

Hazardous substances⁷

1. Objectives

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

1.2 The Hazardous Substances Strategy will be implemented progressively by making every endeavour, through appropriate actions and measures:

- a. to achieve concentrations of contaminants at levels not giving rise to pollution effects, and contaminants in fish and other seafood for human consumption not exceeding levels established by EU legislation or other relevant standards, and finally;
- b. to move towards the targets of the cessation of discharges, emissions and losses of hazardous substances by the year 2020.

2. Guiding principles

2.1 When making assessments and adopting programmes and measures in relation to hazardous substances, the Contracting Parties will be guided by the general principles described in section 3 of Part I. In addition:

- a. the principle of substitution, *i.e.* the substitution of hazardous substances by less hazardous substances or preferably non-hazardous substances where such alternatives are available⁸, will apply;
- b. emissions, discharges and losses of new hazardous substances shall be avoided, except where the use of these substances is justified by the application of the principle of substitution;
- c. the scientific assessment of risks should be used as a tool for setting priorities and developing action programmes.

3. Main strategic directions

3.1 To achieve its objectives and in accordance with the findings of the Quality Status Report 2010, the OSPAR Commission will focus on the following main strategic directions in the period up to 2020:

- a. maintain the OSPAR List of Chemicals for Priority Action and associated Background Documents, and the OSPAR List of Substances of Possible Concern and retain the option to work on specific hazardous substances not covered within the EU framework which are assessed as being of concern for the marine environment;
- b. carry out regional data collections to quantify sources, releases and pathways of hazardous substances on the List of Chemicals for Priority Action ("OSPAR priority chemicals");
- c. carry out effective regional, coordinated monitoring and assessment to evaluate the extent of contamination with hazardous substances covered by the Joint Assessment and Monitoring Programme and their effects in the OSPAR maritime area, taking into account any additional

⁷ A number of terms used in this strategy are defined at Annex 1.

⁸ "Available" in the context of substitution must be understood in the same sense as in the definition of Best Available Techniques in the OSPAR Convention 1992 and should take into account the principles contained in the definition of Best Environmental Practice in the OSPAR Convention 1992 related to substitution of products.

impacts linked to climate change, and to identify actions to be taken, so as to make progress towards good environmental status and good chemical status under the EU Marine Strategy Framework Directive and the Water Framework Directive respectively;

- d. promote actions to address concerns about chemicals, including endocrine disruptors, through the EU and other relevant international organisations, and act if these concerns are not fully addressed by those organisations.

4. Timeframe and implementation

4.1 The Hazardous Substances Strategy will be implemented and further developed in line with the OSPAR Commission's commitments to an Ecosystem Approach and detailed in the Joint Assessment and Monitoring Programme and the periodic Programmes of Work, which will establish priorities, assign tasks and set appropriate deadlines for completing these tasks. The implementation of the strategy is supported by the actions relating to the use of chemicals under the Offshore Oil and Gas Industry Strategy and pollution control for other relevant sea-based human activities under the Biological Diversity and Ecosystems Strategy.

4.2 The Strategy will support the implementation of the EU Water Framework Directive by feeding the programmes of measures identified under § 3.1(c) into the first review of the river basin management plans under the Directive.

4.3 In addition, the OSPAR Commission will:

- a. maintain the List of Chemicals for Priority Action and the List of Substances of Possible Concern, through consideration of new information on substances already on those OSPAR Lists or information on other substances of concern for the marine environment. Based on suitable evidence, the OSPAR Commission will assess whether
 - (i) to select a substance for priority action and to take measures, as appropriate, where that substance is not prioritised for action or not listed as of possible concern by the OSPAR Commission and is not fully addressed under relevant EU initiatives;or
 - (ii) to deselect a substance from the OSPAR Lists where that substance does not fulfil the criteria for being on those lists.
- b. maintain the Background Documents for OSPAR priority chemicals;
- c. actively generate input to the EU and other international organisations on the identification, selection and prioritisation of hazardous substances which are of concern for the marine environment;
- d. further support initiatives, for example through the input of relevant information and assessments,
 - (i) by the EU under the REACH Regulation and other relevant EU legislation to reduce releases of priority chemicals from products and wastes and to control risks for the marine environment;
 - (ii) in the UN framework on the phase out of additional persistent organic pollutants and a global legally binding instrument on mercury;
- e. further develop existing monitoring and assessment tools to evaluate progress towards achieving the objectives of the Hazardous Substances Strategy by:

- (i) improving information collection on the production, uses and pathways to the marine environment of hazardous substances, especially for substances which are not deemed suitable for marine monitoring;
- (ii) redesigning marine monitoring of priority chemicals under OSPAR's existing monitoring programme to reach better regional coverage;
- (iii) improving methods for marine biological effects monitoring, where appropriate integrated with chemical monitoring;
- (iv) improving the understanding of the effects of hazardous substances on marine ecosystems, particularly cumulative effects and endocrine disruption.

4.4 In support of OSPAR's objectives for hazardous substances, Contracting Parties will:

- a. where national obligations exist under EU legislation, fully implement existing obligations, in particular those required under the Marine Strategy Framework Directive (2008/56/EC), the Water Framework Directive (2000/60/EC) and its daughter directive on priority substances (2008/105/EC), and other relevant EU legislation to prevent and eliminate emissions, discharges and losses of hazardous substances from point sources and diffuse sources (e.g. products) and to control their risks, including the Integrated Pollution and Prevention Control (IPPC) Directive (2008/1/EC), and the REACH Regulation (EC) No 1907/2006, together with the EU Chemicals Strategy and Directives on cosmetics (76/768/EEC), pesticides (91/414/EEC), biocides (98/8/EC), pharmaceuticals (75/319/EEC) and veterinary medicine (81/851/EEC);
- b. where no national obligations exist under EU legislation, implement adequate measures adopted at international level or within the framework of national legislation and continue to implement existing OSPAR measures with regard to hazardous substances;
- c. take additional measures, if necessary, to reduce pollution with OSPAR priority chemicals at source.

4.5 Taking into account the increased environmental awareness, Contracting Parties should encourage industry to help achieving OSPAR's objectives for hazardous substances through:

- a. the incorporation, as a strategy, of the objective in their development of clean production and environmentally sound products, and in this context the promotion of "green chemistry", including:
 - (i) the development and use of less hazardous, or preferably non-hazardous, substances;
 - (ii) the development and use of practices during the manufacture, use and ultimate disposal of chemicals (whether as intermediates, products or residues), including waste handling and waste management techniques, that reduce, or preferably avoid, the use of hazardous substances and that avoid their discharges, emissions and losses to the environment;
 - (iii) the provision of alternatives to the use of hazardous substances in processes other than their manufacture;
- b. the provision of reliable data on properties, production volumes, use patterns, emission scenarios, and exposure concentrations of hazardous substances.

5. Interrelation with other international institutions

5.1 The implementation of the Hazardous Substances Strategy will take place within the framework of the obligations and commitments of the various Contracting Parties, individually or jointly, in this field, in particular the obligations of EU Member States, and in some cases the states of the European Economic Area (EEA), to implement measures under relevant EU legislation (cf. § 4.4(a)).

5.2 Considering that hazardous substances can reach the OSPAR maritime area from outside the area, for example through long-range air transport or imported products, and that international controls and approaches are necessary to address them:

- a. the implementation of this strategy will be supported by the obligations and commitments of the Contracting Parties under various international agreements, such as the UNECE Convention of Long-Range Transboundary Air Pollution (LRTAP), the UNEP Stockholm POPs Convention, the MARPOL 73/78 Convention and the Convention on the Control of Harmful Anti-fouling Systems on Ships;
- b. the OSPAR Commission will support the work of relevant international bodies (e.g. UNEP, UNECE, OECD and IMO) and countries in this regard;
- c. the OSPAR Commission will collaborate with the relevant international forums dealing with endocrine disruptors (e.g. OECD) with a view to optimising international research effort leading to the development of testing and assessment tools for identifying substances of concern and their occurrence and distribution and effects in the marine environment.

5.3 The OSPAR Commission and Contracting Parties, individually or jointly, will endeavour to maintain and develop further a constructive dialogue with regard to hazardous substances with all parties concerned, including producers, manufacturers, user groups, authorities and environmental NGOs. The OSPAR Commission will invite industry to cooperate in fulfilling the objective of OSPAR with regard to hazardous substances.