meet the objectives with regard to radioactive substances;

⁹ The Commission will take account of all recommendations and methodologies, as well as legally binding documents, that have been developed in other international fora, and which are relevant to the OSPAR Strategy with regard to Radioactive Substances. Examples of relevant documents are the recommendations of the International Commission on Radiological Protection, the Safety Series 111 of the International Atomic Energy Agency, the Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management and the EU Basic Safety Standards.

- (ii) international conventions and standards;
- (iii) the outcome of the study by the Nuclear Energy Agency of the OECD concerning a thorough technical review and an assessment of the reprocessing and non-reprocessing options for spent fuel management;
- (iv) Contracting Parties' obligations under international law.

3.2 The Commission and Contracting Parties, jointly or individually, should encourage international organisations and agencies to develop further the scientific tools for assessing radiation exposure and risk especially to marine organisms.

4. TIME FRAME

4.1 This strategy will be implemented in accordance with the following time frame:

by the year 2000

- a. the Commission will, for the whole maritime area, work towards achieving further substantial reductions or elimination of discharges, emissions and losses of radioactive substances;

by the year 2020

- b. the Commission will ensure that discharges, emissions and losses of radioactive substances are reduced to levels where the additional concentrations in the marine environment above historic levels, resulting from such discharges, emissions and losses, are close to zero.

5. IMPLEMENTATION

5.1 This strategy will be implemented and further developed on the basis of the Commission's Action Plan which will establish priorities, assign tasks and set appropriate deadlines and targets. The Action Plan shall concentrate on substances and/or human activities of the highest concern to the marine environment and make best use of resources.

5.2 The Commission will review and prioritise radioactive substances and/or human activities which may give rise to concern in order to identify topics for action.

5.3 Effective action is to be taken by Contracting Parties concerned, when there are reasonable grounds for concern that radioactive substances introduced into the marine environment, or which reach or could reach the marine environment, may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea, even when there is no conclusive evidence of a causal relationship between inputs and effects.

5.4 Action identified by the Commission should include:

- a. assessment of those situations, including an identification of the sources of radioactive substances, their pathways to the marine environment, the relative contribution of remobilised historic discharges and current discharges and the radiation exposure which they cause to humans and marine ecosystems;

- b. establishment, with the help of an appropriate combination of monitoring, modelling and dose and risk assessments, as to whether these sources represent a widespread problem or are restricted to regional or local environments within the maritime area;

and draw upon the work relevant to the concerns identified, which is carried out by other international organisations and agencies. The Commission should cooperate with such organisations and agencies in developing means of action which may contribute to the solutions of problems in the maritime area.

5.5 As a result, the Commission will identify and adopt relevant measures to deal with the problems.

5.6 The Commission will undertake the development of environmental quality criteria for the protection of the marine environment from adverse effects of radioactive substances and report on progress by the year 2003.

5.7 Furthermore, the Commission will continue to develop programmes and measures to reduce radioactive discharges from nuclear installations to the marine environment by applying BAT.

5.8 The Commission and Contracting Parties, individually or jointly, will endeavour to maintain and develop further a constructive dialogue with regard to radioactive substances, including waste, with all parties concerned. This should ensure that all relevant information is available for the work of the Commission in connection with this strategy.

5.9 The implementation of this strategy should take due account of Article 24 on regionalisation and Annex IV on assessment of the quality of the marine environment of the OSPAR Convention 1992.

6. OVERALL EVALUATION AND REVIEW OF PROGRESS

6.1 The Commission will develop appropriate machinery to enable the preparation of a quinquennial review of progress achieved through this strategy. Based upon this review the Commission will, if necessary, revise the strategy. Such a review should, for the first time, take place by the next ministerial meeting of the Commission, and take account of *inter alia*:

- a. assessment of the implementation and effectiveness of measures;
- b. the experience gained with this strategy;
- c. the findings of the quality assessment reports of the maritime area (e.g. the QSR 2000);
- d. progress achieved in reviewing areas of potential concern and assessment of these areas;
- e. any further new information.

Annex 1

DEFINITIONS

For the purpose of this strategy:

- a. “Radioactive substances” mean natural occurring and artificial radionuclides;
- b. “Radiation exposure assessment” means the estimation of doses to which humans and marine organisms are or may be exposed and is based on the determination of the emissions, discharges and losses, the environmental transfers and exposure pathways (incl. food-chains) of radioactive substances;
- c. “Risk assessment” means the estimation of the likelihood of a radiation effect in humans or marine organisms.

OSPAR STRATEGY TO COMBAT EUTROPHICATION

RECALLING the Convention for the Protection of the Marine Environment of the North-East Atlantic, 1992 (“OSPAR Convention”), and in particular Article 2.1(a) in which Contracting Parties agree to take all possible steps to prevent and eliminate pollution and to take the necessary measures to protect the maritime area against adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected;

RECALLING Article 2.2 of the OSPAR Convention in which Contracting Parties agree to apply the precautionary principle and the polluter pays principle;

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic ADOPT the following objective and strategy for the purpose of directing the work of the Commission with regard to combating Eutrophication ¹⁰

1. OBJECTIVE

1.1 In accordance with the general objective, OSPAR’s objective with regard to eutrophication is to combat eutrophication in the OSPAR maritime area, in order to achieve and maintain a healthy marine environment where eutrophication does not occur.

2. GUIDING PRINCIPLES

2.1 The strategy will use the following principles as a guide:

- a. the precautionary principle;
- b. that preventive action should be taken;
- c. that environmental damage should, as a priority, be rectified at source; and
- d. that the polluter should pay.

3. STRATEGY

3.1 Areas of the maritime area, for which actions are needed, will be identified by the Common Procedure for the Identification of the Eutrophication Status of the Maritime Area (the “Common Procedure”) which will be used to characterise each part of the maritime area as a problem area or a potential problem area or a non-problem area with regard to eutrophication. In implementing the Common Procedure, the Commission will:

- a. develop and adopt common assessment criteria;
- b. assess the results of its application by Contracting Parties.

The identification of the eutrophication status of their parts of the maritime area will be made by Contracting Parties.

¹⁰ A number of terms used in this strategy are defined in Annex 1.

3.2 Actions required, within their respective functions, by the Commission, or individually or jointly, by Contracting Parties, will depend upon that classification as follows:

- a. in the case of non-problem areas with regard to eutrophication, the status of the area with regard to eutrophication will be reassessed by applying the Common Procedure if there are grounds for concern that there has been a substantial increase in the anthropogenic nutrient load;
- b. in the case of potential problem areas with regard to eutrophication, preventive measures should be taken in accordance with the Precautionary Principle.

Furthermore, there should be urgent implementation of monitoring and research in order to enable a full assessment of the eutrophication status of each area concerned within five years of its being characterised as a potential problem area with regard to eutrophication;

- c. in the case of problem areas with regard to eutrophication:
 - (i) measures shall be taken to reduce or to eliminate the anthropogenic causes of eutrophication;
 - (ii) reports shall be provided on the implementation of such measures;
 - (iii) assessments shall be made of the effectiveness of the implementation of the measures on the state of the marine ecosystem.

3.3 Actions should comprise an integrated target-oriented and source-oriented approach, as described in the following paragraphs.

3.4 The main elements of the target-orientated approach are as follows:

- a. an evaluation of the situation in the maritime area that is expected following the implementation of agreed measures;
- b. the development, where possible, of an agreed procedure to derive ecological quality objectives and the adoption of such objectives, possibly in the form of region-specific ecological quality objectives, aimed at avoiding harm to marine ecosystems.

Such quality objectives should reflect the state of region-specific marine ecosystems in areas for which there are no grounds for concern that anthropogenic nutrient enrichment has caused eutrophication or may in future do so. The development of appropriate assessment criteria in the Common Procedure is fundamental to the development of an agreed procedure to derive ecological quality objectives. The agreed assessment criteria with regard to non-problem areas, which should be the starting point for this development, will need to be defined in the Common Procedure.

These ecological quality objectives should be reviewed, and if necessary revised, in the light of scientific developments.

In the current state of knowledge there is limited scope for deriving ecological quality objectives because of the variability and interactions of physical and biological factors;

- c. the setting of intermediate targets, in order to work towards attaining such objectives. Such targets should be combined with an indication of the size of further nutrient reductions required, estimated on the

basis of an evaluation of the situation that is expected following the implementation of agreed measures, and possible means to achieve these reductions, taking into account § 3.5.

- 3.5 The source-oriented approach has the following main elements:
- a. throughout the Convention area the following basic requirements:
 - (i) the implementation of any national or international measures as adopted by individual Contracting Parties for the reduction of nutrients in discharges/emissions from industry, sewage treatment plants, agriculture and other diffuse sources;
 - (ii) the promotion of good housekeeping in industry and sewage treatment and of good agricultural practice and ecological agriculture including proper use of the approach of aiming to strike a balance between the amounts of nutrients in the fertiliser applied and the requirements of the crop, and that proper attention is given to ammonia emissions;
 - b. in all areas from which nutrient inputs are likely, directly or indirectly, to contribute to inputs into problem areas with regard to eutrophication the following additional requirements:
 - (i) the implementation by Contracting Parties concerned ¹¹ of:
 - PARCOM Recommendation 88/2 on the Reduction in Inputs of Nutrients to the Paris Convention Area;
 - PARCOM Recommendation 89/4 on a Coordinated Programme for the Reduction of Nutrients;
 - PARCOM Recommendation 92/7 on the Reduction of Nutrients Inputs from Agriculture into Areas where these Inputs are likely, directly or indirectly, to cause Pollution;
 - any future OSPAR instruments updating these Recommendations;
 - (ii) the implementation of any further national or international measures for specific areas as adopted by individual Contracting Parties for the reduction of nutrients in discharges/emissions from industry, sewage treatment plants, agriculture and other diffuse sources;
 - (iii) the application of further measures, in all areas from which anthropogenic nutrient inputs to the maritime area continue to affect problem areas with regard to eutrophication or to be a cause for concern (following the implementation of the measures mentioned above and/or anticipated on the basis of § 3.4), i.e. the most appropriate combination *inter alia* of:
 - BAT specifically designed for nitrogen and phosphorus removal from urban and industrial sewage;
 - BAT and/or BEP for agriculture (including horticulture), forestry and aquaculture;
 - other measures relating to other sectors.

Such further measures should take into account their feasibility, cost-effectiveness, region-specific factors and seasonal factors. They should be complemented, as appropriate, by steps by the

¹¹ These Recommendations apply in the form in which they were adopted.

competent international bodies for the reduction of atmospheric emission of nitrogen.

- c. in all areas from which nutrient inputs are likely, directly or indirectly, to contribute to inputs into potential problem areas with regard to eutrophication, preventive measures have to be taken in accordance with the precautionary principle. Contracting Parties concerned should report to the Commission on proposed action in this respect and should explain their expected results.

3.6 The source-orientated component should be developed and applied without delay.

3.7 When and where it is established that problem areas and potential problem areas with regard to eutrophication have achieved the status of non-problem areas with regard to eutrophication, measures should be kept at a level that ensures that this improved status is maintained. Ecological quality objectives, as soon as they are developed and adopted by OSPAR, could serve as complementary tools for establishing whether the measures for the reduction of nutrients at source are sufficient.

3.8 The further measures mentioned under §3.5b(iii) should include more stringent measures in areas where BAT and BEP are insufficient to achieve either the ecological quality objectives or, where applicable, the intermediate targets.

4. TIMEFRAME

4.1 The Commission will implement this strategy progressively by making every effort to combat eutrophication in the maritime area, in order to achieve, by the year 2010, a healthy marine environment where eutrophication does not occur. To this end, the Commission will take the following immediate steps, so as to achieve:

by the year 2000

- a. an evaluation of the situation in the maritime area that is expected following the implementation of agreed measures including those listed in paragraph 3.5b(i);
- b. the identification of non-problem areas with regard to eutrophication through the screening procedure contained in the Common Procedure;

by the year 2002

- c. the identification of the eutrophication status of all parts of the maritime area;
- d. the agreement on any additional programmes and measures deemed necessary to achieve by 2010 a healthy marine environment where eutrophication does not occur, including, as appropriate, further intermediate targets for specific areas and the development of ecological quality objectives.

5. IMPLEMENTATION

5.1 This strategy will be implemented and the details developed under the Commission's Action Plan, which will establish priorities, assign tasks, and set deadlines and targets.

- 5.2 In order to facilitate this work, priority shall be given to:
- a. the application of the Common Procedure to the OSPAR maritime area;
 - b. the development of appropriate reporting procedures;
 - c. the identification and quantification of the various sources of nutrients (e.g. by sector, sub-catchment, catchment, region, nation and/or other relevant subdivision);
 - d. the development of measures to combat eutrophication; and
 - e. the establishment of the direct and indirect links between the various sources of nutrients and any eutrophication problems, and hence the significance of those sources.

5.3 The implementation of this strategy will take place within the framework of the obligations and commitments of the various Contracting Parties in this field, in particular:

- a. the obligations of the Member States of the European Community and the European Economic Area to implement the measures adopted for the reduction of nutrient discharges and emissions, *inter alia*, Council Directive 91/271/EEC (Urban Waste Water Directive) and Council Directive 91/676/EEC (Nitrate Directive); and the IPPC Directive (96/61/EC), and the provisions of the Council Regulation 2078/92/EEC;
- b. measures stipulated in the Protocol Concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes adopted within the framework of the Convention on Long-Range Transboundary Air Pollution (LRTAP Convention).
- c. for those Contracting Parties concerned, the commitments of the North Sea States made at the North Sea Conferences, in particular paragraph 31 of the Esbjerg Declaration.¹²

¹² “Therefore the Ministers AGREE to remain committed to reach the reduction targets set by the previous Conferences and to strengthen the implementation of measures as soon as possible. Fundamental elements in fulfilling these goals in the EU and European Economic Area are, *inter alia*,:

- i) To apply in the North Sea and its catchment the measures for sensitive areas under the Urban Waste Water Directive and to apply the measures for vulnerable zones under the conditions of the Nitrates Directive, including the criterion of contribution to pollution as mentioned in Article 3 of the Nitrates Directive*.

These measures will be implemented for the whole North Sea and its catchment, except for those parts of the North Sea where comprehensive scientific studies, to be delivered by 1997, demonstrate to the satisfaction of the Committees set up under the respective Directives or the relevant European Economic Area body that nutrient inputs do not cause eutrophication effects or contribute to such effects in other parts of the North Sea.

It is expected that these measures will, in newly identified areas, be applied as soon as technically possible after 1998;

- ii) full implementation of Council Directive 91/271/EEC on Urban Waste Water Treatment in accordance with the timetable stipulated therein or as amended in the future; and
- iii) action to achieve the reduction for nitrate losses from agriculture under the national action plans required by Council Directive 91/676/EEC. These states will take complementary action necessary to meet the commitment in coordination with these action plans.

In parallel, Member States to EU will endeavour to optimise the application of existing EU wide provisions, i.e. Regulation 2078/92 on agri-environmental measures and Regulation 1756/92 on set-aside schemes, to this end.

* France and the United Kingdom consider that Urban Waste Water Treatment and Nitrates Directives, together with the OSPAR Convention 1992 provides the protection for the North Sea

6. OVERALL EVALUATION AND REVIEW OF PROGRESS

6.1 The Commission will develop appropriate machinery to enable a quinquennial review of progress achieved through this strategy. Based upon this review the Commission will, if necessary, revise the strategy. The first review should take place by the next ministerial meeting of the Commission, and should take account of *inter alia*:

- a. any new information (e.g. on the links between causes and effects);
- b. feedback on the effectiveness of measures;
- c. the experience gained with this strategy;
- d. the results of the quality assessment of the whole maritime area (i.e. QSR 2000);
- e. progress achieved in the development of assessment criteria and their application within the framework of the Common Procedure.

that is needed in respect of this proposal and will enable significant further improvements to be made; and consider that this proposal adds nothing to what will be achieved by them fulfilling their obligations under these Directives.”

Annex 1**DEFINITIONS**

1. For the purpose of this strategy:
 - a. “Eutrophication” means the enrichment of water by nutrients causing an accelerated growth of algae and higher forms of plant life to produce an undesirable disturbance to the balance of organisms present in the water and to the quality of the water concerned, and therefore refers to the undesirable effects resulting from anthropogenic enrichment by nutrients as described in the Common Procedure;
 - b. “anthropogenic” within the context of this strategy qualifies any human activities which:
 - (i) can result in, or contribute to, eutrophication in the marine environment; and
 - (ii) can be managed and/or whose contribution to eutrophication can be prevented, reduced or eliminated;
 - c. “to combat” means to prevent, reduce and, to the extent possible, eliminate;
 - d. “problem areas with regard to eutrophication” are those areas for which there is evidence of an undesirable disturbance to the marine ecosystem due to anthropogenic enrichment by nutrients;
 - e. “potential problem areas with regard to eutrophication” are those areas for which there are reasonable grounds for concern that the anthropogenic contribution of nutrients may be causing or may lead in time to an undesirable disturbance to the marine ecosystem due to elevated levels, trends and/or fluxes in such nutrients;
 - f. “non-problem areas with regard to eutrophication” are those areas for which there are no grounds for concern that anthropogenic enrichment by nutrients has disturbed or may in the future disturb the marine ecosystem;
2. The following working definitions, which will be reviewed from time to time in the light of further developments, are proposed for the purpose of this strategy:
 - a. “ecological quality” is an expression of the structure and function of the ecological system taking into account natural physiographic, geographic and climatic factors as well as biological, physical and chemical conditions including those from human activities;
 - b. “ecological quality reference level” is the level of ecological quality where the anthropogenic influence on the ecological system is minimal;
 - c. “ecological quality objective” is the desired level of ecological quality relative to the reference level.

OSPAR STRATEGY ON THE PROTECTION AND CONSERVATION OF THE ECOSYSTEMS AND BIOLOGICAL DIVERSITY OF THE MARITIME AREA

RECALLING the Convention for the Protection of the Marine Environment of the North-East Atlantic ("OSPAR Convention") and in particular Article 2.1(a) in which Contracting Parties agree to take all possible steps to prevent and eliminate pollution and to take the necessary measures to protect the maritime area against adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected;

RECALLING Annexes I-IV and in particular Annex V and Appendix 3 of the OSPAR Convention on the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area;

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic ADOPT the following strategy for the purpose of directing the future work of the Commission with regard to the protection and conservation of the ecosystems and biological diversity of the maritime area:

1. OBJECTIVE

1.1 In accordance with the general objective, the objective of the Commission with regard to the protection and conservation of the ecosystems and biological diversity of the maritime area is to protect and conserve the ecosystems and the biological diversity of the maritime area which are, or could be, affected as a result of human activities, and to restore, where practicable, marine areas which have been adversely affected, in accordance with the provisions of the Convention, especially as it stands after the adoption of Annex V and Appendix 3.

2. STRATEGY

2.1. The Commission will develop the programmes and measures needed for the protection and conservation of the ecosystems and biological diversity of the maritime area and, where practicable, for the restoration of maritime areas that have been adversely affected, taking into account the need to avoid duplication of work on the international level.

2.2. To this end the Commission will assess which species¹³ and habitats need to be protected and those human activities that are likely to have an actual or potential adverse effect on these species and habitats or on ecological processes. For this assessment the following actions shall be taken:

- a. development of criteria for the selection of such species, habitats and ecological processes;

¹³ Wherever in this Strategy the term "species" is used, this includes, where appropriate, populations of such species.

- b. to the extent necessary, compilation of lists of species and habitats, including the development of lists of threatened or declining species and threatened habitats, based upon:
 - (i) the criteria developed under subparagraph (a) above;
 - (ii) inventories of species and habitats in the maritime area;
 - (iii) relevant lists developed by other international fora;
- c. assessment, in accordance with the criteria of Appendix 3 of the 1992 OSPAR Convention, and in the light of work in other international fora, of the following first candidate list of human activities:
 - (i) sand and gravel extraction;
 - (ii) dredging for navigational purposes, other than within harbours;
 - (iii) the exploration for oil, gas and solid minerals;
 - (iv) the placement of structures for the exploitation of oil and gas;
 - (v) the construction or placement of artificial islands, artificial reefs, installations and structures;
 - (vi) the placement of cables and pipelines. This assessment will include an assessment of the scope for action under other international laws;
 - (vii) the introduction of alien or genetically modified species, whether deliberately or unintentionally;
 - (viii) land reclamation;
- d. in addition, the Commission will examine tourism and recreational activities with the aim of identifying whether specific activities within this group would require a further assessment;
- e. collection and evaluation of relevant information concerning existing protection programmes for marine species and habitats and an inventory of marine areas which are already protected;
- f. assessment of marine areas which have been adversely affected, with a view to identifying areas for restoration where practicable.

2.3. Based on this, the Commission will, if necessary to meet the objective, draw up programmes and measures in accordance with Annex V of the 1992 OSPAR Convention with a view to:

- a. controlling the human activities that have an adverse impact on species and habitats that need to be protected or conserved; or
- b. restoring, where practicable, marine areas which have been adversely affected.

Such programmes and measures could include guidance for the selection and the establishment of a system of specific areas and sites which need to be protected and the management of human activities in these areas and sites. Priority will be given to the drawing up of programmes and measures for the protection of marine species, habitats or ecological processes that appear to be under immediate threat or subject to rapid decline.

2.4 The Commission will continue to assess, in accordance with Annex IV of the OSPAR Convention, the effects on ecosystems and biological diversity of:

- a. human activities liable to produce pollution in the maritime area, with a view to taking action under Annexes I to III of the 1992 OSPAR Convention;
- b. human activities in relation to which programmes and measures cannot be adopted under the Convention, with a view to drawing the

attention of the competent authorities to any questions on which action is desirable.

3. INTERRELATIONS WITH OTHER INTERNATIONAL INSTITUTIONS

3.1. To achieve this objective in a consistent manner, relevant measures which have been agreed or are being negotiated by some or all Contracting Parties in other fora shall be taken into account in the light of their applicability to different geographical areas. Such measures are: EC Directives (and in particular the Council Directive 92/43/EEC on the conservation of natural habitats and wild flora and fauna and the Council Directive 79/409/EEC on the conservation of birds), and measures taken under the Bern, Bonn (including its regional agreements) and Ramsar Conventions, the Convention on Biological Diversity, the Helsinki Convention, the Barcelona Convention, the Trilateral Wadden Sea Co-operation and the North Sea Conferences.

3.2. The Commission will collaborate with relevant scientific institutions including the International Council for the Exploration of the Seas and the European Environment Agency (EEA). In the case of the EEA, the development of the EUNIS classification will be particularly important, in order to develop a classification system of habitats which can be used by OSPAR for assessment, comparison and mapping.

4. TIMEFRAME

4.1 In the period prior to the entry into force of the new Annex V and Appendix 3 on the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area, the Commission will undertake to prepare the basis for a rapid adoption of programmes and measures referred to in § 2.3 of this strategy once Annex V and Appendix 3 enters into force.

5. IMPLEMENTATION

5.1 This strategy will be implemented and the details developed under the Commission's Action Plan, which will establish priorities, assign tasks, and set deadlines and targets.

5.2 When implementing this strategy, due consideration shall be given to the question whether any particular programme or measure should apply to all, or only a specific part of the maritime area.

6. OVERALL EVALUATION AND REVIEW OF PROGRESS

6.1 The Commission will develop appropriate machinery to enable a periodic review of progress achieved through this strategy. Based upon this review, the Commission will, if necessary, revise the strategy. Such a review should for the first time take place by the next ministerial meeting of the Commission, and take account of *inter alia*:

- a. the experience gained with this strategy;
- b. the findings of the quality assessment reports of the whole maritime area (e.g. the QSR 2000);
- c. progress achieved in other international organisations;
- d. any further new information.

OSPAR ACTION PLAN 1998 - 2003

1. INTRODUCTION

1. In implementing the Convention the general objective of OSPAR is to prevent and eliminate pollution of the maritime area of the Convention and to ensure that the ecosystems of the maritime area are in a sustainable, sound and healthy condition and that human health is protected. On the following four main areas, the 1998 Ministerial Meeting of the Commission adopted, with a longer time scale, strategies for the purposes of directing its future work:

- a. protection and conservation of ecosystems and biological diversity (cf. reference number 1998-19);
- b. hazardous substances (cf. reference number 1998-16);
- c. radioactive substances (cf. reference number 1998-17);
- d. eutrophication (cf. reference number 1998-18).

These documents form a vital basis of the present Action Plan for the period 1998-2003.

2. Actions on these areas for the short to medium term are set out in the chapters 2-5 of this Action Plan. A quinquennial review of progress achieved through these actions is addressed in chapter 6. Such a review should, for the first time, take place by the next ministerial meeting of the Commission in 2003. The last chapter of this Action Plan sets out actions for co-operation with and assistance to other international organisations. Assessment activities mentioned in the chapters 2-5 should be read in conjunction with chapter 6.

3. In addition to this, the Commission will:

- a. review progress under this Action Plan annually, update it as necessary and adjust priorities for annual work programmes in order to deploy to the best effect the inevitably finite resources available to OSPAR and the Contracting Parties;
- b. keep under review the implementation of the existing measures and of measures arising from this Action Plan;
- c. adopt, on an annual basis, detailed work programmes for its permanent working groups as means to implement this Action Plan. All permanent working groups work in accordance with their terms of reference. On the basis of this Action Plan, specific emphasis shall be given to the tasks specified at the end of each chapter.

2. PROTECTION AND CONSERVATION OF ECOSYSTEMS AND BIOLOGICAL DIVERSITY

2.1 BASIS FOR ACTION

4. Environmental measures adopted by OSPAR which aim at the reduction of pollution of the maritime area may be insufficient to secure adequate protection for certain species and habitats in the maritime area. For this reason, OSPAR adopted in July 1998 a new Annex V and a new Appendix 3 to the 1992 OSPAR

Convention¹⁴. In accordance with the OSPAR strategy on this issue, action will be taken aimed at protecting and conserving the ecosystems and the biological diversity of the maritime area affected, and restoring, where practicable, marine areas which have been adversely affected.

2.2 ACTIVITIES

5. The Commission will:
 - a. develop and compile criteria and guidance for the selection of species and habitats and apply this for:
 - (i) the compilation of lists of e.g. threatened or declining species and of threatened habitats;
 - (ii) and for the selection of species and habitats which need to be protected;
 - b. carry out an assessment of the actual or potential impact of the human activities listed in Annex 1;
 - c. carry out an assessment of marine areas which have been adversely affected;
 - d. collect and evaluate information concerning existing protection programmes for marine species and habitats which are already protected;
 - e. draw up programmes and measures including, as appropriate:
 - (i) a system of specific areas or sites which need to be protected and plans to manage such areas or sites;
 - (ii) control of specific human activities that have an actual or potential adverse impact on species and habitats;
 - (iii) protection of marine species, habitats or ecological processes that appear to be under immediate threat or subject to rapid decline;
 - (iv) restoration, where practicable, of marine areas which have been identified as being adversely affected;
 - f. develop and implement a biological component of the Joint Assessment and Monitoring Programme aimed at assessing the status of the biological diversity of the maritime area.

2.3 MEANS OF IMPLEMENTATION

2.3.1 Tasks for the working group on Impacts on the Marine Environment (IMPACT)

6. IMPACT will implement the activities outlined in section 2.2 above.

¹⁴ Annex V and Appendix 3 will enter into force 30 days after the ratification by seven Contracting Parties.

3. HAZARDOUS SUBSTANCES

3.1 BASIS FOR ACTION

7. Hazardous substances can reach the marine environment from a number of sources by a variety of pathways and may pose a risk to human health or the marine environment. Action will be taken aimed at implementing the objective of the Commission to prevent pollution of the maritime area by continuously reducing discharges, emissions and losses of hazardous substances, with the ultimate aim of achieving concentrations in the marine environment near background values for naturally occurring substances and close to zero for man-made synthetic substances and to make every endeavour to move towards the target of the cessation of discharges, emissions and losses of hazardous substances by the year 2020.

3.2 ACTIVITIES

3.2.1 Selection and prioritisation of hazardous substances

8. The Commission will:
- a. give priority to the further development of the dynamic selection and prioritisation mechanism for hazardous substances (including endocrine disruptors) and will apply this mechanism to substances and groups of substances of concern including those substances and groups of substances as set out in the OSPAR 1998 List of Candidate Substances at Annex 3 to the OSPAR Strategy with regard to hazardous substances;
 - b. give priority to the development of programmes and measures for the substances listed in Annex 2 until the development of the selection and prioritisation mechanism is completed. Annex 2 will be updated from time to time on the basis of the results of the application of the selection mechanism.

3.2.2 Substitution of hazardous substances

9. The Commission will develop procedures for identifying less hazardous or preferably non-hazardous substitutes for hazardous substances. Priority will be given to the identification of the relevant substitutes for the hazardous substances listed in Annex 2.

3.2.3 Development of measures to combat pollution

10. The Commission will:
- a. develop descriptions of Best Available Techniques (BAT) and/or Best Environmental Practices (BEP) for:
 - (i) the sectors listed in Annex 3;
 - (ii) for the substances and groups of substances listed in Annexes 2 and 4;
 - b. adopt appropriate programmes and measures (including BAT/BEP) for these sectors, sources and substances with a view to continuously reducing discharges, emissions and losses of hazardous substances;

- c. give special attention to:
 - (i) the development and adoption of programmes and measures for reducing uses of the substances and/or the generation of hazardous substances listed in Annex 2;
 - (ii) to the need of developing other programmes of work (e.g. as regards diffuse sources of hazardous substances);
- d. review OSPAR BAT/BEP Recommendations and other agreements in accordance with the timeschedule agreed upon at OSPAR/MMC 1998 (reference number 1998-10).

3.2.4 Monitoring

11. In accordance with the Commission's Joint Assessment and Monitoring Programme (JAMP) and taking into account work in other forums, the Commission will continue to collect qualitative and quantitative data and information to identify environmental problems with regard to hazardous substances and to this end:

- a. establish inputs of hazardous substances to the marine environment for:
 - (i) atmospheric inputs, including an inventory of emissions to air and the monitoring of atmospheric pollutants;
 - (ii) riverine inputs and land-based discharges directly into the marine environment differentiating, where possible, anthropogenic inputs;
 - (iii) discharges and emissions from particular sectors (including offshore installations) or activities (including the dumping of materials);
 - (iv) inputs of selected substances (e.g. via pilot studies to establish a detailed overview)
- b. monitor hazardous substances in relevant compartments of the marine environment (Coordinated Environmental Monitoring Programme) and, in particular:
 - (i) develop and implement programmes and models to provide suitable monitoring data (e.g. surveys) concerning hazardous substances and their effects in the maritime area ¹⁵;
 - (ii) develop and apply screening methods for hazardous substances not normally monitored particularly those prioritised by the Dynamic Selection and Prioritization Mechanism for Hazardous Substances (DYNAMEC);
 - (iii) give priority to the development of suitable monitoring and testing techniques for endocrine disruptors;
 - (iv) conduct, on the basis of an intercomparison exercise, a concerted survey of the maritime area to gauge the spatial extent of any adverse effects arising from exposure to endocrine disruptors.

¹⁵ In doing so, the Commission will bear in mind, *inter alia*, the need for additional protection for North Sea ecosystems, in particular for spawning grounds and nursery areas for fisheries resources.

3.2.5 Assessment

12. The Commission will continue to:
 - a. assess whether there are reasonable grounds for concern with regard to specific hazardous substances (in particular when there is a lack of relevant risk assessment or monitoring data), and will, to the extent possible, initiate immediate programmes to help characterise the risks connected to such substances;
 - b. compile and consider the development and use of tools and criteria (including guidance for their use) such as:
 - (i) background/reference values;
 - (ii) ecotoxicological assessment criteria;
 - (iii) EQOs and EcoQOs where applicable;
 - (iv) statistical techniques and mathematical models;
 for assessing inputs to the maritime area and for evaluating the environmental conditions in sea areas.

3.3 MEANS OF IMPLEMENTATION

3.3.1 Tasks of the Committees and tasks involving more than one third tier working group

13. The further development (by the ad hoc working group DYNAMEC) of the dynamic selection and prioritisation mechanism and its application (coordinated by DIFF) for the selection of hazardous substances will involve activities of:
 - a. POINT, DIFF, SEBA as regards discharges and emissions from industrial installations and other activities;
 - b. INPUT as regards inputs into the maritime area via water and air;
 - c. SIME as regards concentration and effects of substances in the marine environment.
14. Furthermore, ASMO will:
 - a. oversee and coordinate the development of a suitable set of statistical techniques to assess data and information on inputs, concentrations and effects of substances involving INPUT and SIME;
 - b. develop further analytical tools (such as modelling) and harmonise, initiate and coordinate research programmes required for assessment purposes.
15. Furthermore, PRAM will further develop and keep under review the preliminary strategy for the collection and assessment of data and information for the purpose of:
 - a. preparing reports on discharges emissions and losses;
 - b. developing, when appropriate, new measures;
 - c. assessing the implementation of agreed measures;
 - d. coordinating these activities with other international organisations.

3.3.2 Tasks of the working group on Point Sources (POINT)

16. POINT will:
 - a. develop, as a matter of priority, measures concerning BAT/BEP and, if appropriate, concerning discharge and emission limit values for industrial sectors listed in Annex 3, with special consideration to the

- hazardous substances listed in Annex 2 and taking into account of developments concerning BAT for industrial sectors in other international fora ¹⁶;
- b. select, in particular for the substances listed in Annex 2, other sectors for which measures should be developed;
- c. review existing measures concerning BAT/BEP and concerning discharge and emission limit values, in particular for hazardous substances listed in Annex 2;
- d. assess the use and, if necessary, further development of criteria for ecotoxicological evaluation of waste water with the aim to control discharges and emissions of hazardous substances or groups of substances in an effective manner;
- e. develop and periodically review the implementation reporting for OSPAR measures with the aim to assess compliance with and effectiveness of these measures;
- f. prepare triennial reports on discharges and emissions from industrial sectors and select further sectors for such reporting, in particular for hazardous substances listed in Annex 2.

3.3.3 Tasks of the working group on Diffuse Sources (DIFF)

17. DIFF will:

- a. with regard to the selection and prioritisation of hazardous substances, including endocrine disrupters:
 - (i) apply the dynamic mechanism for selection and prioritisation of hazardous substances;
 - (ii) further develop the relevant selection criteria;
 - (iii) review the relevant scientific tools for assessing risks of potential hazardous substances in the marine environment;
- b. develop criteria and methods for the identification of less hazardous, or preferably non-hazardous, substances which could be used as substitutes for hazardous substances;
- c. develop OSPAR measures, including BEP, for diffuse sources of the substances and groups of substances listed in Annex 4, with special consideration to hazardous substances listed in Annex 2, taking into account of developments concerning risk assessment and risk reduction strategies for substances and products in other international fora ¹⁷;
- d. develop, apply and review a programme of work on diffuse sources, taking into account, *inter alia*:
 - (i) further identification of sources, pathways, substances and products;
 - (ii) actions at the appropriate geographical and administrative level;
 - (iii) improvement of policy instruments;

¹⁶ In particular the examination and assessment of information available under Council Directive 96/61/EC of 24 September 1996 concerning Integrated Pollution Prevention and Control.

¹⁷ In particular developments in the framework of Council Regulation (EEC)793/93 of 23 March 1993 on the Evaluation and Control of the Risks of Existing Substances.

- (iv) effectiveness of economic instruments;
- (v) cooperation with all relevant authorities and target groups;
- e. review existing OSPAR measures concerning diffuse sources, in particular for hazardous substances listed in Annex 2;
- f. develop and periodically review the implementation reporting for OSPAR measures with the aim to assess compliance with, and effectiveness of, these measures;
- g. collect and periodically review the data and information concerning diffuse sources of hazardous substances listed in Annex 2.

3.3.4 Tasks of the working group on Sea Based Activities (SEBA)

18. SEBA will:

- a. investigate the extent and effects of pollution caused by produced water, together with the need for, and the possibilities of, a stabilisation or a reduction of such pollution;
- b. develop BAT and prepare measures for adoption for the control of:
 - (i) the oil and other substances (including PAHs) in aqueous discharges from offshore installations based upon an appraisal of the significance of, and the possibilities for reducing such emissions;
 - (ii) contaminated cuttings including considerations of a total ban on the discharge of oil-contaminated cuttings into the maritime area;
- c. investigate the environmental impact of, the need for, and possible means for, cleaning up seabeds contaminated by oily cuttings;
- d. further develop the Harmonised Mandatory Control System for the Use and Reduction of the Discharge of Chemicals (PARCOM Decision 96/3) taking account of the experiences gained in the 1996-1998 trial period;
- e. describe BEP in relation to dredging operations producing material for dumping and develop appropriate measures;
- f. consider the need for specific measures for the reduction of anthropogenic loads in dredged material to be dumped at sea;
- g. develop appropriate criteria, guidelines and procedures with regard to matter placed in the maritime area for a purpose other than that for which it was originally designed or constructed.

3.3.5 Tasks of the working group on Concentrations, Trends and Effects of Substances in the Marine Environment (SIME)

19. SIME will:

- a. further develop the Coordinated Environmental Monitoring Programme;
- b. develop the tools and criteria (including guidance for their use) mentioned in §12.b for evaluating the environmental conditions in sea areas;
- c. develop guidelines and quality assurance procedures;
- d. continue to implement the JAMP, in particular with regard to:
 - (i) cadmium, mercury and lead;

- (ii) TBT, PCBs, PAHs, polychlorinated dioxins and dibenzofurans and other synthetic organics;
- (iii) oil;
- (iv) biological effects of substances.

3.3.6 Tasks of the working group on Inputs to the Marine Environment (INPUT)

20. INPUT will:

- a. further develop the Comprehensive Atmospheric Monitoring Programme (CAMP) and the Comprehensive Study on Riverine and Direct Discharges (RID) as a continued basis for the JAMP;
- b. develop the tools and criteria (including guidance for their use) mentioned in §12.b for assessing inputs to the maritime area;
- c. develop guidelines and quality assurance procedures;
- d. continue with to implement the JAMP, in particular with regard to:
 - (i) cadmium, mercury and lead;
 - (ii) PCBs, PAHs, polychlorinated dioxins and dibenzofurans;
 - (iii) chemicals used and discharged offshore and oil.

3.3.7 Other Tasks

21. The Commission will invite:

- a. the EU to consider expanding the relevant Technical Guidance document with sections for risk assessment of marine ecosystems and to take account in this process of any relevant tools for risk assessment for marine ecosystems that are under development within OSPAR and/or other international fora and to join efforts in order to accelerate progress in this field;
- b. industry to cooperate in fulfilling its objective with regard to hazardous substances.

22. Furthermore, the Commission and Contracting Parties, individually or jointly, will endeavour to maintain and develop further a constructive dialogue on the reduction of hazardous substances with all parties concerned, including producers, manufacturers, user groups, authorities and environmental NGOs. This should ensure that all relevant information, such as reliable data on production volumes, use patterns, emission scenarios, exposure concentrations and on properties of substances, is available for the work of the Commission in connection with this strategy.

4. RADIOACTIVE SUBSTANCES

4.1 BASIS FOR ACTION

23. Radioactive substances can reach the marine environment from a number of sources by a variety of pathways and may pose a risk to human health or marine environment. Action will be taken aimed at implementing the objective to prevent pollution of the maritime area from ionising radiation through progressive and substantial reductions of discharges, emissions and losses of radioactive substances, with the ultimate aim of concentrations in the environment near

background values for naturally occurring radioactive substances and close to zero for artificial radioactive substances. In achieving this objective, the following issues should, *inter alia*, be taken into account:

- a. legitimate uses of the sea;
- b. technical feasibility;
- c. radiological impacts to man and biota.

4.2 ACTIVITIES

24. The Commission will:
- a. identify and take the action required by the year 2000 as a result of § 4.1a of OSPAR's Strategy with regard to Radioactive Substances;
 - b. identify, assess the need for action and prioritise by the year 2003 radioactive substances and/or human activities which give rise for concern about their impact on the marine environment. As a basis for this, the Commission will continue to collect data and information concerning radioactive substances, in particular with regard to inputs from all sources and concentrations and effects in the marine environment;
 - c. undertake to develop environmental quality criteria for the protection of the marine environment from adverse effects of radioactive substances and report on progress by the year 2003;
 - d. develop programmes and measures, thereby ensuring the application of BAT/BEP including, where appropriate, clean technology.

4.3 MEANS OF IMPLEMENTATION

25. RAD and SIME will implement the activities outlined in section 4.2 above.

5. EUTROPHICATION

5.1 BASIS FOR ACTION

26. The occurrence and distribution of eutrophication effects due to high loads of nutrients in certain parts of the North Sea are issues of concern. Elevated nitrogen and phosphorus concentrations and disturbances in the natural nutrient ratios are clearly detectable not only in many estuaries, but also along most of the coastline from northern France to Denmark, sections of the south-eastern English coast, and in parts of the Skagerrak and the Kattegat. These factors are generally acknowledged to be the cause of increased phytoplankton biomass and bloom duration, although the elevated nutrient concentrations and the disturbances in their natural ratios are not always the reasons for the occurrence of algal blooms.

27. Action will be taken aimed at implementing the objective of the Commission to combat eutrophication in the OSPAR maritime area, in order to achieve and maintain a healthy marine environment where eutrophication does not occur.

5.2 ACTIVITIES

5.2.1 Assessment of the eutrophication status

28. The Commission will:
- a. ensure that the Common Procedure for the Identification of the Eutrophication Status of the Maritime Area (the “Common Procedure”) is applied, as a matter of priority, in order to characterise each part of the maritime area as a problem area or a potential problem areas or a non problem area with regard to eutrophication.
 - b. examine, no later than 1999, statements from Contracting Parties on the outcome of the screening procedure (the first step of the Common Procedure), intended to identify those areas which in practical terms are likely to be non-problem areas with regard to eutrophication, but for which there is insufficient information to apply the comprehensive procedure (the second step);
 - c. examine, at a later stage, the reporting by Contracting Parties on the implementation of the comprehensive procedure, an iterative process, which may be applied as many times as necessary, and which should enable a classification of the maritime area, for the first time by the year 2002, in terms of the areas as mentioned in §a. above;
29. Furthermore, the Commission will, as a matter of priority:
- a. carry out an evaluation of the situation in the maritime area that is expected following the implementation of agreed measures;
 - b. compile information on agreed methodologies and monitoring in support of the classification of areas;
 - c. verify progress and performance of them;
 - d. develop them where they do not already exist.

5.2.2 Development and implementation of measures to combat eutrophication

30. The Commission will, as a matter of priority:
- a. review implementation of, and reporting on PARCOM Recommendation 88/2 on the Reduction in Inputs of Nutrients to the Paris Convention Area;
 - b. review implementation of PARCOM Recommendation 89/4 on a Coordinated Programme for the Reduction of Nutrients;
 - c. review implementation of, and reporting on, any national or international measures as adopted by individual Contracting Parties for the reduction of nutrients in discharges/emissions from industry, sewage treatment plants, agriculture and other diffuse sources¹⁸;
 - d. develop further relevant source-reduction measures needed to complement or update existing PARCOM Recommendations;
 - e. promote good agricultural practice and good housekeeping in industry and sewage treatment.

¹⁸ e.g. measures stipulated in the Protocol Concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes adopted within the framework of the Convention on Long-Range Transboundary Air Pollution (LRTAP Convention).

31. The Commission will initiate the following actions in the period up to the year 2000:
- a. evaluation by the year 1999 of the experience gained and the results achieved with the OSPAR Strategy to Combat Eutrophication (e.g. in the light of the ongoing activities to fulfil the 50% reduction target) by the combined use of information from monitoring, research and modelling against a set of assessment criteria;
 - b. assessment of the need for setting further reduction targets;
 - c. review, if necessary, the application of the additional requirements of the source oriented approach elaborated in the OSPAR Strategy to Combat Eutrophication;
 - d. consideration of the updating of the PARCOM Recommendations 88/2, 89/4 and 92/7 as part of developing the source-oriented approach;
 - e. development of reporting systems and procedures as a basis for transparent, reliable and comparable reports, including relevant sources, basic figures, calculation methods and emission factors.
32. At a later stage, and taking into account the review of the OSPAR Strategy to Combat Eutrophication and of the quinquennial reports on progress achieved, the Commission will develop and implement more stringent measures in areas where BAT and BEP are insufficient to achieve the targets adopted to combat eutrophication.

5.2.3 Monitoring and tools for assessment

33. With a view to enabling the application of the Common Procedure, the Commission will:
- a. as a matter of priority, further develop and adopt a set of quantified assessment criteria and means for interrelating them for use in the characterisation of problem areas, potential problem areas and non-problem areas with regard to eutrophication (cf. §28 above). The Commission will also implement the Nutrient Monitoring Programme, which provides the basis for assessing the eutrophication status;
 - b. initiate the following actions in the period up to the year 2000:
 - (i) develop the appropriate scientific basis and an agreed methodology to derive ecological quality objectives¹⁹;
 - (ii) develop procedures for the use of information from monitoring, research and modelling as well as for the use of assessment criteria of the Common Procedure;
 - c. at a later stage, adopt and apply ecological quality objectives taking into account the review of the OSPAR Strategy to Combat Eutrophication and of the quinquennial reports on progress achieved.

¹⁹ As defined in OSPAR's Strategy to Combat Eutrophication.

5.3 MEANS OF IMPLEMENTATION

5.3.1 Tasks of the Committees and tasks involving more than one third tier working group

34. ASMO will:
- a. continue to implement the relevant parts of the JAMP and in particular the further development by SIME and INPUT of:
 - (i) monitoring programmes including, where appropriate, the development of guidelines and quality assurance procedures;
 - (ii) tools and criteria (including guidance for their use) for evaluating the results achieved through implementation of the strategy with regard to eutrophication;
 - b. develop further analytical tools (such as modelling) and harmonise, initiate and co-ordinate research programmes required for assessment purposes.
35. PRAM will further develop and keep under review the strategy for the collection and assessment of data and information for the purpose of:
- a. developing when appropriate new measures;
 - b. assessing the implementation of agreed measures;
 - c. co-ordinating these activities with other international organisations.

5.3.2 Tasks of the working group on Nutrients and Eutrophication (NEUT)

36. With regard to the assessment of the eutrophication status of the maritime area, NEUT will:
- a. develop, as a matter of priority, assessment criteria for use within the Common Procedure for identifying problem areas, potential problem areas and non-problem areas, and apply them in order to classify the whole maritime area into problem areas, potential problem areas and non-problem areas;
 - b. develop, where required for the assessment of the eutrophication status of the maritime area, proposals for the addition of further parameters to the Nutrient Monitoring Programme;
 - c. evaluate the experience gained and the results achieved with the strategy to combat eutrophication, in particular in the light of ongoing activities to fulfil the 50% reduction target, by the combined use of information from monitoring, research and modelling against a set of assessment criteria;
 - d. evaluate the situation in the maritime area that is expected following the implementation of agreed measures;
 - e. develop, adopt and apply ecological quality objectives for the maritime area.
37. With regard to the development of programmes and measures, NEUT will:
- a. identify and quantify the various sources of nutrients (e.g. by sector, sub-catchment, catchment, region, nation and/or other relevant subdivision) and establish emission inventories for these sources;
 - b. develop and periodically review the implementation of measures applicable within OSPAR with the aim of assessing compliance with, and effectiveness of, these measures;

- c. develop, where necessary, further relevant source reduction measures necessary to complement or update recommendations applicable within OSPAR on the reduction of nutrient inputs to the maritime area;
- d. further develop and apply the source oriented approach to achieving ecological objectives;
- e. review the effects of the implementation of BAT and BEP and, in areas where these are insufficient to achieve the targets adopted to combat eutrophication, develop and implement more stringent measures.

6. OVERALL EVALUATION AND REVIEW OF PROGRESS

6.1 BASIS FOR ACTION

38. In accordance with Article 6 of the Convention, OSPAR shall undertake and publish at regular intervals joint assessments of the quality status of the marine environment and of its development, for the maritime area or for regions or sub-regions thereof. Such assessments should include:

- a. an evaluation of the effectiveness of measures taken and planned;
- b. an identification of priorities for further action.

Furthermore, Article 22 of the Convention stipulates that Contracting Parties shall report to OSPAR at regular intervals on measures taken by them for the implementation of Decisions and Recommendations adopted under the Convention.

6.2 ACTIVITIES

6.2.1 Assessment and Monitoring

39. The Commission will continue to work in accordance with the JAMP. In the period 1998-2000, this will be done with a view to finalising the five regional Quality Status Reports (QSRs) and the convention-wide QSR 2000 in the year 2000. The findings of the QSR 2000 will be taken into account in the quinquennial review of the OSPAR strategies regarding:

- a. protection and conservation of ecosystems and biological diversity;
- b. hazardous substances;
- c. radioactive substances;
- d. eutrophication;
- e. environmental goals and improved management mechanisms for the offshore oil and gas industry.

40. The Commission will review the Joint Assessment and Monitoring Programme (JAMP) aimed at the adoption of a revised JAMP in the year 2003. This review will take into account:

- a. experience gained with the present JAMP;
- b. the results of activities set out in the previous chapters and the QSR 2000;
- c. the list of human activities at Annex 1 and the list of priority substances at Annex 2.

The revised JAMP will also define activities required to establish further QSRs in the decade following the finalisation of the QSR 2000.

6.2.2 Compliance and effectiveness assessment

41. The Commission will:
- a. assess reports of Contracting Parties on the implementation of programmes and measures adopted under the Convention;
 - b. assess the effectiveness of these programmes and measures with a view to improving the protection of the marine environment.

6.3 MEANS OF IMPLEMENTATION

6.3.1 Tasks involving more than one subsidiary body

42. OSPAR's subsidiary bodies will execute the activities mentioned in section 6.2 above in accordance with their terms of reference, and present the relevant results to the Commission.

43. The Commission will consider how to establish further means for assessing the effectiveness of the work carried out under the Convention, by improving the integration of the results of:

- a. 'assessment and monitoring' activities carried out within the scope of ASMO; and
- b. 'programmes and measures' activities carried out within the scope of PRAM;

and will consider in particular, with a view to presenting recommendations for solutions:

- c. the organisational structure required for optimal implementation of the OSPAR Convention, the OSPAR strategies and the Commission's Action Plan;
- d. planning and steering of activities carried out within the framework of OSPAR including the development of multi-annual planning and management tools and the means for improving co-ordination and collaboration between PRAM, ASMO and their working groups;
- e. co-operation with other international organisations, in particular the European Commission, so as to align activities and avoid duplication of work.

This will involve the activities of all third tier working groups. Adjustments in the attribution of individual tasks to subsidiary bodies will be made by the Commission at OSPAR 1999 on the basis of the outcome of the review.

7. INTERNATIONAL COOPERATION

44. The Commission will develop further action with regard to international cooperation in the light of the results of the review of its working procedures and arrangements mentioned under section 6.3.1 above.

Annex 1

**HUMAN ACTIVITIES TO BE ASSESSED WITH REGARD TO THEIR
IMPACT ON THE MARINE ENVIRONMENT, ITS SPECIES, HABITATS
AND BIOLOGICAL DIVERSITY**

Human Activity	Lead Country
1. Sand and gravel extraction	Denmark
2. Dredging for navigational purposes, other than within harbours	The Netherlands
3. Placement of structures for the exploitation of oil and gas	Norway
4. Construction or placement of artificial islands, artificial reefs, installations and structures ²⁰	Germany, Spain and the UK
5. Introduction of alien or genetically modified species, whether deliberately or unintentionally	Sweden
6. Land reclamation	CWSS and The Netherlands

Activities for assessment on a later date

1. Exploration for oil, gas and solid minerals
2. Placement of cables and pipelines
An assessment of this activity will include an assessment of the scope for action under other international law
3. Tourism and recreational activities
These activities will be examined with the aim of identifying whether specific activities within this group would require a further assessment

²⁰ See also §18.g of this Action Plan.

Annex 2**OSPAR LIST OF CHEMICALS FOR PRIORITY ACTION**

Substances or group of substances	Lead Country
1. Polychlorinated biphenyls (PCBs)	Germany and Belgium
2. Polyaromatic hydrocarbons (PAHs)	Norway
3. Short chained chlorinated paraffins (SCCP)	Sweden
4. Mercury and organic mercury compounds	UK
5. Organic tin compounds	The Netherlands
6. Nonylphenol/ethoxylates (NP/NPEs) and related substances	Sweden
7. Musk xylene	Switzerland
8. Brominated flame retardants	Sweden
9. Certain Phthalates – Dibutylphthalate and Diethylhexylphthalate	Denmark and France

Chemicals for consideration on a later date

1. Polychlorinated dibenzodioxins (PCDDs)
2. Polychlorinated dibenzofurans (PCDFs)
3. Pentachlorophenol (PCP)
4. Hexachlorocyclohexane isomers (HCH)
5. Cadmium
6. Lead and organic lead compounds

Annex 3

SECTORS IDENTIFIED FOR THE PURPOSE OF THE DEVELOPMENT OF PROGRAMMES AND MEASURES

Sectors	Lead Country	Third tier working group
1. Non-ferrous metal industry	Spain	POINT
2. Energy production from fossil fuel	France	POINT
3. Emulsion PVC industry	United Kingdom	POINT
4. Offshore oil and gas industry		SEBA
a. organic-phase based drilling fluids	UK	SEBA
b. produced water	The Netherlands and Norway	SEBA
5. Dredging activities resulting in dredged material for dumping	The Netherlands	SEBA

Sectors to be considered for action by POINT:

note: POINT will examine and assess BREF documents which will be developed for various industrial sectors within the EC IPPC framework with a view to determining the need and extent for future OSPAR work on these sectors.

Sector	Lead country	Comments
Primary aluminium industry	Norway	A measuring and intercalibration programme on PAH releases from Soederberg plants will be carried out
Pulp and paper industry	Sweden	POINT 1998 will assess whether further OSPAR work on this sector is required
Organic chemical industry	The Netherlands	Further OSPAR work on the organic chemical industry will follow from an assessment of the EC BAT Reference Document on this sector
Surface treatment of metals	Germany	Further OSPAR work on this sector will depend on the outcome of the assessment of implementation reports on PARCOM Recommendation 92/4
Chlor alkali industry	Spain	POINT 1999 will examine the outcome of an OSPAR workshop with respect to this sector with a view to determining the need and extent of future OSPAR work

Sectors to be considered for action by SEBA:

Sector	Lead country	Comments
Contaminated cuttings	UK	Depending on the contributions from Contracting Parties, the UK will present a draft background document to SEBA 1999 with regard to the environmental impact of the presence and removal of drill cutting piles

Annex 4

**SUBSTANCES AND GROUPS OF SUBSTANCES ORIGINATING FROM
DIFFUSE SOURCES AND IDENTIFIED FOR THE PURPOSE OF
PROGRAMMES AND MEASURES**

Substances and groups of substances originating from diffuse sources	Lead Country	Third tier working group
1. Pesticides		DIFF
a. Agricultural	a. United Kingdom	DIFF
b. Non agricultural	b. United Kingdom	DIFF
2. Hypochlorite use in households	France, the Netherlands and Spain	DIFF
3. PAHs releases from	Norway	DIFF
a. domestic combustion	Norway	DIFF
b. creosoted timber	Norway	DIFF
4. Substances suspected to have endocrine or hormone-like effects – e.g. other alkylphenols, certain phthalates and certain pesticides	Denmark	DIFF
5. Medium and long-chained chlorinated paraffins	Germany	DIFF

Diffuse sources and groups of substances to be considered for action by DIFF:

1. Additives in plastics	Denmark and France
2. Musk compounds	Switzerland

ANNEX**CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC**

The Convention for the Protection of the Marine Environment of the North-East Atlantic was opened for signature at the Ministerial Meeting of the Oslo and Paris Commissions, Paris, 21-22 September 1992.

The Convention has been signed by all Contracting Parties to the Oslo Convention and to the Paris Convention (Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Netherlands, Norway, Portugal, Spain, Sweden, and the United Kingdom of Great Britain and Northern Ireland), Luxembourg, Switzerland and the Commission of the European Communities.

The signatures on behalf of Denmark and the United Kingdom of Great Britain and Northern Ireland were accompanied by declarations, the texts of which are also attached.

After the ratification by all above-mentioned States and the European Community, the Convention entered into force on 25 March 1998. The Ministerial Meeting of the OSPAR Commission, Sintra, 22-23 July 1998 adopted a new Annex V on the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area and a new Appendix 3: Criteria for Identifying Human Activities for the Purpose of Annex V (see footnotes 22 and 23).

The integral text of the Convention is attached.

CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC

THE CONTRACTING PARTIES,

RECOGNISING that the marine environment and the fauna and flora which it supports are of vital importance to all nations;

RECOGNISING the inherent worth of the marine environment of the North-East Atlantic and the necessity for providing coordinated protection for it;

RECOGNISING that concerted action at national, regional and global levels is essential to prevent and eliminate marine pollution and to achieve sustainable management of the maritime area, that is, the management of human activities in such a manner that the marine ecosystem will continue to sustain the legitimate uses of the sea and will continue to meet the needs of present and future generations;

MINDFUL that the ecological equilibrium and the legitimate uses of the sea are threatened by pollution;

CONSIDERING the recommendations of the United Nations Conference on the Human Environment, held in Stockholm in June 1972;

CONSIDERING also the results of the United Nations Conference on the Environment and Development held in Rio de Janeiro in June 1992;

RECALLING the relevant provisions of customary international law reflected in Part XII of the United Nations Law of the Sea Convention and, in particular, Article 197 on global and regional cooperation for the protection and preservation of the marine environment;

CONSIDERING that the common interests of States concerned with the same marine area should induce them to cooperate at regional or sub-regional levels;

RECALLING the positive results obtained within the context of the Convention for the prevention of marine pollution by dumping from ships and aircraft signed in Oslo on 15th February 1972, as amended by the protocols of 2nd March 1983 and 5th December 1989, and the Convention for the prevention of marine pollution from land-based sources signed in Paris on 4th June 1974, as amended by the protocol of 26th March 1986;

CONVINCED that further international action to prevent and eliminate pollution of the sea should be taken without delay, as part of progressive and coherent measures to protect the marine environment;

RECOGNISING that it may be desirable to adopt, on the regional level, more stringent measures with respect to the prevention and elimination of pollution of the marine environment or with respect to the protection of the marine environment against the adverse effects of human activities than are provided for in international conventions or agreements with a global scope;

RECOGNISING that questions relating to the management of fisheries are appropriately regulated under international and regional agreements dealing specifically with such questions;

CONSIDERING that the present Oslo and Paris Conventions do not adequately control some of the many sources of pollution, and that it is therefore justifiable to replace them with the present Convention, which addresses all sources of pollution of the marine environment and the adverse effects of human activities upon it, takes into account the precautionary principle and strengthens regional cooperation;

HAVE AGREED as follows:

ARTICLE 1
DEFINITIONS

For the purposes of the Convention:

- (a) "Maritime area" means the internal waters and the territorial seas of the Contracting Parties, the sea beyond and adjacent to the territorial sea under the jurisdiction of the coastal state to the extent recognised by international law, and the high seas, including the bed of all those waters and its sub-soil, situated within the following limits:
 - (i) those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding:
 - (1) the Baltic Sea and the Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to Kullen,
 - (2) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5° 36' west longitude;
 - (ii) that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.
- (b) "Internal waters" means the waters on the landward side of the baselines from which the breadth of the territorial sea is measured, extending in the case of watercourses up to the freshwater limit.
- (c) "Freshwater limit" means the place in a watercourse where, at low tide and in a period of low freshwater flow, there is an appreciable increase in salinity due to the presence of seawater.
- (d) "Pollution" means the introduction by man, directly or indirectly, of substances or energy into the maritime area which results, or is likely to result, in hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate uses of the sea.
- (e) "Land-based sources" means point and diffuse sources on land from which substances or energy reach the maritime area by water, through the air, or directly from the coast. It includes sources associated with any deliberate disposal under the sea-bed made accessible from land by tunnel, pipeline or other means and sources associated with man-made structures placed, in the maritime area under the jurisdiction of a Contracting Party, other than for the purpose of offshore activities.
- (f) "Dumping" means
 - (i) any deliberate disposal in the maritime area of wastes or other matter
 - (1) from vessels or aircraft;
 - (2) from offshore installations;
 - (ii) any deliberate disposal in the maritime area of
 - (1) vessels or aircraft;
 - (2) offshore installations and offshore pipelines.

- (g) "Dumping" does not include:
 - (i) the disposal in accordance with the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, or other applicable international law, of wastes or other matter incidental to, or derived from, the normal operations of vessels or aircraft or offshore installations other than wastes or other matter transported by or to vessels or aircraft or offshore installations for the purpose of disposal of such wastes or other matter or derived from the treatment of such wastes or other matter on such vessels or aircraft or offshore installations;
 - (ii) placement of matter for a purpose other than the mere disposal thereof, provided that, if the placement is for a purpose other than that for which the matter was originally designed or constructed, it is in accordance with the relevant provisions of the Convention; and
 - (iii) for the purposes of Annex III, the leaving wholly or partly in place of a disused offshore installation or disused offshore pipeline, provided that any such operation takes place in accordance with any relevant provision of the Convention and with other relevant international law.
- (h) "Incineration" means any deliberate combustion of wastes or other matter in the maritime area for the purpose of their thermal destruction.
- (i) "Incineration" does not include the thermal destruction of wastes or other matter in accordance with applicable international law incidental to, or derived from the normal operation of vessels or aircraft, or offshore installations other than the thermal destruction of wastes or other matter on vessels or aircraft or offshore installations operating for the purpose of such thermal destruction.
- (j) "Offshore activities" means activities carried out in the maritime area for the purposes of the exploration, appraisal or exploitation of liquid and gaseous hydrocarbons.
- (k) "Offshore sources" means offshore installations and offshore pipelines from which substances or energy reach the maritime area.
- (l) "Offshore installation" means any man-made structure, plant or vessel or parts thereof, whether floating or fixed to the seabed, placed within the maritime area for the purpose of offshore activities.
- (m) "Offshore pipeline" means any pipeline which has been placed in the maritime area for the purpose of offshore activities.
- (n) "Vessels or aircraft" means waterborne or airborne craft of any type whatsoever, their parts and other fittings. This expression includes air-cushion craft, floating craft whether self-propelled or not, and other man-made structures in the maritime area and their equipment, but excludes offshore installations and offshore pipelines.
- (o) "Wastes or other matter" does not include:
 - (i) human remains;
 - (ii) offshore installations;
 - (iii) offshore pipelines;
 - (iv) unprocessed fish and fish offal discarded from fishing vessels.

- (p) "Convention" means, unless the text otherwise indicates, the Convention for the Protection of the Marine Environment of the North-East Atlantic, its Annexes and Appendices.
- (q) "Oslo Convention" means the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft signed in Oslo on 15th February 1972, as amended by the protocols of 2nd March 1983 and 5th December 1989.
- (r) "Paris Convention" means the Convention for the Prevention of Marine Pollution from Land-based Sources, signed in Paris on 4th June 1974, as amended by the protocol of 26th March 1986.
- (s) "Regional economic integration organisation" means an organisation constituted by sovereign States of a given region which has competence in respect of matters governed by the Convention and has been duly authorised, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the Convention.

ARTICLE 2

GENERAL OBLIGATIONS

1. (a) The Contracting Parties shall, in accordance with the provisions of the Convention, take all possible steps to prevent and eliminate pollution and shall take the necessary measures to protect the maritime area against the adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected.
- (b) To this end Contracting Parties shall, individually and jointly, adopt programmes and measures and shall harmonise their policies and strategies.
2. The Contracting Parties shall apply:
 - (a) the precautionary principle, by virtue of which preventive measures are to be taken when there are reasonable grounds for concern that substances or energy introduced, directly or indirectly, into the marine environment may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea, even when there is no conclusive evidence of a causal relationship between the inputs and the effects;
 - (b) the polluter pays principle, by virtue of which the costs of pollution prevention, control and reduction measures are to be borne by the polluter.
3. (a) In implementing the Convention, Contracting Parties shall adopt programmes and measures which contain, where appropriate, time-limits for their completion and which take full account of the use of the latest technological developments and practices designed to prevent and eliminate pollution fully.
- (b) To this end they shall:
 - (i) taking into account the criteria set forth in Appendix 1, define with respect to programmes and measures the application of, *inter alia*,
 - best available techniques
 - best environmental practice

including, where appropriate, clean technology;

- (ii) in carrying out such programmes and measures, ensure the application of best available techniques and best environmental practice as so defined, including, where appropriate, clean technology.

4. The Contracting Parties shall apply the measures they adopt in such a way as to prevent an increase in pollution of the sea outside the maritime area or in other parts of the environment.

5. No provision of the Convention shall be interpreted as preventing the Contracting Parties from taking, individually or jointly, more stringent measures with respect to the prevention and elimination of pollution of the maritime area or with respect to the protection of the maritime area against the adverse effects of human activities.

ARTICLE 3

POLLUTION FROM LAND-BASED SOURCES

The Contracting Parties shall take, individually and jointly, all possible steps to prevent and eliminate pollution from land-based sources in accordance with the provisions of the Convention, in particular as provided for in Annex I.

ARTICLE 4

POLLUTION BY DUMPING OR INCINERATION

The Contracting Parties shall take, individually and jointly, all possible steps to prevent and eliminate pollution by dumping or incineration of wastes or other matter in accordance with the provisions of the Convention, in particular as provided for in Annex II.

ARTICLE 5

POLLUTION FROM OFFSHORE SOURCES

The Contracting Parties shall take, individually and jointly, all possible steps to prevent and eliminate pollution from offshore sources in accordance with the provisions of the Convention, in particular as provided for in Annex III.

ARTICLE 6

ASSESSMENT OF THE QUALITY OF THE MARINE ENVIRONMENT

The Contracting Parties shall, in accordance with the provisions of the Convention, in particular as provided for in Annex IV:

- (a) undertake and publish at regular intervals joint assessments of the quality status of the marine environment and of its development, for the maritime area or for regions or sub-regions thereof;
- (b) include in such assessments both an evaluation of the effectiveness of the measures taken and planned for the protection of the marine environment and the identification of priorities for action.

ARTICLE 7

POLLUTION FROM OTHER SOURCES

The Contracting Parties shall cooperate with a view to adopting Annexes, in addition to the Annexes mentioned in Articles 3, 4, 5 and 6 above, prescribing measures, procedures and standards to protect the maritime area against pollution from other sources, to the extent that such pollution is not already the subject of effective measures agreed by other international organisations or prescribed by other international conventions.

ARTICLE 8

SCIENTIFIC AND TECHNICAL RESEARCH

1. To further the aims of the Convention, the Contracting Parties shall establish complementary or joint programmes of scientific or technical research and, in accordance with a standard procedure, to transmit to the Commission:
 - (a) the results of such complementary, joint or other relevant research;
 - (b) details of other relevant programmes of scientific and technical research.
2. In so doing, the Contracting Parties shall have regard to the work carried out, in these fields, by the appropriate international organisations and agencies.

ARTICLE 9

ACCESS TO INFORMATION

1. The Contracting Parties shall ensure that their competent authorities are required to make available the information described in paragraph 2 of this Article to any natural or legal person, in response to any reasonable request, without that person's having to prove an interest, without unreasonable charges, as soon as possible and at the latest within two months.
2. The information referred to in paragraph 1 of this Article is any available information in written, visual, aural or data-base form on the state of the maritime area, on activities or measures adversely affecting or likely to affect it and on activities or measures introduced in accordance with the Convention.
3. The provisions of this Article shall not affect the right of Contracting Parties, in accordance with their national legal systems and applicable international regulations, to provide for a request for such information to be refused where it affects:
 - (a) the confidentiality of the proceedings of public authorities, international relations and national defence;
 - (b) public security;
 - (c) matters which are, or have been, *sub judice*, or under enquiry (including disciplinary enquiries), or which are the subject of preliminary investigation proceedings;
 - (d) commercial and industrial confidentiality, including intellectual property;
 - (e) the confidentiality of personal data and/or files;
 - (f) material supplied by a third party without that party being under a legal obligation to do so;
 - (g) material, the disclosure of which would make it more likely that the environment to which such material related would be damaged.

4. The reasons for a refusal to provide the information requested must be given.

ARTICLE 10

COMMISSION

1. A Commission, made up of representatives of each of the Contracting Parties, is hereby established. The Commission shall meet at regular intervals and at any time when, due to special circumstances, it is so decided in accordance with the Rules of Procedure.

2. It shall be the duty of the Commission:

- (a) to supervise the implementation of the Convention;
- (b) generally to review the condition of the maritime area, the effectiveness of the measures being adopted, the priorities and the need for any additional or different measures;
- (c) to draw up, in accordance with the General Obligations of the Convention, programmes and measures for the prevention and elimination of pollution and for the control of activities which may, directly or indirectly, adversely affect the maritime area; such programmes and measure may, when appropriate, include economic instruments;
- (d) to establish at regular intervals its programme of work;
- (e) to set up such subsidiary bodies as it considers necessary and to define their terms of reference;
- (f) to consider and, where appropriate, adopt proposals for the amendment of the Convention in accordance with Articles 15, 16, 17, 18, 19 and 27;
- (g) to discharge the functions conferred by Articles 21 and 23 and such other functions as may be appropriate under the terms of the Convention;

3. To these ends the Commission may, *inter alia*, adopt decisions and recommendations in accordance with Article 13.

4. The Commission shall draw up its Rules of Procedure which shall be adopted by unanimous vote of the Contracting Parties.

5. The Commission shall draw up its Financial Regulations which shall be adopted by unanimous vote of the Contracting Parties.

ARTICLE 11

OBSERVERS

1. The Commission may, by unanimous vote of the Contracting Parties, decide to admit as an observer:

- (a) any State which is not a Contracting Party to the Convention;
- (b) any international governmental or any non-governmental organisation the activities of which are related to the Convention.

2. Such observers may participate in meetings of the Commission but without the right to vote and may present to the Commission any information or reports relevant to the objectives of the Convention.

3. The conditions for the admission and the participation of observers shall be set in the Rules of Procedure of the Commission.

ARTICLE 12

SECRETARIAT

1. A permanent Secretariat is hereby established.
2. The Commission shall appoint an Executive Secretary and determine the duties of that post and the terms and conditions upon which it is to be held.
3. The Executive Secretary shall perform the functions that are necessary for the administration of the Convention and for the work of the Commission as well as the other tasks entrusted to the Executive Secretary by the Commission in accordance with its Rules of Procedure and its Financial Regulations.

ARTICLE 13

DECISIONS AND RECOMMENDATIONS

1. Decisions and recommendations shall be adopted by unanimous vote of the Contracting Parties. Should unanimity not be attainable, and unless otherwise provided in the Convention, the Commission may nonetheless adopt decisions or recommendations by a three-quarters majority vote of the Contracting Parties.
2. A decision shall be binding on the expiry of a period of two hundred days after its adoption for those Contracting Parties that voted for it and have not within that period notified the Executive Secretary in writing that they are unable to accept the decision, provided that at the expiry of that period three-quarters of the Contracting Parties have either voted for the decision and not withdrawn their acceptance or notified the Executive Secretary in writing that they are able to accept the decision. Such a decision shall become binding on any other Contracting Party which has notified the Executive Secretary in writing that it is able to accept the decision from the moment of that notification or after the expiry of a period of two hundred days after the adoption of the decision, whichever is later.
3. A notification under paragraph 2 of this Article to the Executive Secretary may indicate that a Contracting Party is unable to accept a decision insofar as it relates to one or more of its dependent or autonomous territories to which the Convention applies.
4. All decisions adopted by the Commission shall, where appropriate, contain provisions specifying the timetable by which the decision shall be implemented.
5. Recommendations shall have no binding force.
6. Decisions concerning any Annex or Appendix shall be taken only by the Contracting Parties bound by the Annex or Appendix concerned.

ARTICLE 14

STATUS OF ANNEXES AND APPENDICES

1. The Annexes and Appendices form an integral part of the Convention.
2. The Appendices shall be of a scientific, technical or administrative nature.

ARTICLE 15

AMENDMENT OF THE CONVENTION

1. Without prejudice to the provisions of paragraph 2 of Article 27 and to specific provisions applicable to the adoption or amendment of Annexes or Appendices, an amendment to the Convention shall be governed by the present Article.

2. Any Contracting Party may propose an amendment to the Convention. The text of the proposed amendment shall be communicated to the Contracting Parties by the Executive Secretary of the Commission at least six months before the meeting of the Commission at which it is proposed for adoption. The Executive Secretary shall also communicate the proposed amendment to the signatories to the Convention for information.
3. The Commission shall adopt the amendment by unanimous vote of the Contracting Parties.
4. The adopted amendment shall be submitted by the Depositary Government to the Contracting Parties for ratification, acceptance or approval. Ratification, acceptance or approval of the amendment shall be notified to the Depositary Government in writing.
5. The amendment shall enter into force for those Contracting Parties which have ratified, accepted or approved it on the thirtieth day after receipt by the Depositary Government of notification of its ratification, acceptance or approval by at least seven Contracting Parties. Thereafter the amendment shall enter into force for any other Contracting Party on the thirtieth day after that Contracting Party has deposited its instrument of ratification, acceptance or approval of the amendment.

ARTICLE 16

ADOPTION OF ANNEXES

The provisions of Article 15 relating to the amendment of the Convention shall also apply to the proposal, adoption and entry into force of an Annex to the Convention, except that the Commission shall adopt any Annex referred to in Article 7 by a three-quarters majority vote of the Contracting Parties.

ARTICLE 17

AMENDMENT OF ANNEXES

1. The provisions of Article 15 relating to the amendment of the Convention shall also apply to an amendment to an Annex to the Convention, except that the Commission shall adopt amendments to any Annex referred to in Articles 3, 4, 5, 6 or 7 by a three-quarters majority vote of the Contracting Parties bound by that Annex.
2. If the amendment of an Annex is related to an amendment to the Convention, the amendment of the Annex shall be governed by the same provisions as apply to the amendment to the Convention.

ARTICLE 18

ADOPTION OF APPENDICES

1. If a proposed Appendix is related to an amendment to the Convention or an Annex, proposed for adoption in accordance with Article 15 or Article 17, the proposal, adoption and entry into force of that Appendix shall be governed by the same provisions as apply to the proposal, adoption and entry into force of that amendment.
2. If a proposed Appendix is related to an Annex to the Convention, proposed for adoption in accordance with Article 16, the proposal, adoption and entry into force of that Appendix shall be governed by the same provisions as apply to the proposal, adoption and entry into force of that Annex.

ARTICLE 19

AMENDMENT OF APPENDICES

1. Any Contracting Party bound by an Appendix may propose an amendment to that Appendix. The text of the proposed amendment shall be communicated to all Contracting Parties to the Convention by the Executive Secretary of the Commission as provided for in paragraph 2 of Article 15.
2. The Commission shall adopt the amendment to an Appendix by a three-quarters majority vote of the Contracting Parties bound by that Appendix.
3. An amendment to an Appendix shall enter into force on the expiry of a period of two hundred days after its adoption for those Contracting Parties which are bound by that Appendix and have not within that period notified the Depositary Government in writing that they are unable to accept that amendment, provided that at the expiry of that period three-quarters of the Contracting Parties bound by that Appendix have either voted for the amendment and not withdrawn their acceptance or have notified the Depositary Government in writing that they are able to accept the amendment.
4. A notification under paragraph 3 of this Article to the Depositary Government may indicate that a Contracting Party is unable to accept the amendment insofar as it relates to one or more of its dependent or autonomous territories to which the Convention applies.
5. An amendment to an Appendix shall become binding on any other Contracting Party bound by the Appendix which has notified the Depositary Government in writing that it is able to accept the amendment from the moment of that notification or after the expiry of a period of two hundred days after the adoption of the amendment, whichever is later.
6. The Depositary Government shall without delay notify all Contracting Parties of any such notification received.
7. If the amendment of an Appendix is related to an amendment to the Convention or an Annex, the amendment of the Appendix shall be governed by the same provisions as apply to the amendment to the Convention or that Annex.

ARTICLE 20

RIGHT TO VOTE

1. Each Contracting Party shall have one vote in the Commission.
2. Notwithstanding the provisions of paragraph 1 of this Article, the European Economic Community and other regional economic integration organisations, within the areas of their competence, are entitled to a number of votes equal to the number of their Member States which are Contracting Parties to the Convention. Those organisations shall not exercise their right to vote in cases where their Member States exercise theirs and conversely.

ARTICLE 21

TRANSBOUNDARY POLLUTION

1. When pollution originating from a Contracting Party is likely to prejudice the interests of one or more of the other Contracting Parties to the Convention, the Contracting Parties concerned shall enter into consultation, at the request of any one of them, with a view to negotiating a cooperation agreement.
2. At the request of any Contracting Party concerned, the Commission shall consider the question and may make recommendations with a view to reaching a satisfactory solution.

3. An agreement referred to in paragraph 1 of this Article may, *inter alia*, define the areas to which it shall apply, the quality objectives to be achieved and the methods for achieving these objectives, including methods for the application of appropriate standards and the scientific and technical information to be collected.

4. The Contracting Parties signatory to such an agreement shall, through the medium of the Commission, inform the other Contracting Parties of its purport and of the progress made in putting it into effect.

ARTICLE 22

REPORTING TO THE COMMISSION

The Contracting Parties shall report to the Commission at regular intervals on:

- (a) the legal, regulatory, or other measures taken by them for the implementation of the provisions of the Convention and of decisions and recommendations adopted thereunder, including in particular measures taken to prevent and punish conduct in contravention of those provisions;
- (b) the effectiveness of the measures referred to in subparagraph (a) of this Article;
- (c) problems encountered in the implementation of the provisions referred to in subparagraph (a) of this Article.

ARTICLE 23

COMPLIANCE

The Commission shall:

- (a) on the basis of the periodical reports referred to in Article 22 and any other report submitted by the Contracting Parties, assess their compliance with the Convention and the decisions and recommendations adopted thereunder;
- (b) when appropriate, decide upon and call for steps to bring about full compliance with the Convention, and decisions adopted thereunder, and promote the implementation of recommendations, including measures to assist a Contracting Party to carry out its obligations.

ARTICLE 24

REGIONALISATION

The Commission may decide that any decision or recommendation adopted by it shall apply to all, or a specified part, of the maritime area and may provide for different timetables to be applied, having regard to the differences between ecological and economic conditions in the various regions and sub-regions covered by the Convention.

ARTICLE 25

SIGNATURE

The Convention shall be open for signature at Paris from 22nd September 1992 to 30th June 1993 by:

- (a) the Contracting Parties to the Oslo Convention or the Paris Convention;

- (b) any other coastal State bordering the maritime area;
- (c) any State located upstream on watercourses reaching the maritime area;
- (d) any regional economic integration organisation having as a member at least one State to which any of the subparagraphs (a) to (c) of this Article applies.

ARTICLE 26

RATIFICATION, ACCEPTANCE OR APPROVAL

The Convention shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Government of the French Republic.

ARTICLE 27

ACCESSIONS

1. After 30th June 1993, the Convention shall be open for accession by the States and regional economic integration organisations referred to in Article 25.
2. The Contracting Parties may unanimously invite States or regional economic integration organisations not referred to in Article 25 to accede to the Convention. In the case of such an accession, the definition of the maritime area shall, if necessary, be amended by a decision of the Commission adopted by unanimous vote of the Contracting Parties. Any such amendment shall enter into force after unanimous approval of all the Contracting Parties on the thirtieth day after the receipt of the last notification by the Depositary Government.
3. Any such accession shall relate to the Convention including any Annex and any Appendix that have been adopted at the date of such accession, except when the instrument of accession contains an express declaration of non-acceptance of one or several Annexes other than Annexes I, II, III and IV.
4. The instruments of accession shall be deposited with the Government of the French Republic.

ARTICLE 28

RESERVATIONS

No reservation to the Convention may be made.

ARTICLE 29

ENTRY INTO FORCE

1. The Convention shall enter into force on the thirtieth day following the date on which all Contracting Parties to the Oslo Convention and all Contracting Parties to the Paris Convention have deposited their instrument of ratification, acceptance, approval or accession.
2. For any State or regional economic integration organisation not referred to in paragraph 1 of this Article, the Convention shall enter into force in accordance with paragraph 1 of this Article, or on the thirtieth day following the date of the deposit of the instrument of ratification, acceptance, approval or accession by that State or regional economic integration organisations, whichever is later.

ARTICLE 30

WITHDRAWAL

1. At any time after the expiry of two years from the date of entry into force of the Convention for a Contracting Party, that Contracting Party may withdraw from the Convention by notification in writing to the Depositary Government.
2. Except as may be otherwise provided in an Annex other than Annexes I to IV to the Convention, any Contracting Party may at any time after the expiry of two years from the date of entry into force of such Annex for that Contracting Party withdraw from such Annex by notification in writing to the Depositary Government.
3. Any withdrawal referred to in paragraphs 1 and 2 of this Article shall take effect one year after the date on which the notification of that withdrawal is received by the Depositary Government.

ARTICLE 31

REPLACEMENT OF THE OSLO AND PARIS CONVENTIONS

1. Upon its entry into force, the Convention shall replace the Oslo and Paris Conventions as between the Contracting Parties.
2. Notwithstanding paragraph 1 of this Article, decisions, recommendations and all other agreements adopted under the Oslo Convention or the Paris Convention shall continue to be applicable, unaltered in their legal nature, to the extent that they are compatible with, or not explicitly terminated by, the Convention, any decisions or, in the case of existing recommendations, any recommendations adopted thereunder.

ARTICLE 32

SETTLEMENT OF DISPUTES

1. Any disputes between Contracting Parties relating to the interpretation or application of the Convention, which cannot be settled otherwise by the Contracting Parties concerned, for instance by means of inquiry or conciliation within the Commission, shall at the request of any of those Contracting Parties, be submitted to arbitration under the conditions laid down in this Article.
2. Unless the parties to the dispute decide otherwise, the procedure of the arbitration referred to in paragraph 1 of this Article shall be in accordance with paragraphs 3 to 10 of this Article.
3.
 - (a) At the request addressed by one Contracting Party to another Contracting Party in accordance with paragraph 1 of this Article, an arbitral tribunal shall be constituted. The request for arbitration shall state the subject matter of the application including in particular the Articles of the Convention, the interpretation or application of which is in dispute.
 - (b) The applicant party shall inform the Commission that it has requested the setting up of an arbitral tribunal, stating the name of the other party to the dispute and the Articles of the Convention the interpretation or application of which, in its opinion, is in dispute. The Commission shall forward the information thus received to all Contracting Parties to the Convention.
4. The arbitral tribunal shall consist of three members: each of the parties to the dispute shall appoint an arbitrator; the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of

the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

5. (a) If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the President of the International Court of Justice shall, at the request of either party, designate him within a further two months' period.
- (b) If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the President of the International Court of Justice who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the President of the International Court of Justice who shall make this appointment within a further two months' period.
6. (a) The arbitral tribunal shall decide according to the rules of international law and, in particular, those of the Convention.
- (b) Any arbitral tribunal constituted under the provisions of this Article shall draw up its own rules of procedure.
- (c) In the event of a dispute as to whether the arbitral tribunal has jurisdiction, the matter shall be decided by the decision of the arbitral tribunal.
7. (a) The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority voting of its members.
- (b) The arbitral tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the parties, recommend essential interim measures of protection.
- (c) If two or more arbitral tribunals constituted under the provisions of this Article are seized of requests with identical or similar subjects, they may inform themselves of the procedures for establishing the facts and take them into account as far as possible.
- (d) The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.
- (e) The absence or default of a party to the dispute shall not constitute an impediment to the proceedings.
8. Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.
9. Any Contracting Party that has an interest of a legal nature in the subject matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.
10. (a) The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute.
- (b) Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter

cannot be seized thereof, to another arbitral tribunal constituted for this purpose in the same manner as the first.

ARTICLE 33

DUTIES OF THE DEPOSITARY GOVERNMENT

The Depositary Government shall inform the Contracting Parties and the signatories to the Convention:

- (a) of the deposit of instruments of ratification, acceptance, approval or accession, of declarations of non-acceptance and of notifications of withdrawal in accordance with Articles 26, 27 and 30;
- (b) of the date on which the Convention comes into force in accordance with Article 29;
- (c) of the receipt of notifications of acceptance, of the deposit of instruments of ratification, acceptance, approval or accession and of the entry into force of amendments to the Convention and of the adoption and amendment of Annexes or Appendices, in accordance with Articles 15, 16, 17, 18 and 19.

ARTICLE 34

ORIGINAL TEXT

The original of the Convention, of which the French and English texts shall be equally authentic, shall be deposited with the Government of the French Republic which shall send certified copies thereof to the Contracting Parties and the signatories to the Convention and shall deposit a certified copy with the Secretary General of the United Nations for registration and publication in accordance with Article 102 of the United Nations Charter.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Convention.

DONE at Paris, on the twenty-second day of September 1992

ANNEX I**ON THE PREVENTION AND ELIMINATION OF POLLUTION FROM
LAND-BASED SOURCES****ARTICLE 1**

1. When adopting programmes and measures for the purpose of this Annex, the Contracting Parties shall require, either individually or jointly, the use of
 - best available techniques for point sources
 - best environmental practice for point and diffuse sourcesincluding, where appropriate, clean technology.
2. When setting priorities and in assessing the nature and extent of the programmes and measures and their time scales, the Contracting Parties shall use the criteria given in Appendix 2.
3. The Contracting Parties shall take preventive measures to minimise the risk of pollution caused by accidents.
4. When adopting programmes and measures in relation to radioactive substances, including waste, the Contracting Parties shall also take account of:
 - (a) the recommendations of the other appropriate international organisations and agencies;
 - (b) the monitoring procedures recommended by these international organisations and agencies.

ARTICLE 2

1. Point source discharges to the maritime area, and releases into water or air which reach and may affect the maritime area, shall be strictly subject to authorisation or regulation by the competent authorities of the Contracting Parties. Such authorisation or regulation shall, in particular, implement relevant decisions of the Commission which bind the relevant Contracting Party.
2. The Contracting Parties shall provide for a system of regular monitoring and inspection by their competent authorities to assess compliance with authorisations and regulations of releases into water or air.

ARTICLE 3

For the purposes of this Annex, it shall, *inter alia*, be the duty of the Commission to draw up:

- (a) plans for the reduction and phasing out of substances that are toxic, persistent and liable to bioaccumulate arising from land-based sources;
- (b) when appropriate, programmes and measures for the reduction of inputs of nutrients from urban, municipal, industrial, agricultural and other sources.

ANNEX II

ON THE PREVENTION AND ELIMINATION OF POLLUTION BY DUMPING OR INCINERATION

ARTICLE 1

This Annex shall not apply to any deliberate disposal in the maritime area of:

- (a) wastes or other matter from offshore installations;
- (b) offshore installations and offshore pipelines.

ARTICLE 2

Incineration is prohibited.

ARTICLE 3

1. The dumping of all wastes or other matter is prohibited, except for those wastes or other matter listed in paragraphs 2 and 3 of this Article.
2. The list referred to in paragraph 1 of this Article is as follows:
 - (a) dredged material;
 - (b) inert materials of natural origin, that is solid, chemically unprocessed geological material the chemical constituents of which are unlikely to be released into the marine environment;
 - (c) sewage sludge until 31st December 1998;
 - (d) fish waste from industrial fish processing operations;
 - (e) vessels or aircraft until, at the latest, 31st December 2004.
3. (a) The dumping of low and intermediate level radioactive substances, including wastes, is prohibited.
 - ²¹ (b) As an exception to subparagraph 3(a) of this Article, those Contracting Parties, the United Kingdom and France, who wish to retain the option of an exception to subparagraph 3(a) in any case not before the expiry of a period of 15 years from 1st January 1993, shall report to the meeting of the Commission at Ministerial level in 1997 on the steps taken to explore alternative land-based options.
 - (c) Unless, at or before the expiry of this period of 15 years, the Commission decides by a unanimous vote not to continue the exception provided in subparagraph 3(b), it shall take a decision pursuant to Article 13 of the Convention on the prolongation for a period of 10 years after 1st January 2008 of the prohibition, after which another meeting of the Commission at Ministerial level shall be held. Those Contracting Parties mentioned in subparagraph 3(b) of this Article still wishing to retain the option mentioned in subparagraph 3(b) shall report to the Commission meetings to be held at Ministerial level at two yearly intervals from 1999 onwards about the progress in establishing alternative land-based options and on the results of scientific studies which show that any potential dumping

²¹ After the entry into force of OSPAR Decision 98/2 on Dumping of Radioactive Waste on 9 February 1999, subparagraphs (b) and (c) of this paragraph shall cease to have effect.

operations would not result in hazards to human health, harm to living resources or marine ecosystems, damage to amenities or interference with other legitimate uses of the sea.

ARTICLE 4

1. The Contracting Parties shall ensure that:
 - (a) no wastes or other matter listed in paragraph 2 of Article 3 of this Annex shall be dumped without authorisation by their competent authorities, or regulation;
 - (b) such authorisation or regulation is in accordance with the relevant applicable criteria, guidelines and procedures adopted by the Commission in accordance with Article 6 of this Annex;
 - (c) with the aim of avoiding situations in which the same dumping operation is authorised or regulated by more than one Contracting Party, their competent authorities shall, as appropriate, consult before granting an authorisation or applying regulation.
2. Any authorisation or regulation under paragraph 1 of this Article shall not permit the dumping of vessels or aircraft containing substances which result or are likely to result in hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate uses of the sea.
3. Each Contracting Party shall keep, and report to the Commission records of the nature and the quantities of wastes or other matter dumped in accordance with paragraph 1 of this Article, and of the dates, places and methods of dumping.

ARTICLE 5

No placement of matter in the maritime area for a purpose other than that for which it was originally designed or constructed shall take place without authorisation or regulation by the competent authority of the relevant Contracting Party. Such authorisation or regulation shall be in accordance with the relevant applicable criteria, guidelines and procedures adopted by the Commission in accordance with Article 6 of this Annex. This provision shall not be taken to permit the dumping of wastes or other matter otherwise prohibited under this Annex.

ARTICLE 6

For the purposes of this Annex, it shall, *inter alia*, be the duty of the Commission to draw up and adopt criteria, guidelines and procedures relating to the dumping of wastes or other matter listed in paragraph 2 of Article 3, and to the placement of matter referred to in Article 5, of this Annex, with a view to preventing and eliminating pollution.

ARTICLE 7

The provisions of this Annex concerning dumping shall not apply in case of *force majeure*, due to stress of weather or any other cause, when the safety of human life or of a vessel or aircraft is threatened. Such dumping shall be so conducted as to minimise the likelihood of damage to human or marine life and shall immediately be reported to the Commission, together with full details of the circumstances and of the nature and quantities of the wastes or other matter dumped.

ARTICLE 8

The Contracting Parties shall take appropriate measures, both individually and within relevant international organisations, to prevent and eliminate pollution resulting from the abandonment of vessels or aircraft in the maritime area caused by accidents. In the absence of relevant guidance from such international organisations, the measures taken by individual Contracting Parties should be based on such guidelines as the Commission may adopt.

ARTICLE 9

In an emergency, if a Contracting Party considers that wastes or other matter the dumping of which is prohibited under this Annex cannot be disposed of on land without unacceptable danger or damage, it shall forthwith consult other Contracting Parties with a view to finding the most satisfactory methods of storage or the most satisfactory means of destruction or disposal under the prevailing circumstances. The Contracting Party shall inform the Commission of the steps adopted following this consultation. The Contracting Parties pledge themselves to assist one another in such situations.

ARTICLE 10

1. Each Contracting Party shall ensure compliance with the provisions of this Annex:
 - (a) by vessels or aircraft registered in its territory;
 - (b) by vessels or aircraft loading in its territory the wastes or other matter which are to be dumped or incinerated;
 - (c) by vessels or aircraft believed to be engaged in dumping or incineration within its internal waters or within its territorial sea or within that part of the sea beyond and adjacent to the territorial sea under the jurisdiction of the coastal state to the extent recognised by international law.
2. Each Contracting Party shall issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities any incidents or conditions in the maritime area which give rise to suspicions that dumping in contravention of the provisions of the present Annex has occurred or is about to occur. Any Contracting Party whose authorities receive such a report shall, if it considers it appropriate, accordingly inform any other Contracting Party concerned.
3. Nothing in this Annex shall abridge the sovereign immunity to which certain vessels are entitled under international law.

ANNEX III**ON THE PREVENTION AND ELIMINATION OF POLLUTION FROM OFFSHORE SOURCES****ARTICLE 1**

This Annex shall not apply to any deliberate disposal in the maritime area of:

- (a) wastes or other matter from vessels or aircraft;
- (b) vessels or aircraft.

ARTICLE 2

1. When adopting programmes and measures for the purpose of this Annex, the Contracting Parties shall require, either individually or jointly, the use of:

- (a) best available techniques
- (b) best environmental practice

including, where appropriate, clean technology.

2. When setting priorities and in assessing the nature and extent of the programmes and measures and their time scales, the Contracting Parties shall use the criteria given in Appendix 2.

ARTICLE 3

1. Any dumping of wastes or other matter from offshore installations is prohibited.

2. This prohibition does not relate to discharges or emissions from offshore sources.

ARTICLE 4

1. The use on, or the discharge or emission from, offshore sources of substances which may reach and affect the maritime area shall be strictly subject to authorisation or regulation by the competent authorities of the Contracting Parties. Such authorisation or regulation shall, in particular, implement the relevant applicable decisions, recommendations and all other agreements adopted under the Convention.

2. The competent authorities of the Contracting Parties shall provide for a system of monitoring and inspection to assess compliance with authorisation or regulation as provided for in paragraph 1 of Article 4 of this Annex.

ARTICLE 5

1. No disused offshore installation or disused offshore pipeline shall be dumped and no disused offshore installation shall be left wholly or partly in place in the maritime area without a permit issued by the competent authority of the relevant Contracting Party on a case-by-case basis. The Contracting Parties shall ensure that their authorities, when granting such permits, shall implement the relevant applicable decisions, recommendations and all other agreements adopted under the Convention.

2. No such permit shall be issued if the disused offshore installation or disused offshore pipeline contains substances which result or are likely to result in hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate uses of the sea.

3. Any Contracting Party which intends to take the decision to issue a permit for the dumping of a disused offshore installation or a disused offshore pipeline placed in the maritime area after 1st January 1998 shall, through the medium of the Commission, inform the other Contracting Parties of its reasons for accepting such dumping, in order to make consultation possible.

4. Each Contracting Party shall keep, and report to the Commission, records of the disused offshore installations and disused offshore pipelines dumped and of the disused offshore installations left in place in accordance with the provisions of this Article, and of the dates, places and methods of dumping.

ARTICLE 6

Articles 3 and 5 of this Annex shall not apply in case of *force majeure*, due to stress of weather or any other cause, when the safety of human life or of an offshore installation is threatened. Such dumping shall be so conducted as to minimise the likelihood of damage to human or marine life and shall immediately be reported to the Commission, together with full details of the circumstances and of the nature and quantities of the matter dumped.

ARTICLE 7

The Contracting Parties shall take appropriate measures, both individually and within relevant international organisations, to prevent and eliminate pollution resulting from the abandonment of offshore installations in the maritime area caused by accidents. In the absence of relevant guidance from such international organisations, the measures taken by individual Contracting Parties should be based on such guidelines as the Commission may adopt.

ARTICLE 8

No placement of a disused offshore installation or a disused offshore pipeline in the maritime area for a purpose other than that for which it was originally designed or constructed shall take place without authorisation or regulation by the competent authority of the relevant Contracting Party. Such authorisation or regulation shall be in accordance with the relevant applicable criteria, guidelines and procedures adopted by the Commission in accordance with subparagraph (d) of Article 10 of this Annex. This provision shall not be taken to permit the dumping of disused offshore installations or disused offshore pipelines in contravention of the provisions of this Annex.

ARTICLE 9

1. Each Contracting Party shall issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities any incidents or conditions in the maritime area which give rise to suspicions that a contravention of the provisions of the present Annex has occurred or is about to occur. Any Contracting Party whose authorities receive such a report shall, if it considers it appropriate, accordingly inform any other Contracting Party concerned.

2. Nothing in this Annex shall abridge the sovereign immunity to which certain vessels are entitled under international law.

ARTICLE 10

For the purposes of this Annex, it shall, *inter alia*, be the duty of the Commission:

- (a) to collect information about substances which are used in offshore activities and, on the basis of that information, to agree lists of substances for the purposes of paragraph 1 of Article 4 of this Annex;
- (b) to list substances which are toxic, persistent and liable to bioaccumulate and to draw up plans for the reduction and phasing out of their use on, or discharge from, offshore sources;
- (c) to draw up criteria, guidelines and procedures for the prevention of pollution from dumping of disused offshore installations and of disused offshore pipelines, and the leaving in place of offshore installations, in the maritime area;
- (d) to draw up criteria, guidelines and procedures relating to the placement of disused offshore installations and disused offshore pipelines referred to in Article 8 of this Annex, with a view to preventing and eliminating pollution.

ANNEX IV

ON THE ASSESSMENT OF THE QUALITY OF THE MARINE ENVIRONMENT

ARTICLE 1

1. For the purposes of this Annex "monitoring" means the repeated measurement of:
 - (a) the quality of the marine environment and each of its compartments, that is, water, sediments and biota;
 - (b) activities or natural and anthropogenic inputs which may affect the quality of the marine environment;
 - (c) the effects of such activities and inputs.
2. Monitoring may be undertaken either for the purposes of ensuring compliance with the Convention, with the objective of identifying patterns and trends or for research purposes.

ARTICLE 2

For the purposes of this Annex, the Contracting Parties shall:

- (a) cooperate in carrying out monitoring programmes and submit the resulting data to the Commission;
- (b) comply with quality assurance prescriptions and participate in intercalibration exercises;
- (c) use and develop, individually or preferably jointly, other duly validated scientific assessment tools, such as modelling, remote sensing and progressive risk assessment strategies;
- (d) carry out, individually or preferably jointly, research which is considered necessary to assess the quality of the marine environment, and to increase knowledge and scientific understanding of the marine environment and, in particular, of the relationship between inputs, concentration and effects;
- (e) take into account scientific progress which is considered to be useful for such assessment purposes and which has been made elsewhere either on the initiative of individual researchers and research institutions, or through other national and international research programmes or under the auspices of the European Economic Community or other regional economic integration organisations.

ARTICLE 3

For the purposes of this Annex, it shall, *inter alia*, be the duty of the Commission:

- (a) to define and implement programmes of collaborative monitoring and assessment-related research, to draw up codes of practice for the guidance of participants in carrying out these monitoring programmes and to approve the presentation and interpretation of their results;
- (b) to carry out assessments taking into account the results of relevant monitoring and research and the data relating to inputs of substances

- or energy into the maritime area which are provided by virtue of other Annexes to the Convention, as well as other relevant information;
- (c) to seek, where appropriate, the advice or services of competent regional organisations and other competent international organisations and competent bodies with a view to incorporating the latest results of scientific research;
 - (d) to cooperate with competent regional organisations and other competent international organisations in carrying out quality status assessments.

ANNEX V

ON THE PROTECTION AND CONSERVATION OF THE ECOSYSTEMS AND BIOLOGICAL DIVERSITY OF THE MARITIME AREA ²²

ARTICLE 1

For the purposes of this Annex and of Appendix 3 the definitions of “biological diversity”, “ecosystem” and “habitat” are those contained in the Convention on Biological Diversity of 5 June 1992.

ARTICLE 2

In fulfilling their obligation under the Convention to take, individually and jointly, the necessary measures to protect the maritime area against the adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected, as well as their obligation under the Convention on Biological Diversity of 5 June 1992 to develop strategies, plans or programmes for the conservation and sustainable use of biological diversity, Contracting Parties shall:

- a. take the necessary measures to protect and conserve the ecosystems and the biological diversity of the maritime area, and to restore, where practicable, marine areas which have been adversely affected; and
- b. cooperate in adopting programmes and measures for those purposes for the control of the human activities identified by the application of the criteria in Appendix 3.

ARTICLE 3

1. For the purposes of this Annex, it shall *inter alia* be the duty of the Commission:

- a. to draw up programmes and measures for the control of the human activities identified by the application of the criteria in Appendix 3;
- b. in doing so:
 - (i) to collect and review information on such activities and their effects on ecosystems and biological diversity;
 - (ii) to develop means, consistent with international law, for instituting protective, conservation, restorative or precautionary measures related to specific areas or sites or related to particular species or habitats;
 - (iii) subject to Article 4 of this Annex, to consider aspects of national strategies and guidelines on the sustainable use of components of biological diversity of the maritime area as they affect the various regions and sub-regions of that area;

²² In accordance with Article 15 of the 1992 OSPAR Convention, for those Contracting Parties which have ratified it, Annex V shall enter into force on the thirtieth day after receipt by the Depositary Government of notification of its ratification by at least seven Contracting Parties. Thereafter it shall enter into force for any other Contracting Party on the thirtieth day after that Contracting Party has deposited its instrument of ratification of this amendment to the Convention.

- (iv) subject to Article 4 of this Annex, to aim for the application of an integrated ecosystem approach.
 - c. also in doing so, to take account of programmes and measures adopted by Contracting Parties for the protection and conservation of ecosystems within waters under their sovereignty or jurisdiction.
2. In the adoption of such programmes and measures, due consideration shall be given to the question whether any particular programme or measure should apply to all, or a specified part, of the maritime area.

ARTICLE 4

1. In accordance with the penultimate recital of the Convention, no programme or measure concerning a question relating to the management of fisheries shall be adopted under this Annex. However where the Commission considers that action is desirable in relation to such a question, it shall draw that question to the attention of the authority or international body competent for that question. Where action within the competence of the Commission is desirable to complement or support action by those authorities or bodies, the Commission shall endeavour to cooperate with them.
2. Where the Commission considers that action under this Annex is desirable in relation to a question concerning maritime transport, it shall draw that question to the attention of the International Maritime Organisation. The Contracting Parties who are members of the International Maritime Organisation shall endeavour to cooperate within that Organisation in order to achieve an appropriate response, including in relevant cases that Organisation's agreement to regional or local action, taking account of any guidelines developed by that Organisation on the designation of special areas, the identification of particularly sensitive areas or other matters.

APPENDIX 1

CRITERIA FOR THE DEFINITION OF PRACTICES AND TECHNIQUES MENTIONED IN PARAGRAPH 3(B)(I) OF ARTICLE 2 OF THE CONVENTION

BEST AVAILABLE TECHNIQUES

1. The use of the best available techniques shall emphasise the use of non-waste technology, if available.
2. The term "best available techniques" means the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste. In determining whether a set of processes, facilities and methods of operation constitute the best available techniques in general or individual cases, special consideration shall be given to:
 - (a) comparable processes, facilities or methods of operation which have recently been successfully tried out;
 - (b) technological advances and changes in scientific knowledge and understanding;
 - (c) the economic feasibility of such techniques;
 - (d) time limits for installation in both new and existing plants;
 - (e) the nature and volume of the discharges and emissions concerned.
3. It therefore follows that what is "best available techniques" for a particular process will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.
4. If the reduction of discharges and emissions resulting from the use of best available techniques does not lead to environmentally acceptable results, additional measures have to be applied.
5. "Techniques" include both the technology used and the way in which the installation is designed, built, maintained, operated and dismantled.

BEST ENVIRONMENTAL PRACTICE

6. The term "best environmental practice" means the application of the most appropriate combination of environmental control measures and strategies. In making a selection for individual cases, at least the following graduated range of measures should be considered:
 - (a) the provision of information and education to the public and to users about the environmental consequences of choice of particular activities and choice of products, their use and ultimate disposal;
 - (b) the development and application of codes of good environmental practice which covers all aspect of the activity in the product's life;
 - (c) the mandatory application of labels informing users of environmental risks related to a product, its use and ultimate disposal;
 - (d) saving resources, including energy;
 - (e) making collection and disposal systems available to the public;

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- (f) avoiding the use of hazardous substances or products and the generation of hazardous waste;
 - (g) recycling, recovery and re-use;
 - (h) the application of economic instruments to activities, products or groups of products;
 - (i) establishing a system of licensing, involving a range of restrictions or a ban.
7. In determining what combination of measures constitute best environmental practice, in general or individual cases, particular consideration should be given to:
- (a) the environmental hazard of the product and its production, use and ultimate disposal;
 - (b) the substitution by less polluting activities or substances;
 - (c) the scale of use;
 - (d) the potential environmental benefit or penalty of substitute materials or activities;
 - (e) advances and changes in scientific knowledge and understanding;
 - (f) time limits for implementation;
 - (g) social and economic implications.
8. It therefore follows that best environmental practice for a particular source will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.
9. If the reduction of inputs resulting from the use of best environmental practice does not lead to environmentally acceptable results, additional measures have to be applied and best environmental practice redefined.

APPENDIX 2

CRITERIA MENTIONED IN PARAGRAPH 2 OF ARTICLE 1 OF ANNEX I AND IN PARAGRAPH 2 OF ARTICLE 2 OF ANNEX III

1. When setting priorities and in assessing the nature and extent of the programmes and measures and their time scales, the Contracting Parties shall use the criteria given below:

- (a) persistency;
- (b) toxicity or other noxious properties;
- (c) tendency to bioaccumulation;
- (d) radioactivity;
- (e) the ratio between observed or (where the results of observations are not yet available) predicted concentrations and no observed effect concentrations;
- (f) anthropogenically caused risk of eutrophication;
- (g) transboundary significance;
- (h) risk of undesirable changes in the marine ecosystem and irreversibility or durability of effects;
- (i) interference with harvesting of sea-foods or with other legitimate uses of the sea;
- (j) effects on the taste and/or smell of products for human consumption from the sea, or effects on smell, colour, transparency or other characteristics of the water in the marine environment;
- (k) distribution pattern (i.e., quantities involved, use pattern and liability to reach the marine environment);
- (l) non-fulfilment of environmental quality objectives.

2. These criteria are not necessarily of equal importance for the consideration of a particular substance or group of substances.

3. The above criteria indicate that substances which shall be subject to programmes and measures include:

- (a) heavy metals and their compounds;
- (b) organohalogen compounds (and substances which may form such compounds in the marine environment);
- (c) organic compounds of phosphorus and silicon;
- (d) biocides such as pesticides, fungicides, herbicides, insecticides, slimicides and chemicals used, *inter alia*, for the preservation of wood, timber, wood pulp, cellulose, paper, hides and textiles;
- (e) oils and hydrocarbons of petroleum origin;
- (f) nitrogen and phosphorus compounds;
- (g) radioactive substances, including wastes;
- (h) persistent synthetic materials which may float, remain in suspension or sink.

APPENDIX 3**CRITERIA FOR IDENTIFYING HUMAN ACTIVITIES FOR THE PURPOSE OF ANNEX V ²³**

1. The criteria to be used, taking into account regional differences, for identifying human activities for the purposes of Annex V are:
 - a. the extent, intensity and duration of the human activity under consideration;
 - b. actual and potential adverse effects of the human activity on specific species, communities and habitats;
 - c. actual and potential adverse effects of the human activity on specific ecological processes;
 - d. irreversibility or durability of these effects.
2. These criteria are not necessarily exhaustive or of equal importance for the consideration of a particular activity.

²³ In accordance with Article 15 of the 1992 OSPAR Convention, for those Contracting Parties which have ratified it, Appendix 3 shall enter into force on the thirtieth day after receipt by the Depositary Government of notification of its ratification by at least seven Contracting Parties. Thereafter it shall enter into force for any other Contracting Party on the thirtieth day after that Contracting Party has deposited its instrument of ratification of this amendment to the Convention.

**DECLARATIONS ACCOMPANYING THE SIGNATURE OF DENMARK
AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND TO THE CONVENTION FOR THE PROTECTION OF THE
MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC**

Denmark's signature to the Convention for the Protection of the Marine Environment of the North-East Atlantic was accompanied by the following declaration:

"The present Convention is subject to ratification and with reservation for application to the Faroe Islands and Greenland."

The United Kingdom's signature to the Convention for the Protection of the Marine Environment of the North-East Atlantic was accompanied by the following declaration:

"The Government of the United Kingdom of Great Britain and Northern Ireland declares its understanding of the effect of the paragraph 3 of Article 3 of Annex II to the Convention to be amongst other things that, where the Commission takes a decision pursuant to Article 13 of the Convention, on the prolongation of the prohibition set out in subparagraph (3)(a), those Contracting Parties who wish to retain the option of the exception to that prohibition as provided for in subparagraph (3)(b) may retain that option, provided that they are not bound, under paragraph 2 of Article 13, by that decision."

For further information about the work and publications of the OSPAR Commission, or additional copies of this report, please contact:

Pour tout renseignement sur les activités et les publications de la Commission OSPAR, ou pour tout exemplaire supplémentaire de ce rapport veuillez contacter :

The Executive Secretary
OSPAR Commission
New Court
48 Carey Street
London WC2A 2JQ
United Kingdom

Tel: +44 (0)171 242 9927
Fax: +44 (0)171 831 7427
Email: secretariat@ospar.org
Website: <http://www.ospar.org>

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