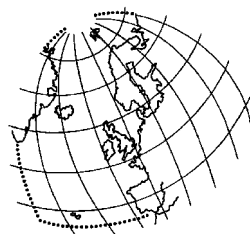


**Background document on the
Legal regulations and legal instruments
to achieve the management objectives in
OSPAR Marine Protected Areas**



**OSPAR Commission
2003**

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

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

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contents

Summary	4
Preface	11
I. Exclusive Economic Zone (EEZ) and Continental Shelf	11
1. Extraction of sand, stone and gravel	11
2. Exploration and exploitation of oil and gas and of other mineral resources	12
3. Dumping of solid waste and dredged spoils	13
4. Constructions	14
5. Coastal defence measures	15
6. Traffic infrastructure (e.g. dredging for navigational purposes)	16
7. Emissions and discharges from land-based sources (without airborne pollution)	17
8. Aquaculture/mariculture	17
9. Shipping and navigation	18
10. Placement and operation of submarine cables (including the use of the water body as a conductor for electricity)	19
11. Placement and operation of pipelines	20
12. Fishing, hunting and harvesting	21
13. Tourism and recreational activities	23
14. Research and bio-prospecting	24
15. Noise	24
16. Introduction of species	25
II. High Seas and the deep sea-bed area beyond national jurisdiction	26
1. Exploration and exploitation of oil and gas and of other mineral resources	26
2. Dumping of solid waste and dredged spoils	27
3. Constructions	28
4. Shipping and navigation	28
5. Placement and operation of submarine cables (including the use of the water body as a conductor for electricity)	29
6. Placement and operation of pipelines	30
7. Fishing, hunting and harvesting	31
8. Tourism and recreational activities	33
9. Research and bio-prospecting	33
10. Noise	33
11. Introduction of species	34
III. Abbreviations of the conventions, agreements and organisations	35

SUMMARY

I Exclusive Economic Zone (EEZ) and Continental Shelf

Remark: As to the EC directives and regulations listed below the applicability in the EEZ or on the continental shelf might be questionable because of their wording, their aim or their rationale and purpose. However, the applicability has to be examined for each provision separately.

Human activities	Legal Regulations and Legal Instruments
1. Extraction of sand, stone and gravel	
	<i>a. International law:</i> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (a) and (b) No. (iii), Art. 56 para. 3, Art. 77, Art. 81, Art. 192, Art. 194, Art. 194 para. 5, Art. 206, Art. 208. • CMS; CBD; Berne Convention; ASCOBANS; AEWA. • OSPAR Convention, in particular Art. 2 para. 3 lit. (b) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V; Art. 7.
	<i>b. EC legislation:</i> <ul style="list-style-type: none"> • Directive 85/337/EEC as amended by Directive 97/11/EC. • Directive 79/409/EEC, in particular Art. 4 para. 4; Directive 92/43/EEC, in particular Art. 6.
2. Exploration and exploitation of oil and gas and of other mineral resources	
	<i>a. International law:</i> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (a) and (b) No. (iii), Art. 56 para. 3, Art. 77, Art. 81, Art. 192, Art. 194, Art. 194 para. 5, Art. 206, Art. 208. • CMS; CBD; Berne Convention; ASCOBANS; AEWA. • OSPAR Convention, in particular Art. 2 para. 3 lit. (b) in connection with Appendix 1; Art. 5 in connection with Annex III; Art. 1 para. 1 in connection with Annex V.
	<i>b. EC legislation:</i> <ul style="list-style-type: none"> • Directive 94/22/EC; Directive 85/337/EEC as amended by Directive 97/11/EC. • Directive 79/409/EEC, in particular Art. 4 para. 4; Directive 92/43/EEC, in particular Art. 6.
3. Dumping of solid waste and dredged spoils	
	<i>a. International law:</i> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii), Art. 192, Art. 194, Art. 194 para. 5, Art. 210 and Art. 216 in connection with Art. 1 para. 1 No. (5). • LDC, in particular Art. IV para. 1; compare also Art. IV para. 1.1 of the 1996 Protocol. • OSPAR Convention, in particular Art. 4 in connection with Annex II; Art. 5 in connection with Art. 3 of Annex III.
	<i>b. EC legislation:</i> <ul style="list-style-type: none"> • Directive 75/442/EEC; Directive 91/689/EEC; Directive 78/176/EEC; Regulation (EEC) No. 259/93; Directive 2000/59/EC. • Directive 79/409/EEC, in particular Art. 4 para. 4; Directive 92/43/EEC, in particular Art. 6.

4. Constructions	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (a) and (b) No. (i) and (iii), Art. 60, Art. 80, Art. 192, Art. 194, Art. 194 para. 5, Art. 206, Art. 208, Art. 214. • MARPOL 73/78. • CMS; CBD; Berne Convention; ASCOBANS; AEW. • OSPAR Convention, in particular Art. 2 para. 3 lit. (b) in connection with Appendix 1; Art. 5 in connection with Annex III; Art. 1 para. 1 in connection with Annex V.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Directive 85/337/EEC as amended by Directive 97/11/EC. • Directive 79/409/EEC, in particular Art. 4 para. 4; Directive 92/43/EEC, in particular Art. 6.
5. Coastal defence measures	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii), Art. 192, Art. 194 para. 5, Art. 206. • CMS; CBD; Berne Convention; ASCOBANS; AEW. • OSPAR Convention, in particular Art. 2 para. 3 lit. (b) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Directive 85/337/EEC as amended by Directive 97/11/EC. • Directive 79/409/EEC, in particular Art. 4 para. 4; Directive 92/43/EEC, in particular Art. 6.
6. Traffic infrastructure	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii), Art. 81, Art. 192, Art. 194 para. 5, Art. 206, Art. 208, Art. 214. • CMS; CBD; Berne Convention; ASCOBANS; AEW. • OSPAR Convention, in particular Art. 2 para. 3 lit. (b) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Directive 85/337/EEC as amended by Directive 97/11/EC. • Directive 79/409/EEC, in particular Art. 4 para. 4; Directive 92/43/EEC, in particular Art. 6.
7. Emissions and discharges from land-based sources	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii), Art. 192, Art. 194, Art. 194 para. 5, Art. 207, Art. 213. • OSPAR Convention, in particular Art. 3 in connection with Annex I.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Directive 76/464/EEC; Directive 91/271/EEC; Directive 91/676/EEC. • Directive 79/409/EEC, in particular Art. 4 para. 4; Directive 92/43/EEC, in particular Art. 6.
8. Aquaculture/ mariculture	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii), Art. 192, Art. 194, Art. 194 para. 5, Art. 196, Art. 206. • CMS; CBD; Berne Convention; ASCOBANS. • OSPAR Convention, in particular Art. 2 para. 3 lit. (b) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Directive 85/337/EEC as amended by Directive 97/11/EC. • Directive 79/409/EEC, in particular Art. 4 para. 4; Directive 92/43/EEC, in particular Art. 6.

9. Shipping and navigation	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii), Art. 58, Art. 192, Art. 194, Art. 211, Art. 217 et seq. • IMO Resolution A.927(22); IMO Resolution A.572(14). • MARPOL 73/78; SOLAS 74. • Certain regional responsibility conventions.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Directive 94/57/EC; Directive 95/21/EC; Directive 93/75/EEC; Directive 96/98/EC; Regulation (EC) No. 417/2002.
10. Placement and operation of submarine cables	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii), Art. 58, Art. 79, Art. 192, Art. 194 in connection with Art. 1 para. 1 No. (4), Art. 194 para. 5, Art. 206. • CMS; CBD; Berne Convention; ASCOBANS. • OSPAR Convention, in particular Art. 2 para. 3 lit. (b) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Directive 79/409/EEC, in particular Art. 4 para. 4; Directive 92/43/EEC, in particular Art. 6.
11. Placement and operation of pipelines	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii), Art. 58, Art. 79, Art. 192, Art. 194, Art. 194 para. 5, Art. 206. • CMS; CBD; Berne Convention; ASCOBANS. • OSPAR Convention, in particular Art. 2 para. 3 lit. (b) in connection with Appendix 1; Art. 5 in connection with Art. 1 lit. (k) and Annex III; Art. 1 para. 1 in connection with Annex V.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Directive 85/337/EEC as amended by Directive 97/11/EC. • Directive 79/409/EEC, in particular Art. 4 para. 4; Directive 92/43/EEC, in particular Art. 6.
12. Fishing, hunting and harvesting	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (a) and lit. (b) No. (iii), Art. 61 et seq., Art. 192, Art. 194 para. 5. • ICRW; CITES; CMS; CBD; Berne Convention; ASCOBANS; NAMMCO Agreement; AEW. • OSPAR Convention, Art. 1 para. 1 in connection with Annex V. • Certain global and regional fisheries conventions and agreements.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Regulation (EEC) No. 3760/92; Regulation (EC) No. 1627/94; Regulation (EC) No. 2943/95; Regulation (EC) No. 3317/94; Regulation (EC) No. 850/98; Regulation (EC) No. 2555/2001; Regulation (EC) No. 847/96; Regulation (EEC) No. 2108/84; Regulation (EEC) No. 3440/1984; Council Regulation (EC) No. 894/97; Regulation (EC) No. 1922/1999; Regulation (EC) No. 2056/2001; Resolution of 3 November 1976 on certain external aspects of the creation of a 200-mile fishing zone in the Community with effect from 1 January 1977; Regulation (EC) No. 2791/1999; Regulation (EC) No. 1085/2000; Regulation (EC) No. 973 (2001); Regulation (EC) No. 1936/2001. • Directive 79/409/EEC, in particular Art. 7 et seq.; Directive 92/43/EEC, in particular Art. 12 et seq.

13. Tourism and recreational activities	
	<i>a. International law:</i> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii), Art. 192, Art. 194, Art. 194 para. 5, Art. 206. • CMS; CBD; Berne Convention; ASCOBANS; AEWA. • OSPAR Convention, in particular Art. 1 para. 1 in connection with Annex V.
	<i>b. EC legislation:</i> <ul style="list-style-type: none"> • Directive 85/337/EEC as amended by Directive 97/11/EC. • Directive 79/409/EEC, in particular Art. 4 para. 4; Directive 92/43/EEC, in particular Art. 6.
14. Research and bio-prospecting	
	<i>a. International law:</i> <ul style="list-style-type: none"> • UNCLOS, in particular Part XIII; Art. 192, Art. 194 para. 5. • ICRW; CMS; CBD; Berne Convention; ASCOBANS; AEWA. • OSPAR Convention, in particular 8 para. 1.
	<i>b. EC legislation:</i> <ul style="list-style-type: none"> • Directive 79/409/EEC, in particular Art. 10 in connection with Annex V; Art. 9 para. 1 lit. (b); Directive 92/43/EEC, in particular Art. 18; Art. 16 para. 1 lit. (d).
15. Noise	
	<i>a. International law:</i> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii), Art. 192, Art. 194 para. 5, Art. 206. • CMS; CBD; Berne Convention; ASCOBANS; AEWA. • OSPAR Convention, in particular Art. 2 para. 3 lit. (b) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V.
	<i>b. EC legislation:</i> <ul style="list-style-type: none"> • Directive 79/409/EEC, in particular Art. 4 para. 4; Directive 92/43/EEC, in particular Art. 6.
16. Introduction of species	
	<i>a. International law:</i> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii), Art. 192, Art. 194 para. 5, Art. 196. • CMS; CBD; Berne Convention; ASCOBANS; AEWA. • OSPAR Convention, in particular Art. 1 para. 1 in connection with Annex V.
	<i>b. EC legislation:</i> <ul style="list-style-type: none"> • Directive 79/409/EEC, in particular Art. 11; Directive 92/43/EEC, in particular Art. 22 lit. (b).

II High Seas and the deep sea-bed area beyond national jurisdiction

Note: As to the EC directives and regulations listed below the applicability on the high seas and the deep sea-bed area beyond national jurisdiction (the "Area") might be questionable because of their wording, their aim or their rationale and purpose. However, the applicability has to be examined for each provision separately.

Human activities	Legal Regulations and Legal Instruments
1. Exploration and exploitation of oil and gas and of other mineral resources	
	<i>a. International law:</i> <ul style="list-style-type: none"> • UNCLOS, Part XI; Annex III and IV; Art. 192, Art. 194, Art. 194 para. 5, Art. 206, Art. 209, Art. 215. • Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. • CBD; Berne Convention; ASCOBANS; AEWA. • OSPAR Convention, in particular Art. 2 para. 3 lit. (b) in connection with Appendix 1; Art. 5 in connection with Annex III; Art. 1 para. 1 in connection with Annex V.
	<i>b. EC legislation:</i> <ul style="list-style-type: none"> • Directive 85/337/EEC as amended by Directive 97/11/EC.
2. Dumping of solid waste and dredged spoils	
	<i>a. International law:</i> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 192, Art. 194, Art. 194 para. 5, Art. 210 para. 1-4 and 216 lit. (b) in connection with Art. 1 para. 1 No. (5), Art. 145, Art. 209, Art. 215. • LDC, in particular Art. IV para. 1; compare also Art. IV para. 1.1 of the 1996 Protocol. • OSPAR Convention, in particular Art. 4 in connection with Annex II; Art. 5 in connection with Art. 3 of Annex III.
	<i>b. EC legislation:</i> <ul style="list-style-type: none"> • Directive 75/442/EEC; Directive 91/689/EEC; Regulation (EEC) No. 259/93; Directive 2000/59/EC.
3. Constructions	
	<i>a. International law:</i> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 87, Art. 147 para. 2, Art. 192, Art. 194, Art. 194 para. 5, Art. 206, Art. 145, Art. 209, Art. 215. • MARPOL 73/78. • CBD; Berne Convention; ASCOBANS; AEWA. • OSPAR Convention, in particular Art. 2 para. 3 lit. (b) in connection with Appendix 1; Art. 5 in connection with Annex III; Art. 1 para. 1 in connection with Annex V.
	<i>b. EC legislation:</i> <ul style="list-style-type: none"> • Directive 85/337/EEC as amended by Directive 97/11/EC.
4. Shipping and navigation	
	<i>a. International law:</i> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 87, Art. 90 et seq., Art. 192, Art. 194, Art. 211 para. 1, 2 and 7, Art. 217, Art. 218, Art. 221. • IMO Resolution A.927(22); IMO Resolution A.572(14). • MARPOL 73/78; SOLAS 74. • Certain regional responsibility conventions.

	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Directive 94/57/EC; Directive 93/75/EEC; Directive 96/98/EC; Regulation (EC) No. 917/2002.
5. Placement and operation of submarine cables	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 87, Art. 112, Art. 145, Art. 209, Art. 215, Art. 192, Art. 194 in connection with Art. 1 para. 1 No. (4), Art. 194 para. 5, Art. 206. • CBD; Berne Convention; ASCOBANS. • OSPAR Convention, in particular Art. 2 para. 3 lit. (b) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • No special regulations as far as apparent.
6. Placement and operation of pipelines	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 87, Art. 112, Art. 145, Art. 209, Art. 215, Art. 192, Art. 194, Art. 194 para. 5, Art. 206. • CBD; Berne Convention; ASCOBANS. • OSPAR Convention, in particular Art. 2 para. 3 lit. (b) in connection with Appendix 1; Art. 5 in connection with Art. 1 lit. (k) and Annex III; Art. 1 para. 1 in connection with Annex V.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Directive 85/337/EEC as amended by Directive 97/11/EC.
7. Fishing, hunting and harvesting	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 64, Art. 87, Art. 116 et seq., Art. 192, Art. 194 para. 5, Art. 206. • Global: ICRW; CITES; CMS; CBD; Berne Convention; ASCOBANS; NAMMCO Agreement; AEWA. • OSPAR Convention, Art. 1 para. 1 in connection with Annex V. • Certain global and regional fisheries conventions and agreements.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Regulation (EEC) No. 3760/92; Regulation (EC) No. 1627/94; Regulation (EC) No. 2943/95; Regulation (EC) No. 850/98; Regulation (EC) No. 2555/2001; Regulation (EC) No. 847/96; Regulation (EEC) No. 2108/84; Regulation (EEC) No. 3440/1984; Regulation (EC) No. 894/97; Regulation (EC) No. 2056/2001; Regulation (EEC) No. 1899/85; Regulation (EEC) No. 1638/87; Regulation (EC) No. 2791/1999; Regulation (EC) No. 1085/2000; Regulation (EC) No. 973/2001; Regulation (EC) No. 1936/2001. • Directive 79/409/EEC, in particular Art. 7 et seq.; Directive 92/43/EEC, in particular Art. 12 et seq.
8. Tourism and recreational activities	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, Art. 192, Art. 194, Art. 194 para. 5, Art. 206. • CBD; Berne Convention; ASCOBANS; AEWA. • OSPAR Convention, in particular Art. 1 para. 1 in connection with Annex V.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Directive 85/337/EEC as amended by Directive 97/11/EC.

9. Research and bio-prospecting	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 238, Art. 240, Art. 256 in connection with Art. 143, Art. 257, Art. 192, Art. 194 Abs. 5. • ICRW; CMS; CBD; Berne Convention; ASCOBANS; AEWA. • OSPAR Convention, in particular 8 para. 1.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • No special regulations as far as apparent.
10. Noise	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 192, Art. 194 para. 5, Art. 206. • CBD; Berne Convention; ASCOBANS; AEWA. • OSPAR Convention, in particular Art. 2 para. 3 lit. (b) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • No special regulations as far as apparent.
11. Introduction of species	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 192, Art. 194 para. 5, Art. 196. • CBD; Berne Convention; ASCOBANS; AEWA. • OSPAR Convention, in particular Art. 1 para. 1 in connection with Annex V.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • No special regulations as far as apparent.

PREFACE

The authors, P. Kersandt & D. Czybulka, University of Rostock, Germany endeavoured to provide correct and unmitigated information; however, they cannot entirely exclude shortenings and incompleteness due to the amount of relevant material subject to the examination and the complexity of the topic.

AUTHOR

P. Kersandt & D. Czybulka, University of Rostock, Germany.

I. EXCLUSIVE ECONOMIC ZONE (EEZ) AND CONTINENTAL SHELF

Remark: As to the EC directives and regulations listed below the applicability in the EEZ or on the continental shelf might be questionable because of their wording, their aim or their ratio and purpose. However, the applicability has to be examined for each provision separately.

In principle the scope of application of Community acts follows the scope of application of the EC-Treaty unless the act of secondary legislation provides otherwise. Thus starting point is the applicability of the EC-Treaty itself which follows a functional approach: it applies to the extent as to which the Member States have jurisdiction under international law and which by subject-matter is covered by the EC-Treaty¹. The internal powers of the EC are paralleled by external treaty making powers. Thus the EC and its Member States are parties to the United Nations Convention on the Law of the Sea (UNCLOS). Under UNCLOS the coastal States enjoy sovereign rights and jurisdiction under Art. 55 et seq. for the EEZ (Art. 76 et seq. for the continental shelf) in connection with the respective provisions in other parts of the Convention, especially in Part XII. In so far as these subject-matters are covered by the EC-Treaty Community law including secondary legislation in principle is applicable in the EEZ and on the continental shelf.

Human activities	Legal Regulations and Legal Instruments
<i>1. Extraction of sand, stone and gravel</i>	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (a) (sovereign right of the coastal State for the purpose of exploring and exploiting, conserving and managing the non-living natural resources of the sea-bed and its subsoil), Art. 56 para. 1 lit. (b) No. (iii) (jurisdiction of the coastal State with regard to the protection and preservation of the marine environment), Art. 56 para. 3 (reference to the continental shelf regime), Art. 77 (sovereign right of the coastal State for the purpose of exploring the continental shelf and exploiting its natural resources), Art. 81 (drilling on the continental shelf), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 206 (assessment of potential effects of activities), Art. 208 (pollution from sea-bed activities subject to national jurisdiction). • Global nature conservation law: CMS, in particular Art. III para. 4 lit. (b) (adverse effects of human activities) in connection with Appendix I (endangered migratory species); Art. IV para. 3 and Art. V para. 5 lit. (e) (protection from disturbance) and (h) (activities and obstacles which hinder or impede migration) in connection with Appendix II (migratory species to be the subject of

¹ *ECJ* cases 3, 4 and 6/76 *Kramer* [1976] E.C.R. 1279 (1311); as to the applicability of Community law beyond the territorial sea, see *D. Czybulka/ P. Kersandt* (2000): Legal Regulations, Legal Instruments and Competent Authorities with Relevance for Marine Protected Areas (MPAs) in the Exclusive Economic Zone (EEZ) and the High Seas of the OSPAR Maritime Area, in: Federal Agency for Nature Conservation (ed.): BfN-Skripten 22, Bonn-Bad Godesberg 2000 (<http://www.bfn.de/09/marin1.pdf>), p. 16 and 17, 25 and 26 with further quotations.

	<p>agreements); CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts), Art. 8 lit. (d), (f), (i) and (l) (in-situ conservation measures).</p> <ul style="list-style-type: none"> Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (c) and (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 2 para. 3 lit. (b) (best available techniques, best environmental practice, clean technology) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); Art. 5 and Annex III (pollution from offshore sources) do not apply, see instead Art. 7 (pollution from other sources); AEWA, in particular Art. III para. 2 lit. (e) (problems posed by human activities and remedial measures); Art. IV in connection with para. 4.3 of Annex 3 (management of human activities, especially impact assessment and measures to limit the level of threat).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment² (as amended by Council Directive 97/11/EC of 3 March 1997³), in particular Art. 4 para. 2 in connection with No. 2 lit. (c) of Annex II (with regard to the projects listed in Annex II the Member States shall determine whether the project shall be made subject to an assessment). EC legislation on the protection of the natural environment: Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds⁴, in particular Art. 4 para. 4 (steps to avoid pollution or deterioration of habitats in respect of the protection areas and outside these areas); Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora⁵, in particular Art. 6 (conservation measures in the special areas of conservation).
<i>2. Exploration and exploitation of oil and gas and of other mineral resources</i>	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> UNCLOS, in particular Art. 56 para. 1 lit. (a) (sovereign right of the coastal State for the purpose of exploring and exploiting, conserving and managing the non-living natural resources of the sea-bed and its subsoil), Art. 56 para. 1 lit. (b) No. (iii) (jurisdiction of the coastal State with regard to the protection and preservation of the marine environment), Art. 56 para. 3 (reference to the continental shelf regime), Art. 77 (sovereign right of the coastal State for the purpose of exploring the continental shelf and exploiting its natural resources), Art. 81 (drilling on the continental shelf), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 206 (assessment of potential effects of activities), Art. 208 (pollution from sea-bed activities subject to national jurisdiction). Global nature conservation law: CMS, in particular Art. III para. 4 lit. (b) (adverse effects of human activities) in connection with Appendix I (endangered migratory species); Art. IV para. 3 and Art. V para. 5 lit. (e) (protection from disturbance) and (h) (activities and obstacles which hinder or impede migration) in connection with Appendix II (migratory species to be the subject of agreements); CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment

² OJ L 175 05/07/1985 p. 40.

³ OJ L 073 14/03/1997 p. 5.

⁴ OJ L 103 25/04/1979 p. 1.

⁵ OJ L 206 22/07/1992 p. 7.

	<p>and minimising adverse impacts), Art. 8 lit. (d), (f), (i) and (l) (in-situ conservation measures).</p> <ul style="list-style-type: none"> Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (a), (c) and (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 2 para. 3 lit. (b) (best available techniques, best environmental practice, clean technology) in connection with Appendix 1; Art. 5 in connection with Annex III (pollution from offshore sources); Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. III para. 2 lit. (e) (problems posed by human activities and remedial measures); Art. IV in connection with para. 4.3 of Annex 3 (management of human activities, especially impact assessment and measures to limit the level of threat).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons⁶, in particular Art. 6 para. 2 in connection with Art. 2 para. 1 (conditions and requirements on the exercise of the activities of prospecting, exploring for and producing hydrocarbons to the extent justified by protection of the environment). Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment⁷ (as amended by Council Directive 97/11/EC of 3 March 1997⁸), in particular Art. 4 para. 1 in connection with No. 14 of Annex I (Annex I lists projects, which shall be made subject to an obligatory assessment); Art. 4 para. 2 in connection with No. 2 lit. (d) of Annex II (with regard to the projects listed in Annex II the Member States shall determine whether the project shall be made subject to an assessment). EC legislation on the protection of the natural environment: Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds⁹, in particular Art. 4 para. 4 (steps to avoid pollution or deterioration of habitats in respect of the protection areas and outside these areas); Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora¹⁰, in particular Art. 6 (conservation measures in the special areas of conservation).
3. Dumping of solid waste and dredged spoils	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii) (jurisdiction of the coastal State with regard to the protection and preservation of the marine environment), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution), Art. 194 para. 5 (protection and preservation of ecosystems and habitats); Art. 210 (pollution by dumping) and 216 (enforcement with respect to pollution by dumping) in connection with Art. 1 para. 1 No. (5) (use of the term "dumping"). LDC, in particular Art. IV para. 1 (obligation to prohibit the dumping of any wastes or other matter in whatever form or conditions except as otherwise specified); compare also Art. IV para. 1.1 of the 1996 Protocol (obligation to prohibit of any wastes or other matter with the exception of those listed in Annex 1). OSPAR Convention, in particular Art. 4 (obligation to take all possible steps to prevent and eliminate pollution by dumping) in connection with Annex II (prevention and elimination of pollution by dumping); Art. 5 (pollution from offshore sources) in connection with Art. 3 (dumping from offshore installations)

⁶ OJ L 164 30/06/1994 p. 3.

⁷ OJ L 175 05/07/1985 p. 40.

⁸ OJ L 073 14/03/1997 p. 5.

⁹ OJ L 103 25/04/1979 p. 1.

¹⁰ OJ L 206 22/07/1992 p. 7.

	of Annex III.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Framework: Council Directive 75/442/EEC of 15 July 1975 on waste¹¹. • Special provisions for special categories of waste: Council Directive 91/689/EEC of 12 December 1994 on hazardous waste¹²; Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry¹³. • Shipments of waste for, inter alia, disposal: Council Regulation (EEC) No. 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community¹⁴. • Discharges of ship-generated waste and cargo residues: Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues¹⁵. • EC legislation on the protection of the natural environment: Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds¹⁶, in particular Art. 4 para. 4 (steps to avoid pollution or deterioration of habitats in respect of the protection areas and outside these areas); Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora¹⁷, in particular Art. 6 (conservation measures in the special areas of conservation).
<i>4. Constructions</i>	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (a) (sovereign right of the coastal State with regard to the production of energy from water, currents and winds), Art. 56 para. 1 lit. (b) No. (i) (jurisdiction of the coastal State with regard to the establishment and use of artificial islands, installations and structures), Art. 56 para. 1 lit. (b) No. (iii) (jurisdiction of the coastal State with regard to the protection and preservation of the marine environment), Art. 60 (artificial islands, installations and structures in the EEZ), Art. 80 (artificial islands, installations and structures on the continental shelf), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 206 (assessment of potential effects of activities), Art. 208 (pollution from constructions under national jurisdiction), Art. 214 (enforcement with respect to pollution from constructions under national jurisdiction). • MARPOL 73/78 (covers all the technical aspects of pollution from ships according to the Annexes; the term "ships" includes fixed or floating platforms, Art. 2 para. 4, but see also para. 3 lit. (b)). • Global nature conservation law: CMS, in particular Art. III para. 4 lit. (b) (adverse effects of human activities) in connection with Appendix I (endangered migratory species); Art. IV para. 3 and Art. V para. 5 lit. (e) (protection from disturbance) and (h) (activities and obstacles which hinder or impede migration) in connection with Appendix II (migratory species to be the subject of agreements); CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts), Art. 8 lit. (d), (f), (i) and (l) (in-situ conservation measures). • Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (a), (c) and (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 2 para. 3 lit. (b) (best available techniques, best environmental practice, clean technology) in connection with Appendix 1; Art. 5 in connection with Annex III (pollution from

¹¹ OJ L 194 25/07/1975 p. 39.

¹² OJ L 377 31/12/1991 p. 20.

¹³ OJ L 054 25/02/1978 p. 19.

¹⁴ OJ L 030 06/02/1993 p. 1.

¹⁵ OJ L 332 28/12/2000 p. 81.

¹⁶ OJ L 103 25/04/1979 p. 1.

¹⁷ OJ L 206 22/07/1992 p. 7.

	<p>offshore sources); Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. III para. 2 lit. (e) (problems posed by human activities and remedial measures); Art. IV in connection with para. 4.3 of Annex 3 (management of human activities, especially impact assessment and measures to limit the level of threat).</p>
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment¹⁸ (as amended by Council Directive 97/11/EC of 3 March 1997¹⁹), in particular Art. 4 para. 1 in connection with Annex I (Annex I lists projects, which shall be made subject to an obligatory assessment); Art. 4 para. 2 in connection with Annex II (with regard to the projects listed in Annex II the Member States shall determine whether the project shall be made subject to an assessment); both Annex I and Annex II comprise projects which can be thought to be realised by artificial islands, installations and structures at sea, e.g. No. 14 of Annex I or No. 3 lit. (i) (wind farms) of Annex II. • EC legislation on the protection of the natural environment: Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds²⁰, in particular Art. 4 para. 4 (steps to avoid pollution or deterioration of habitats in respect of the protection areas and outside these areas); Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora²¹, in particular Art. 6 (conservation measures in the special areas of conservation).
5. Coastal defence measures	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii) (jurisdiction of the coastal State with regard to the protection and preservation of the marine environment), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 206 (assessment of potential effects of activities). • Global nature conservation law: CMS, in particular Art. III para. 4 lit. (b) (adverse effects of human activities) in connection with Appendix I (endangered migratory species); Art. IV para. 3 and Art. V para. 5 lit. (e) (protection from disturbance) and (h) (activities and obstacles which hinder or impede migration) in connection with Appendix II (migratory species to be the subject of agreements); CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts), Art. 8 lit. (d), (f), (i) and (l) (in-situ conservation measures). • Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (c) and (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 2 para. 3 lit. (b) (best available techniques, best environmental practice, clean technology) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. III para. 2 lit. (e) (problems posed by human activities and remedial measures); Art. IV in connection with para. 4.3 of Annex 3 (management of human activities, especially impact assessment and measures to limit the level of threat).

¹⁸ OJ L 175 05/07/1985 p. 40.

¹⁹ OJ L 073 14/03/1997 p. 5.

²⁰ OJ L 103 25/04/1979 p. 1.

²¹ OJ L 206 22/07/1992 p. 7.

	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment²² (as amended by Council Directive 97/11/EC of 3 March 1997²³), in particular Art. 4 para. 2 in connection with No. 10 lit. (k) of Annex II (with regard to the projects listed in Annex II the Member States shall determine whether the project shall be made subject to an assessment). • EC legislation on the protection of the natural environment: Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds²⁴, in particular Art. 4 para. 4 (steps to avoid pollution or deterioration of habitats in respect of the protection areas and outside these areas); Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora²⁵, in particular Art. 6 (conservation measures in the special areas of conservation).
6. Traffic infrastructure (e.g. dredging for navigational purposes)	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii) (jurisdiction of the coastal State with regard to the protection and preservation of the marine environment), Art. 81 (drilling on the continental shelf), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 206 (assessment of potential effects of activities), Art. 208 (pollution from sea-bed activities subject to national jurisdiction), Art. 214 (enforcement with respect to pollution from sea-bed activities). • Global nature conservation law: CMS, in particular Art. III para. 4 lit. (b) (adverse effects of human activities) in connection with Appendix I (endangered migratory species); Art. IV para. 3 and Art. V para. 5 lit. (e) (protection from disturbance) and (h) (activities and obstacles which hinder or impede migration) in connection with Appendix II (migratory species to be the subject of agreements); CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts), Art. 8 lit. (d), (f), (i) and (l) (in-situ conservation measures). • Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (c) and (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 2 para. 3 lit. (b) (best available techniques, best environmental practice, clean technology) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. III para. 2 lit. (e) (problems posed by human activities and remedial measures); Art. IV in connection with para. 4.3 of Annex 3 (management of human activities, especially impact assessment and measures to limit the level of threat).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment²⁶ (as amended by Council Directive 97/11/EC of 3 March 1997²⁷), in particular Art. 4 para. 1 in connection with No. 7 and 8 of Annex I (Annex I lists projects, which shall be made subject to an obligatory assessment); Art. 4 para. 2 in connection with No. 10 of Annex II (with regard to the projects listed in Annex II the Member

²² OJ L 175 05/07/1985 p. 40.

²³ OJ L 073 14/03/1997 p. 5.

²⁴ OJ L 103 25/04/1979 p. 1.

²⁵ OJ L 206 22/07/1992 p. 7.

²⁶ OJ L 175 05/07/1985 p. 40.

²⁷ OJ L 073 14/03/1997 p. 5.

	<p>States shall determine whether the project shall be made subject to an assessment).</p> <ul style="list-style-type: none"> • EC legislation on the protection of the natural environment: Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds²⁸, in particular Art. 4 para. 4 (steps to avoid pollution or deterioration of habitats in respect of the protection areas and outside these areas); Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora²⁹, in particular Art. 6 (conservation measures in the special areas of conservation).
7. Emissions and discharges from land-based sources (without airborne pollution)	
	<p>a. International law:</p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii) (jurisdiction of the coastal State with regard to the protection and preservation of the marine environment), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 207 (pollution from land-based sources), Art. 213 (enforcement with respect to pollution from land-based sources). • No global agreement dealing specifically with the prevention and control of marine pollution from land-based activities. However, it can be noted that the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities was adopted on 3 November 1995. • Regional environmental law: OSPAR Convention, in particular Art. 3 in connection with Annex I (pollution from land-based sources).
	<p>b. EC legislation:</p> <ul style="list-style-type: none"> • Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community³⁰, in particular Art. 8 in connection with Art. 1 (no increase of the pollution of waters beyond the territorial waters). • Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment³¹. • Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources³². • EC legislation on the protection of the natural environment: Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds³³, in particular Art. 4 para. 4 (steps to avoid pollution or deterioration of habitats); Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora³⁴, in particular Art. 6 (conservation measures in the special areas of conservation).
8. Aquaculture/mariculture	
	<p>a. International law:</p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii) (jurisdiction of the coastal State with regard to the protection and preservation of the marine environment), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 196 (introduction of new species), Art. 206 (assessment of potential effects of activities). • Global nature conservation law: CMS, in particular Art. III para. 4 lit. (b)

²⁸ OJ L 103 25/04/1979 p. 1.

²⁹ OJ L 206 22/07/1992 p. 7.

³⁰ OJ L 129 18/05/1976 p. 23.

³¹ OJ L 135 30/05/1991 p. 40.

³² OJ L 375 31/12/1991 p. 1.

³³ OJ L 103 25/04/1979 p. 1.

³⁴ OJ L 206 22/07/1992 p. 7.

	<p>(adverse effects of human activities) and (c) (factors that are endangering or are likely to further endanger the species) in connection with Appendix I (endangered migratory species); Art. IV para. 3 and Art. V para. 5 lit. (e) (protection from disturbance) and (h) (activities and obstacles which hinder or impede migration) in connection with Appendix II (migratory species to be the subject of agreements); CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts), Art. 8 lit. (d), (f), (i) and (l) (in-situ conservation measures).</p> <ul style="list-style-type: none"> • Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (a) and (c) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 2 para. 3 lit. (b) (best available techniques, best environmental practice, clean technology) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. III para. 2 lit. (e) (problems posed by human activities and remedial measures); Art. IV in connection with para. 4.3 of Annex 3 (management of human activities, especially impact assessment and measures to limit the level of threat).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Council Regulation (EEC) No. 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture³⁵ (however, no specific rules relating to aquaculture). • Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment³⁶ (as amended by Council Directive 97/11/EC of 3 March 1997³⁷), in particular Art. 4 para. 2 in connection with No. 1 lit. (f) of Annex II (with regard to the projects listed in Annex II the Member States shall determine whether the project shall be made subject to an assessment). • EC legislation on the protection of the natural environment: Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds³⁸, in particular Art. 4 para. 4 (steps to avoid pollution or deterioration of habitats); Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora³⁹, in particular Art. 6 (conservation measures in the special areas of conservation).
9. Shipping and navigation	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii) (jurisdiction of the coastal State with regard to the protection and preservation of the marine environment), Art. 58 (freedom of navigation in the EEZ), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution), Art. 211 (pollution from vessels), Art. 217 (enforcement by flag States), Art. 218 (enforcement by port States), Art. 219 (measures relating to seaworthiness of vessels to avoid pollution), Art. 220 (enforcement by coastal States), Art. 221 (measures to avoid pollution arising from marine casualties). • IMO Conventions relating to <i>marine pollution</i> by ships, especially MARPOL 73/78 (main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes; includes six technical annexes). • IMO Conventions relating to <i>maritime safety</i>, especially SOLAS 74 (main objective: to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety; provides the option of

³⁵ OJ L 389 21/12/1992 p. 1.

³⁶ OJ L 175 05/07/1985 p. 40.

³⁷ OJ L 073 14/03/1997 p. 5.

³⁸ OJ L 103 25/04/1979 p. 1.

³⁹ OJ L 206 22/07/1992 p. 7.

	<p>designating areas to be avoided by ships or certain classes of ships, see also IMO Resolution A.572(14) on General Provisions on Ships' Routing).</p> <ul style="list-style-type: none"> • IMO measures relating to certain sea areas: IMO Resolution A.927(22) on Guidelines for the Designation of Special Areas under MARPOL 73/78 and Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas. • Regional responsibility conventions: Agreement for Cooperation in dealing with Pollution of the North Sea by Oil of 9 June 1969; Agreement between Denmark, Finland, Norway and Sweden concerning Cooperation in Measures to Deal with Pollution of the Sea by Oil of 16 September 1971; Agreement for Cooperation in dealing with Pollution of the North Sea by Oil and Other Harmful Substances of 13 September 1983; Accord of Cooperation for the Protection of the Coasts and Waters of the North-East Atlantic Against Pollution Due to Hydrocarbons or Other Harmful Substances of 17 October 1990 (<i>not yet in force</i>).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Responsibility for the issuing of international certificates for safety and pollution provided for under conventions such as SOLAS 74 and MARPOL 73/78: Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations⁴⁰. • Port State control: Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control)⁴¹. • Vessel carrying dangerous or polluting goods: Council Directive 93/75/EEC of 13 September 1993 concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods⁴². • Implementation of IMO standards and the procedures for the approval of marine equipment: Council Directive 96/98/EC of 20 December 1996 on marine equipment⁴³. • Phasing-in of double hull: Regulation (EC) No. 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No. 2978/94⁴⁴.
<i>10. Placement and operation of submarine cables (including the use of the water body as a conductor for electricity)</i>	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii) (jurisdiction of the coastal State with regard to the protection and preservation of the marine environment), Art. 58 (freedom of the laying of submarine cables in the EEZ), Art. 79 (submarine cables on the continental shelf), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution, whereas "pollution" also means the introduction by man, directly or indirectly, of energy, see Art. 1 para. 1 No. (4)), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 206 (assessment of potential effects of activities). • Global nature conservation law: CMS, in particular Art. III para. 4 lit. (b) (adverse effects of human activities) in connection with Appendix I (endangered

⁴⁰ OJ L 319 12/12/1994 p. 20.

⁴¹ OJ L 157 07/07/1995 p. 1.

⁴² OJ L 247 05/10/1993 p. 19.

⁴³ OJ L 046 17/02/1997 p. 25.

⁴⁴ OJ L 064 07/03/2002 p. 1.

	<p>migratory species); Art. IV para. 3 and Art. V para. 5 lit. (e) (protection from disturbance) and (h) (activities and obstacles which hinder or impede migration) in connection with Appendix II (migratory species to be the subject of agreements); CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts), Art. 8 lit. (d), (f), (i) and (l) (in-situ conservation measures).</p> <ul style="list-style-type: none"> Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (c) and (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 2 para. 3 lit. (b) (best available techniques, best environmental practice, clean technology) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. III para. 2 lit. (e) (problems posed by human activities and remedial measures); Art. IV in connection with para. 4.3 of Annex 3 (management of human activities, especially impact assessment and measures to limit the level of threat).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> EC legislation on the protection of the natural environment: Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds⁴⁵, in particular Art. 4 para. 4 (steps to avoid pollution or deterioration of habitats in respect of the protection areas and outside these areas); Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora⁴⁶, in particular Art. 6 (conservation measures in the special areas of conservation).
<i>11. Placement and operation of pipelines</i>	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii) (jurisdiction of the coastal State with regard to the protection and preservation of the marine environment), Art. 58 (freedom of the laying of submarine pipelines in the EEZ), Art. 79 (submarine pipelines on the continental shelf), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 206 (assessment of potential effects of activities). Global nature conservation law: CMS, in particular Art. III para. 4 lit. (b) (adverse effects of human activities) in connection with Appendix I (endangered migratory species); Art. IV para. 3 and Art. V para. 5 lit. (e) (protection from disturbance) and (h) (activities and obstacles which hinder or impede migration) in connection with Appendix II (migratory species to be the subject of agreements); CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts), Art. 8 lit. (d), (f), (i) and (l) (in-situ conservation measures). Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (a), (c) and (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 2 para. 3 lit. (b) (best available techniques, best environmental practice, clean technology) in connection with Appendix 1; Art. 5 in connection with Art. 1 lit. (k) (definition of "offshore sources") and Annex III (pollution from offshore sources); Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. III para. 2 lit. (e) (problems posed by human activities and remedial measures); Art. IV in connection with para. 4.3 of Annex 3 (management of human activities, especially impact assessment and measures to limit the level of threat).

⁴⁵ OJ L 103 25/04/1979 p. 1.

⁴⁶ OJ L 206 22/07/1992 p. 7.

	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment⁴⁷ (as amended by Council Directive 97/11/EC of 3 March 1997⁴⁸), in particular Art. 4 para. 1 in connection with No. 16 of Annex I (Annex I lists projects, which shall be made subject to an obligatory assessment); Art. 4 para. 2 in connection with No. 10 lit. (i) of Annex II (with regard to the projects listed in Annex II the Member States shall determine whether the project shall be made subject to an assessment). • EC legislation on the protection of the natural environment: Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds⁴⁹, in particular Art. 4 para. 4 (steps to avoid pollution or deterioration of habitats in respect of the protection areas and outside these areas); Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora⁵⁰, in particular Art. 6 (conservation measures in the special areas of conservation).
<i>12. Fishing, hunting and harvesting</i>	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (a) (sovereign right of the coastal State for the purpose of exploring and exploiting, conserving and managing the living natural resources), Art. 56 para. 1 lit. (b) No. (iii) (jurisdiction of the coastal State with regard to the protection and preservation of the marine environment), Art. 61 (conservation of the living resources), Art. 62 (utilisation of the living resources), Art. 63 (straddling fish stocks), Art. 64 (highly migratory species), Art. 65 (marine mammals), Art. 66 et seq. (special provisions for the distribution of the rights as to certain species), Art. 77 para. 4 (sedentary species), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 para. 5 (protection and preservation of ecosystems and habitats). • Global: ICRW, in particular Art. V (regulations with respect to the conservation and utilisation of whale resources); CITES, in particular Art. IV para. 6 (introduction from the sea) in connection with Appendix II; CMS, in particular Art. III para. 5 (prohibition of taking) in connection with Appendix I (endangered migratory species); Art. IV para. 3 and Art. V para. 4 lit. (f) (prohibition of taking in relation to <i>Cetacea</i>), para. 5 lit. (j) (control and management of taking) and lit. (k) (suppression of illegal taking) in connection with Appendix II (migratory species to be the subject of agreements); CBD, in particular Art. 3 (sovereign right of States to exploit their own resources), Art. 10 (sustainable use of components of biological diversity), Art. 8 lit. (c), (i) and l) (in-situ conservation measures). • Regional: Berne Convention, in particular Art. 6 lit. (a) and (d) (protection of the wild fauna species specified in Appendix II); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (b) (by-catches) and para. 4 (prohibition of taking and obligation to release animals) of the Annex; NAMMCO Agreement; OSPAR Convention, Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. IV in connection with para. 2. (species conservation) and para. 4.1 (hunting) of Annex III. • Especially global and regional fisheries law: International Convention for the Conservation of Atlantic Tunas of 14 May 1966; Convention on Future Multilateral Co-operation in North-East Atlantic Fisheries of 18 November 1980; Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995; Agreement between the Government of Iceland, the Government of Norway and the Government of the Russia Federation

⁴⁷ OJ L 175 05/07/1985 p. 40.

⁴⁸ OJ L 073 14/03/1997 p. 5.

⁴⁹ OJ L 103 25/04/1979 p. 1.

⁵⁰ OJ L 206 22/07/1992 p. 7.

	Concerning Certain Aspects of Co-operation in the Area of Fisheries of 15 May 1999.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Fisheries Law: <i>general instruments regarding the conservation of stocks</i>, in particular Council Regulation (EEC) No. 3760/92 of December 1992 establishing a Community system for fisheries and aquaculture⁵¹ (core legislative instrument), Council Regulation (EC) No. 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits⁵², Commission Regulation (EC) No. 2943/95 of 20 December 1995 setting out detailed rules for applying Council Regulation (EC) No. 1627/94 laying down general provisions concerning special fishing permits⁵³, Council Regulation (EC) No. 3317/94 of 22 December 1994 laying down general provisions concerning the authorisation of fishing in the waters of a third country under a fisheries agreement⁵⁴, Council Regulation (EC) No. 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms⁵⁵; <i>instruments regarding catch quotas and the management of stocks</i>, in particular Council Regulation (EC) No. 2555/2001 of 18 December 2001 fixing for 2002 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters, where limitations in catch are required⁵⁶, Council Regulation (EC) No. 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas⁵⁷; <i>technical conservation measures</i>, in particular Commission Regulation (EEC) No. 2108/84 of 23 July 1984 laying down detailed rules for determining the mesh size of fishing nets⁵⁸, Commission Regulation (EEC) No. 3440/1984 of 6 December 1984 on the attachment of devices to trawls, Danish seines and similar nets⁵⁹, Council Regulation (EC) No. 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources⁶⁰, Commission Regulation (EC) No. 1922/1999 of 8 September 1999 laying down detailed rules for the application of Council Regulation (EC) No. 850/98 as regards condition under which vessels exceeding eight metres length overall shall be permitted to use beam trawls within certain waters of the Community⁶¹, Commission Regulation (EC) No. 2056/2001 of 19 October 2001 establishing additional technical measures for the recovery of the stocks of cod in the North Sea and to the west of Scotland⁶²; <i>instruments regarding multilateral relations</i>: Council Resolution of 3 November 1976 on certain external aspects of the creation of a 200-mile fishing zone in the Community with effect from 1 January 1977⁶³, Council Regulation (EC) No. 2791/1999 of 16 December 1999 laying down certain control measures applicable in the area covered by the Convention on Future Multilateral Co-operation in the North-East Atlantic Fisheries⁶⁴, Commission Regulation (EC) No. 1085/2000 of 15 May 2000 laying down detailed rules for the application of control measures applicable in the area covered by the Convention on Future Multilateral Co-operation in the North-East Atlantic

⁵¹ OJ L 389 31/12/1992 p. 1.

⁵² OJ L 171 06/07/1994 p. 7.

⁵³ OJ L 308 21/12/1995 p. 15.

⁵⁴ OJ L 350 31/12/1994 p. 13.

⁵⁵ OJ L 125 27/04/1998 p. 1.

⁵⁶ OJ L 347 31/12/2001 p. 1.

⁵⁷ OJ L 115 09/05/1996 p. 3.

⁵⁸ OJ L 194 24/07/1984 p. 22.

⁵⁹ OJ L 318 07/12/1984 p. 23.

⁶⁰ OJ L 132 23/05/ 1997 p. 1.

⁶¹ OJ L 238 09/09/1999 p. 8.

⁶² OJ L 277 20/10/2001 p. 13.

⁶³ OJ C 105 07/05/1981 p. 1.

⁶⁴ OJ L 337 30/12/1999 p. 1.

⁶⁵ OJ L 128 29/05/2000 p. 1.

	<p>Fisheries⁶⁵, Council Regulation (EC) No. 973/2001 of 14 May 2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species⁶⁶, Council Regulation (EC) No. 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory species⁶⁷.</p> <ul style="list-style-type: none"> • EC legislation on the protection of the natural environment: Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds⁶⁸, in particular Art. 7 et seq. (hunting, capture and killing); Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora⁶⁹, in particular Art. 12 et seq. (protection of species).
<i>13. Tourism and recreational activities</i>	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii) (jurisdiction of the coastal State with regard to the protection and preservation of the marine environment), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 206 (assessment of potential effects of activities). • Global nature conservation law: CMS, in particular Art. III para. 4 lit. (b) (adverse effects of human activities) in connection with Appendix I (endangered migratory species); Art. IV para. 3 and Art. V para. 5 lit. (e) (protection from disturbance) and (h) (activities and obstacles which hinder or impede migration) in connection with Appendix II (migratory species to be the subject of agreements); CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts), Art. 8 lit. (d), (f), (i) and (l) (in-situ conservation measures). • Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (c) and (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. IV in connection with para. 4.2 of Annex 3 (eco-tourism).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment⁷⁰ (as amended by Council Directive 97/11/EC of 3 March 1997⁷¹), in particular Art. 4 para. 2 in connection with No. 12 of Annex II (with regard to the projects listed in Annex II the Member States shall determine whether the project shall be made subject to an assessment). • EC legislation on the protection of the natural environment: Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds⁷², in particular Art. 4 para. 4 (steps to avoid pollution or deterioration of habitats in respect of the protection areas and outside these areas); Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora⁷³, in particular Art. 6 (conservation measures in the special areas of conservation).

⁶⁶ OJ L 137 19/05/2001 p. 1.

⁶⁷ OJ L 263 03/10/2001 p. 1.

⁶⁸ OJ L 103 25/04/1979 p. 1.

⁶⁹ OJ L 206 22/07/1992 p. 7.

⁷⁰ OJ L 175 05/07/1985 p. 40.

⁷¹ OJ L 073 14/03/1997 p. 5.

⁷² OJ L 103 25/04/1979 p. 1.

⁷³ OJ L 206 22/07/1992 p. 7.

<i>14. Research and bio-prospecting</i>	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, Part XIII ("Marine Scientific Research"), in particular Art. 238 (right to conduct marine scientific research), Art. 240 (general principles for the conduct), Art. 246 et seq. (marine scientific research in the EEZ and on the continental shelf), Art. 258 et seq. (scientific research installations or equipment in the marine environment), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 para. 5 (protection and preservation of ecosystems and habitats). • Global nature conservation law: ICRW, in particular Art. VIII (special permits for purposes of scientific research); CMS, in particular Art. II para. 3 lit. (a) (promotion of, co-operation in and support of research), Art. III para. 5 (exceptions for scientific purposes), Art. V para. 5 lit. (c) (research); CBD, in particular Art. 12 lit. (b) (promotion and encouragement of research). • Regional environmental and nature conservation law: Berne Convention, in particular Art. 11 para. 1 lit. (b) (encouragement and co-ordination of research), Art. 9 para. 1 (exceptions for the purpose of research); ASCOBANS, in particular Art. 2.2 in connection with para. 2 (research) of the Annex; OSPAR Convention, in particular 8 para. 1 (establishment of programmes of scientific research); AEWA, in particular Art. III para. 2 lit. (h) (initiation and support of research); Art. IV in connection with para. 5 of Annex 3 (research and monitoring) and para. 2.1.3 lit. (c) (exceptions for the purpose of research).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds⁷⁴, in particular Art. 10 in (research) in connection with Annex V (research subjects); Art. 9 para. 1 lit. (b) (derogation for the purpose of research). • Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora⁷⁵, in particular Art. 18 (research) and Art. 16 para. 1 lit. (d) (derogation for the purpose of research).
<i>15. Noise</i>	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii) (jurisdiction of the coastal State with regard to the protection and preservation of the marine environment), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 206 (assessment of potential effects of activities). • Global nature conservation law: CMS, in particular Art. III para. 4 lit. (b) (adverse effects of human activities) in connection with Appendix I (endangered migratory species); Art. IV para. 3 and Art. V para. 5 lit. (e) (protection from disturbance) and (h) (activities and obstacles which hinder or impede migration) in connection with Appendix II (migratory species to be the subject of agreements); CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts), Art. 8 lit. (d), (i) and (l) (in-situ conservation measures). • Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 2 para. 3 lit. (b) (best available techniques, best environmental practice, clean technology) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. III para. 2 lit. (e) (problems posed by human activities and remedial measures); Art. IV in connection with para. 4.3 of Annex 3 (management of human activities, especially impact assessment and measures to

⁷⁴ OJ L 103 25/04/1979 p. 1.
⁷⁵ OJ L 206 22/07/1992 p. 7.

	limit the level of threat).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • EC legislation on the protection of the natural environment: Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds⁷⁶, in particular Art. 4 para. 4 (steps to avoid pollution or deterioration of habitats in respect of the protection areas and outside these areas); Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora⁷⁷, in particular Art. 6 (conservation measures in the special areas of conservation).
<i>16. Introduction of species</i>	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 56 para. 1 lit. (b) No. (iii) (jurisdiction of the coastal State with regard to the protection and preservation of the marine environment), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 196 (introduction of alien or new species). • IMO measures: A draft international "Convention for the Control and Management of Ship's Ballast Water and Sediments" as well as associated guidelines for its implementation is being developed for consideration and adoption by a diplomatic conference scheduled for 2003. • Global nature conservation law: CMS, in particular Art. III para. 4 lit. (c) (control of the introduction of, or control or elimination of, already introduced exotic species) in connection with Appendix I (endangered migratory species); Art. IV para. 3 and Art. V para. 5 lit. (e) (control of the introduction of, or control of already introduced, exotic species) in connection with Appendix II (migratory species to be the subject of agreements); CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts), Art. 8 lit. (h) (in-situ conservation measures). • Regional environmental and nature conservation law: Berne Convention, in particular Art. 11 para. 2 lit. (b) (control of the introduction of non-native species); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (c) and (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. IV in connection with para. 2.5 of Annex 3 (introduction of non-native species).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds⁷⁸, in particular Art. 11 (introduction of species of wild bird). • Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora⁷⁹, in particular Art. 22 lit. (b) (introduction of any non-native species).

⁷⁶ OJ L 103 25/04/1979 p. 1.

⁷⁷ OJ L 206 22/07/1992 p. 7.

⁷⁸ OJ L 103 25/04/1979 p. 1.

⁷⁹ OJ L 206 22/07/1992 p. 7.

II. HIGH SEAS AND THE DEEP SEA-BED AREA BEYOND NATIONAL JURISDICTION

Remark: As to the EC directives and regulations listed below the applicability on the high seas and the deep sea-bed area beyond national jurisdiction (the "Area") might be questionable because of their wording, their aim or their ratio and purpose. However, the applicability has to be examined for each provision separately.

In principle the scope of application of Community acts follows the scope of application of the EC-Treaty unless the act of secondary legislation provides otherwise. Thus starting point is the applicability of the EC-Treaty itself which follows a functional approach: it applies to the extent as to which the Member States have jurisdiction under international law and which by subject-matter is covered by the EC-Treaty⁸⁰. The internal powers of the EC are paralleled by external treaty making powers. Thus the EC and its Member States are parties to the United Nations Convention on the Law of the Sea (UNCLOS). The legal regime governing the high seas is set out in Art. 86 et seq. UNCLOS in connection with the respective provisions in other parts of the Convention, especially in Part XII. The legal status of the "Area" and its resources is provided for in Art. 133 et seq. UNCLOS.

First of all on the high seas all States may take measures for their respective nationals to protect and preserve the marine environment including species protection (Art. 194 para. 5 UNCLOS), monitoring of the risk or effects of pollution (Art. 204) and assessment of potential effects of activities (Art. 206). Furthermore on the high seas measures for the protection and preservation of the marine environment are possible by means of global and regional co-operation that is especially through competent international organisations (compare Art. 197 UNCLOS). Finally the jurisdiction of the flag State is in consideration. On the high seas the flag State has the exclusive jurisdiction over ships sailing under its flag (Art. 92 UNCLOS). It has a range of administrative, technical and social duties (Art. 94 UNCLOS). The question whether the flag State as individual State has jurisdiction with regard to the protection and preservation of the marine environment needs further clarification.

Human activities	Legal Regulations and Legal Instruments
<i>1. Exploration and exploitation of oil and gas and of other mineral resources</i>	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, Part XI ("The Area"), in particular Art. 136 (common heritage of mankind), Art. 137 (legal status of the Area and its resources), Art. 140 (benefit of mankind), Art. 142 (rights and legitimate interests of coastal States), Art. 145 (powers of ISBA with regard to the protection of the marine environment), Art. 150 et seq. (policies relating to activities in the Area, production policies, exercise of powers and functions by ISBA, system of exploration and exploitation); Annex III and IV; furthermore Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 206 (assessment of potential effects of activities), Art. 209 (pollution from activities in the Area), Art. 215 (enforcement with respect to pollution from activities in the Area). • Agreement of 28 July 1994 relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. • Global nature conservation law: CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit.

⁸⁰ ECJ cases 3, 4 and 6/76 *Kramer* [1976] E.C.R. 1279 (1311); as to the applicability of Community law beyond the territorial sea compare *D. Czybulka/ P. Kersandt* (2000): Legal Regulations, Legal Instruments and Competent Authorities with Relevance for Marine Protected Areas (MPAs) in the Exclusive Economic Zone (EEZ) and the High Seas of the OSPAR Maritime Area, in: Federal Agency for Nature Conservation (ed.): BfN-Skripten 22, Bonn-Bad Godesberg 2000 (<http://www.bfn.de/09/marin1.pdf>), p. 16 and 17, 25 and 26 with further quotations.

	<p>(a) (environmental impact assessment and minimising adverse impacts).</p> <ul style="list-style-type: none"> Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (a), (c) and (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 2 para. 3 lit. (b) (best available techniques, best environmental practice, clean technology) in connection with Appendix 1; Art. 5 in connection with Annex III (pollution from offshore sources); Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. III para. 2 lit. (e) (problems posed by human activities and remedial measures); Art. IV in connection with para. 4.3 of Annex 3 (management of human activities, especially impact assessment and measures to limit the level of threat).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment⁸¹ (as amended by Council Directive 97/11/EC of 3 March 1997⁸²), in particular Art. 4 para. 1 in connection with No. 14 of Annex I (Annex I lists projects, which shall be made subject to an obligatory assessment); Art. 4 para. 2 in connection with No. 2 lit. (d) of Annex II (with regard to the projects listed in Annex II the Member States shall determine whether the project shall be made subject to an assessment).
<i>2. Dumping of solid waste and dredged spoils</i>	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> UNCLOS, in particular Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution), Art. 194 para. 5 (protection and preservation of ecosystems and habitats); Art. 210 para. 1-4 (pollution by dumping) and 216 lit. (b) (enforcement with respect to pollution by dumping) in connection with Art. 1 para. 1 No. (5) (use of the term "dumping"); Art. 145 (powers of ISBA with regard to the protection of the marine environment), Art. 209 (pollution from activities in the Area), Art. 215 (enforcement with respect to pollution from activities in the Area). LDC, in particular Art. IV para. 1 (obligation to prohibit the dumping of any wastes or other matter in whatever form or conditions except as otherwise specified); compare also Art. IV para. 1.1 of the 1996 Protocol (obligation to prohibit of any wastes or other matter with the exception of those listed in Annex 1). OSPAR Convention, in particular Art. 4 (obligation to take all possible steps to prevent and eliminate pollution by dumping) in connection with Annex II (prevention and elimination of pollution by dumping); Art. 5 (pollution from offshore sources) in connection with Art. 3 of Annex III (dumping from offshore installations).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> Framework: Council Directive 75/442/EEC of 15 July 1975 on waste⁸³. Special provisions for special categories of waste: Council Directive 91/689 /EEC of 12 December 1994 on hazardous waste⁸⁴; Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry⁸⁵.

⁸¹ OJ L 175 05/07/1985 p. 40.

⁸² OJ L 073 14/03/1997 p. 5.

⁸³ OJ L 194 25/07/1975 p. 39.

⁸⁴ OJ L 377 31/12/1991 p. 20.

⁸⁵ OJ L 054 25/02/1978 p. 19.

⁸⁶ OJ L 030 06/02/1993 p. 1.

⁸⁷ OJ L 332 28/12/2000 p. 81.

	<ul style="list-style-type: none"> Shipments of waste for, inter alia, disposal: Council Regulation (EEC) No. 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community⁸⁶. Discharges of ship-generated waste and cargo residues: Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues⁸⁷.
3. Constructions	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> UNCLOS, in particular Art. 87 (freedom of the high seas), Art. 147 para. 2 (installations used for carrying out activities in the Area), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 206 (assessment of potential effects of activities); Art. 145 (powers of ISBA with regard to the protection of the marine environment), Art. 209 (pollution from activities in the Area), Art. 215 (enforcement with respect to pollution from activities in the Area). MARPOL 73/78 (covers all the technical aspects of pollution from ships according to the Annexes; the term "ships" includes fixed or floating platforms, Art. 2 para. 4, but see also para. 3 lit. (b)). Global nature conservation law: CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts). Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (a), (c) and (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 2 para. 3 lit. (b) (best available techniques, best environmental practice, clean technology) in connection with Appendix 1; Art. 5 in connection with Annex III (pollution from offshore sources); Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. III para. 2 lit. (e) (problems posed by human activities and remedial measures); Art. IV in connection with para. 4.3 of Annex 3 (management of human activities, especially impact assessment and measures to limit the level of threat).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment⁸⁸ (as amended by Council Directive 97/11/EC of 3 March 1997⁸⁹), in particular Art. 4 para. 1 in connection with Annex I (Annex I lists projects, which shall be made subject to an obligatory assessment); Art. 4 para. 2 in connection with Annex II (with regard to the projects listed in Annex II the Member States shall determine whether the project shall be made subject to an assessment); both Annex I and Annex II comprise projects which can be thought to be realised by artificial islands, installations and structures at sea, e.g. No. 2 of Annex I or No. 3 of Annex II.
4. Shipping and navigation	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> UNCLOS, in particular Art. 87 (freedom of the high seas), Art. 90 et seq. (navigation on the high seas), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution), Art. 211 para. 1, 2 and 7 (pollution from vessels), Art. 217 (enforcement by flag States), Art. 218 (enforcement by port

⁸⁸ OJ L 175 05/07/1985 p. 40.

⁸⁹ OJ L 073 14/03/1997 p. 5.

	<p>States), Art. 221 (measures to avoid pollution arising from marine casualties).</p> <ul style="list-style-type: none"> • IMO Conventions relating to <i>marine pollution</i> by ships, especially MARPOL 73/78 (main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes; includes six technical annexes). • IMO Conventions relating to <i>maritime safety</i>, especially SOLAS 74 (main objective: to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety; provides the option of designating areas to be avoided by ships or certain classes of ships, see also IMO Resolution A.572(14) on General Provisions on Ships' Routeing). • IMO measures relating to certain sea areas: IMO Resolution A.927(22) on Guidelines for the Designation of Special Areas under MARPOL 73/78 and Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas. • Regional responsibility conventions: Agreement for Cooperation in dealing with Pollution of the North Sea by Oil of 9 June 1969; Agreement for Cooperation in dealing with Pollution of the North Sea by Oil and Other Harmful Substances of 13 September 1983.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Responsibility for the issuing of international certificates for safety and pollution provided for under conventions such as SOLAS 74 and MARPOL 73/78: Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations⁹⁰. • Vessel carrying dangerous or polluting goods: Council Directive 93/75/EEC of 13 September 1993 concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods⁹¹. • Implementation of IMO standards and the procedures for the approval of marine equipment: Council Directive 96/98/EC of 20 December 1996 on marine equipment⁹². • Phasing-in of double hull: Regulation (EC) No. 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No. 2978/94⁹³.
5. Placement and operation of submarine cables (including the use of the water body as a conductor for electricity)	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 87 (freedom of the high seas), Art. 112 (right to lay submarine cables on the bed of the high seas); Art. 145 (powers of ISBA with regard to the protection of the marine environment), Art. 209 (pollution from activities in the Area), Art. 215 (enforcement with respect to pollution from activities in the Area); Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution, whereas "pollution" also means the introduction by man, directly or indirectly, of energy, see Art. 1 para. 1 No. (4)), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 206 (assessment of potential effects of activities).

⁹⁰ OJ L 319 12/12/1994 p. 20.

⁹¹ OJ L 247 05/10/1993 p. 19.

⁹² OJ L 046 17/02/1997 p. 25.

⁹³ OJ L 064 07/03/2002 p. 1.

	<ul style="list-style-type: none"> • Global nature conservation law: CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts). • Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (c) and (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 2 para. 3 lit. (b) (best available techniques, best environmental practice, clean technology) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. III para. 2 lit. (e) (problems posed by human activities and remedial measures); Art. IV in connection with para. 4.3 of Annex 3 (management of human activities, especially impact assessment and measures to limit the level of threat).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • No special regulations as far as apparent.
6. Placement and operation of pipelines	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, Art. 87 (freedom of the high seas), Art. 112 (right to lay submarine pipelines on the bed of the high seas); Art. 145 (powers of ISBA with regard to the protection of the marine environment), Art. 209 (pollution from activities in the Area), Art. 215 (enforcement with respect to pollution from activities in the Area); Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 206 (assessment of potential effects of activities). • Global nature conservation law: CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts). • Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (a), (c) and (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 2 para. 3 lit. (b) (best available techniques, best environmental practice, clean technology) in connection with Appendix 1; Art. 5 in connection with Art. 1 lit. (k) (definition of "offshore sources") and Annex III (pollution from offshore sources); Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. III para. 2 lit. (e) (problems posed by human activities and remedial measures); Art. IV in connection with para. 4.3 of Annex 3 (management of human activities, especially impact assessment and measures to limit the level of threat).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment⁹⁴ (as amended by Council Directive 97/11/EC of 3 March 1997⁹⁵), in particular Art. 4 para. 1 in connection with No. 16 of Annex I (Annex I lists projects, which shall be made subject to an obligatory assessment); Art. 4 para. 2 in connection with No. 10 lit. (i) of Annex II (with regard to the projects listed in Annex II the Member States shall determine whether the project shall be made subject to an assessment).

⁹⁴ OJ L 175 05/07/1985 p. 40.

⁹⁵ OJ L 073 14/03/1997 p. 5.

7. Fishing, hunting and harvesting	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 64 (highly migratory species), Art. 87 (freedom of the high seas), Art. 116 et seq. (conservation and management of the living resources of the high seas), Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 para. 5 (protection and preservation of ecosystems and habitats). • Global: ICRW, in particular Art. V (regulations with respect to the conservation and utilisation of whale resources); CITES, in particular Art. IV para. 6 (introduction from the sea) in connection with Appendix II; CMS, in particular Art. III para. 5 (prohibition of the taking) in connection with Appendix I (endangered migratory species); Art. IV para. 3 and Art. V para. 4 lit. (f) (prohibition of taking in relation to <i>Cetacea</i>), para. 5 lit. (j) (control and management of taking and lit. (k) (suppression of illegal taking) in connection with Appendix II (migratory species to be the subject of agreements); CBD, in particular Art. 3 (sovereign right of States to exploit their own resources), Art. 10 (sustainable use of components of biological diversity). • Regional: Berne Convention, in particular Art. 6 lit. (a) and (d) (protection of the wild fauna species specified in Appendix II); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (b) (by-catches) and para. 4 (prohibition of taking and obligation to release animals) of the Annex; NAMMCO Agreement; OSPAR Convention, Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. IV in connection with para. 2 (species conservation) and para. 4.1 (hunting) of Annex III. • Especially global and regional fisheries law: International Convention for the Conservation of Atlantic Tunas of 14 May 1966; Convention on Future Multilateral Co-operation in North-East Atlantic Fisheries of 18 November 1980; Convention for the Conservation of Salmon in the North Atlantic Ocean of 2 March 1982; Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 (<i>not yet in force</i>); Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995.
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Fisheries Law: <i>general instruments regarding the conservation of stocks</i>, in particular Council Regulation (EEC) No. 3760/92 of December 1992 establishing a Community system for fisheries and aquaculture⁹⁶ (core legislative instrument), Council Regulation (EC) No. 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits⁹⁷, Commission Regulation (EC) No. 2943/95 of 20 December 1995 setting out detailed rules for applying Council Regulation (EC) No. 1627/94 laying down general provisions concerning special fishing permits⁹⁸, Council Regulation (EC) No. 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms⁹⁹; <i>instruments regarding catch quotas and the management of stocks</i>, in particular Council Regulation (EC) No. 2555/2001 of 18 December 2001 fixing for 2002 the fishing opportunities and associated conditions for certain fish stocks and groups

⁹⁶ OJ L 389 31/12/1992 p. 1.
⁹⁷ OJ L 171 06/07/1994 p. 7.
⁹⁸ OJ L 308 21/12/1995 p. 15.
⁹⁹ OJ L 125 27/04/1998 p. 1.

	<p>of fish stocks, applicable in Community waters and, for Community vessels, in waters, where limitations in catch are required¹⁰⁰, Council Regulation (EC) No. 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas¹⁰¹; <i>technical conservation measures</i>, in particular Commission Regulation (EEC) No. 2108/84 of 23 July 1984 laying down detailed rules for determining the mesh size of fishing nets¹⁰², Commission Regulation (EEC) No. 3440/1984 of 6 December 1984 on the attachment of devices to trawls, Danish seines and similar nets¹⁰³, Council Regulation (EC) No. 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources¹⁰⁴, Commission Regulation (EC) No. 2056/2001 of 19 October 2001 establishing additional technical measures for the recovery of the stocks of cod in the North Sea and to the west of Scotland¹⁰⁵; <i>instruments regarding multilateral relations</i>: Council Regulation (EEC) No. 1899/85 of 8 July 1985 establishing a minimum mesh size for nets used when fishing for capelin in that part of the zone of the Convention on future multilateral cooperation in the north-east Atlantic fisheries which extends beyond the maritime waters falling within the fisheries jurisdiction of Contracting Parties to the Convention¹⁰⁶, Council Regulation (EEC) No. 1638/87 of 9 June 1987 fixing the minimum mesh size for pelagic trawls used in fishing for blue whiting in that part of the area covered by the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries which extends beyond the maritime waters falling within the fisheries jurisdiction of Contracting Parties to the Convention¹⁰⁷, Council Regulation (EC) No. 2791/1999 of 16 December 1999 laying down certain control measures applicable in the area covered by the Convention on Future Multilateral Co-operation in the North-East Atlantic Fisheries¹⁰⁸, Commission Regulation (EC) No. 1085/2000 of 15 May 2000 laying down detailed rules for the application of control measures applicable in the area covered by the Convention on Future Multilateral Co-operation in the North-East Atlantic Fisheries¹⁰⁹, Council Regulation (EC) No. 973/2001 of 14 May 2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species¹¹⁰, Council Regulation (EC) No. 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory species¹¹¹.</p> <ul style="list-style-type: none"> • Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds¹¹², in particular Art. 7 et seq. (hunting, capture and killing); Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora¹¹³, in particular Art. 12 et seq. (protection of species).
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¹⁰⁰ OJ L 347 31/12/2001 p. 1.

¹⁰¹ OJ L 115 09/05/1996 p. 3.

¹⁰² OJ L 194 24/07/1984 p. 22.

¹⁰³ OJ L 318 07/12/1984 p. 23.

¹⁰⁴ OJ L 132 23/05/1997 p. 1.

¹⁰⁵ OJ L 277 20/10/2001 p. 13.

¹⁰⁶ OJ L 179 11/07/1985 p. 2.

¹⁰⁷ OJ L 153 13/06/1987 p. 7.

¹⁰⁸ OJ L 337 30/12/1999 p. 1.

¹⁰⁹ OJ L 128 29/05/2000 p. 1.

¹¹⁰ OJ L 137 19/05/2001 p. 1.

¹¹¹ OJ L 263 03/10/2001 p. 1.

¹¹² OJ L 103 25/04/1979 p. 1.

¹¹³ OJ L 206 22/07/1992 p. 7.

8. Tourism and recreational activities	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 (prevention, reduction and control of pollution), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 206 (assessment of potential effects of activities). • Global nature conservation law: CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts). • Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (c) and (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. IV in connection with para. 4.2 of Annex 3 (eco-tourism).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment¹¹⁴ (as amended by Council Directive 97/11/EC of 3 March 1997¹¹⁵), in particular Art. 4 para. 2 in connection with No. 12 of Annex II (with regard to the projects listed in Annex II the Member States shall determine whether the project shall be made subject to an assessment).
9. Research and bio-prospecting	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 238 (right to conduct marine scientific research), Art. 240 (general principles for the conduct), Art. 256 in connection with Art. 143 (marine scientific research in the Area), Art. 257 (marine scientific research in the water column beyond the EEZ); Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 para. 5 (protection and preservation of ecosystems and habitats). • Global nature conservation law: ICRW, in particular Art. VIII (special permits for purposes of scientific research); CMS, in particular Art. II para. 3 lit. (a) (promotion of, co-operation in and support of research), Art. III para. 5 (exceptions for scientific purposes), Art. V para. 5 lit. (c) (research); CBD, in particular Art. 12 lit. (b) (promotion and encouragement of research). • Regional environmental and nature conservation law: Berne Convention, in particular Art. 11 para. 1 lit. (b) (encouragement and co-ordination of research), Art. 9 para. 1 (exceptions for the purpose of research); ASCOBANS, in particular Art. 2.2 in connection with para. 2 (research) of the Annex; OSPAR Convention, in particular 8 para. 1 (establishment of programmes of scientific research); AEWA, in particular Art. III para. 2 lit. (h) (initiation and support of research); Art. IV in connection with para. 5 of Annex 3 (research and monitoring) and para. 2.1.3 lit. (c) (exceptions for the purpose of research).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • No special regulations as far as apparent.
10. Noise	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 206 (assessment of potential

¹¹⁴ OJ L 175 05/07/1985 p. 40.

¹¹⁵ OJ L 073 14/03/1997 p. 5.

	<p>effects of activities).</p> <ul style="list-style-type: none"> • Global nature conservation law: CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts). • Regional environmental and nature conservation law: Berne Convention, in particular Art. 4 (protection of habitats); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 2 para. 3 lit. (b) (best available techniques, best environmental practice, clean technology) in connection with Appendix 1; Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. III para. 2 lit. (e) (problems posed by human activities and remedial measures); Art. IV in connection with para. 4.3 of Annex 3 (management of human activities, especially impact assessment and measures to limit the level of threat).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • No special regulations as far as apparent.
<i>11. Introduction of species</i>	
	<p><i>a. International law:</i></p> <ul style="list-style-type: none"> • UNCLOS, in particular Art. 192 (general obligation to protect and preserve the marine environment), Art. 194 para. 5 (protection and preservation of ecosystems and habitats), Art. 196 (introduction of alien or new species). • IMO measures: A draft international “Convention for the Control and Management of Ship’s Ballast Water and Sediments” as well as associated guidelines for its implementation is being developed for consideration and adoption by a diplomatic conference scheduled for 2003. • Global nature conservation law: CBD, in particular Art. 7 lit. (c) (identification of processes and categories of activities), Art. 14 para. 1 lit. (a) (environmental impact assessment and minimising adverse impacts). • Regional environmental and nature conservation law: Berne Convention, in particular Art. 11 para. 2 lit. (b) (control of the introduction of non-native species); ASCOBANS, in particular Art. 2.2 in connection with para. 1 lit. (c) and (d) (habitat conservation and management) of the Annex; OSPAR Convention, in particular Art. 1 para. 1 in connection with Annex V (protection and conservation of the ecosystems and biological diversity of the maritime area); AEWA, in particular Art. IV in connection with para. 2.5 of Annex 3 (introduction of non-native species).
	<p><i>b. EC legislation:</i></p> <ul style="list-style-type: none"> • No special regulations as far as apparent.

III. ABBREVIATIONS OF THE CONVENTIONS, AGREEMENTS AND ORGANISATIONS

AEWA	Agreement on the Conservation of African-Eurasian Migratory Waterbirds of 16 June 1995
ASCOBANS	Agreement on the Conservation of Small Cetaceans of the Baltic and North Sea of 9 April 1992
Berne Convention	Convention on the Conservation of European Wildlife and Natural Habitats of 19 September 1979
CBD	Convention on Biological Diversity of 5 June 1992
CITES	Convention on International Trade in Endangered Species of Wild Flora and Fauna of 3 March 1973
CMS	Convention on the Conservation of Migratory Species of Wild Animals of 23 June 1979
EC	European Community
ICRW	International Convention for the Regulation of Whaling of 2 December 1946
IMO	International Maritime Organization
ISBA	International Sea-Bed Authority
LDC	Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter of 29 December 1972 (<i>The 1972 Convention will be replaced by the 1996 Protocol once it enters into force.</i>)
MARPOL 73/78	International Convention for the Prevention of Pollution from Ships of 2 November 1973 as modified by the Protocol of 17 February 1978 relating thereto (<i>The Protocol of 1978 incorporates with modifications the provisions of the 1973 Convention.</i>)
NAMMCO Agreement	Agreement on Co-operation in Research, Conservation and Management of Marine Mammals in the North Atlantic of 9 April 1992.
OSPAR Convention	Convention for the Protection of the Marine Environment of the North-East Atlantic of 22 September 1992
SOLAS 74	International Convention of Life at Sea of 1 November 1974
UNCLOS	United Nations Convention on the Law of the Sea of 30 April 1982