

Fifth International
Conference on
the Protection of
the North Sea



Bergen Declaration

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the North Sea

20–21 March 2002
Bergen, Norway

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Ministerial Declaration of the Fifth International Conference on the Protection of the North sea

Bergen, Norway 20–21 March 2002

THE MINISTERS responsible for the protection of the environment of the North Sea and the Member of the European Commission responsible for environmental protection (hereafter the Ministers) met in Bergen on 20 and 21 March 2002 for the Fifth International Conference on the Protection of the North Sea in the presence of observers from Intergovernmental Organizations and Non-governmental Organizations;

REAFFIRMING the political commitments made at the four preceding North Sea Conferences, in Bremen (1984), in London (1987), in the Hague (1990) and in particular at the Esbjerg Conference in 1995;

REAFFIRMING the Statement of Conclusions, in particular the Guiding Principles and the Management Objectives, arising from the Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues (IMM 97) in Bergen 13–14 March 1997;

WELCOMING the major progress that has been made on many of the issues identified for action at the Fourth North Sea Conference and at the IMM 97, through the developments recorded in Annex 1 and in the Progress Report;

WELCOMING the Statement of the 9th Trilateral Governmental Conference on the Protection of the Wadden Sea (October 2001) to the Fifth North Sea Conference as a valuable contribution to the preparation of this declaration;

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CONSCIOUS that there is still need to be concerned about pollution from hazardous substances, eutrophication and the direct and indirect effects of fisheries, as described in the OSPAR 2000 Quality Status Report for the Greater North Sea and in the Progress Report, while RECOGNIZING that a number of relevant substances are already subject to stringent European and comparable national regulations;

CONCERNED about the effects that climate change may have on the North Sea ecosystem and the threat it may pose to the population living on the North Sea coasts and EMPHASIZING the need to develop safe renewable energy solutions, and RECOGNIZING that questions relating to climate change are appropriately regulated under international agreements dealing specifically with this question, but ACKNOWLEDGING that actions taken at a local, regional and national level can also influence the effects of climate change at a global level;

RECOGNIZING the leadership that the European Union, Norway and Switzerland have demonstrated in the Kyoto climate negotiations and the key role that the renewable energy resources of the North Sea could play in reducing impact on climate;

CONSCIOUS of the need to take an integrated ecosystem approach to the management of human activities affecting the North Sea as a priority and WELCOME as a valuable contribution the declaration from the Reykjavik Conference on Responsible Fisheries in the Marine Ecosystem in October 2001;

CONSCIOUS also of the need for an exchange of information and cooperation in the planning processes and the development of the North Sea;

ACKNOWLEDGING the need to involve regional and local authorities, organizations and other stakeholders in the planning and decision-making processes;

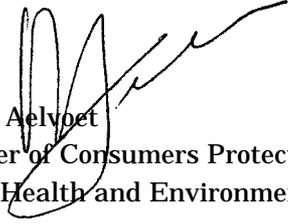
COMMITTED, individually and jointly, fully towards the protection and conservation of the North Sea environment and, where practicable, restoration of areas which have been adversely affected;

AGREE that there is a need for continuous action to achieve a sustainable, sound and healthy North Sea ecosystem;

HAVE ADOPTED the following declaration:

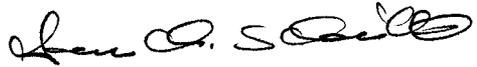
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For the Government
of the Kingdom of Belgium:



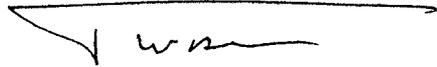
Magda Aelvoet
Minister of Consumers Protection,
Public Health and Environment

For the Government
of the Kingdom of Denmark:



Hans Chr. Schmidt
Minister for the Environment

For the Government
of the French Republic:



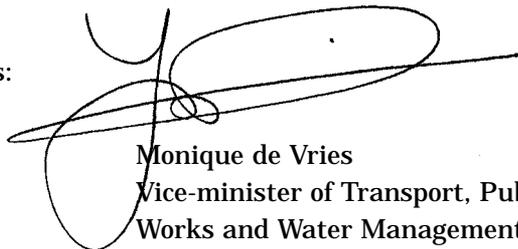
Thierry Wahl
For the Minister of Landplanning and
Environment
Director general for Administration,
Finance and International Affairs

For the Government
of the Federal Republic of Germany:



Fritz Holzwarth
For the Minister for the Environment,
Nature Conservation and Nuclear Safety

For the Government
of the Kingdom of the Netherlands:



Monique de Vries
Vice-minister of Transport, Public
Works and Water Management

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For the Government
of the Kingdom of Norway:



Børge Brende
Minister of the Environment

For the Government
of the Kingdom of Sweden:



Lena Sommestad
Acting Minister of the Environment

For the Government
of the Swiss Confederation:



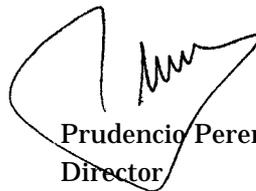
Gian Federico Pedotti
Ambassador

For the Government
of the United Kingdom
of Great Britain and Northern Ireland:



Michael Meacher
Minister for the Environment

For the European Commission:



Prudencio Perera
Director
Directorate Generale Environment

I

Establishing an Ecosystem Approach to Management

1. The Ministers **recognize** the need to manage all human activities that affect the North Sea, in a way that conserves biological diversity and ensures sustainable development.
2. The Ministers therefore **agree** to implement an ecosystem approach by identifying and taking action on influences which are critical to the health of the North Sea ecosystem. In particular, they **agree** that management will be guided by the conceptual framework set out in Annex 2, which includes:
 - the development of general and operational environmental goals;
 - best use of available scientific and technical knowledge about the structure and function of the ecosystem;
 - best use of scientific advice;
 - integrated expert assessment;
 - coordinated and integrated monitoring;
 - involvement of all stakeholders; and
 - policy decisions and control and enforcement.
3. To implement an ecosystem approach in line with this framework the Ministers **will**:
 - i) develop focused research and information gathering which address the driving forces of North Sea ecosystems variability, including climatic, biological and human factors, which are critical for maintaining ecosystem structure and function and invite the International Council for the Exploration of the Sea (ICES), Global Ocean Ecosystem Dynamics (GLOBEC) programme and other relevant scientific organizations and programmes to consider the priority science issues from the Scientific Expert Conference in Bergen 20–22 February 2002;

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- ii) recognize the need for shared integrated expert advice and assessments of the North Sea, including marine resources, environmental and socio-economic factors, and invite OSPAR in cooperation with the EU and ICES to propose how this might be undertaken at periodic intervals involving stakeholders and to take the first steps;
 - iii) develop a strategy for achieving dialogue with all relevant stakeholders for the development and implementation of the ecosystem approach, including through the use of existing national and international forums;
 - iv) improve the coordination, harmonization and efficiency of current national and international monitoring to serve the assessment processes, including building on the OSPAR Joint Assessment and Monitoring Programme and relevant EU monitoring programmes;
 - v) make appropriate policy decisions, including integration of environmental protection into all sectors, implement the corresponding management actions and ensure proper control and enforcement to deliver an ecosystem approach; and
 - vi) make use of ecological quality objectives (EcoQOs) as a tool for setting clear operational environmental objectives directed towards specific management and serving as indicators for the ecosystem health.
4. For delivering an ecosystem approach for the North Sea, the Ministers **stress** the importance of developing a coherent and integrated set of ecological quality objectives. Therefore they **welcome** the progress that is being made within OSPAR and ICES to develop operational ecological quality objectives. To progress this work, the Ministers **agree** that:
- i) the issues and their related elements listed in Annex 3 Table A are the set for which EcoQOs will be developed. These EcoQOs will include both the desired level of ecological quality and baselines against which progress can be measured;
 - ii) the ecological quality baselines will be established for each element, either by utilizing baselines already agreed (*e.g.* fish stock assessments), or by developing new baselines. EcoQOs must not permit any worsening of existing conditions;

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- iii) the EcoQOs for each of the elements listed in Annex 3 Table B will be applied as a pilot project for the North Sea. By 2004, EcoQOs for the remaining elements will be developed and applied within the framework of OSPAR in coordination with the development of marine indicators in the European Environment Agency (EEA) and environmental objectives in the EU Water Framework Directive. This work will include agreement on the procedures necessary for the sound application of the EcoQOs;
- iv) the pilot project will:
 - a) assess the information that is, or can be made, available in order to establish whether the EcoQOs are being, or will be, met. Where the EcoQOs are not being met, the information will be used to determine the reason. Costs and practicability should be taken into account in deciding what information can be made available;
 - b) where an EcoQO is not being met, review any policies and practices which are contributing to that failure; and
 - c) if need be, reconsider the formulation of such EcoQOs;
- v) coherent monitoring arrangements will be established, in order to enable progress towards meeting the EcoQOs to be assessed. These arrangements will be integrated into the OSPAR Joint Assessment and Monitoring Programme;
- vi) OSPAR 2005 should be invited to review progress, in collaboration with ICES and other relevant bodies, with the aim of adopting a comprehensive and consistent scheme of EcoQOs and to report on this to the North Sea Ministers; and
- vii) thereafter, the value, use and practicability of the scheme of EcoQOs should be periodically reviewed by OSPAR, in cooperation with ICES and other relevant bodies.

II

Conservation, Restoration and Protection of Species and Habitats

5. The Ministers **welcome** the significant contributions that have been made to conserve, restore and protect the species and habitats of the North Sea. However, the Ministers **recognize** the need for further action in order to ensure the conservation, restoration and protection of the biological diversity of the North Sea and its ecosystems.
6. The Ministers **reaffirm** the agreement within OSPAR to promote the establishment of a network of marine protected areas to ensure the sustainable use, conservation and protection of marine biological diversity and its ecosystems and **note** the progress within OSPAR to develop draft guidelines for the identification and selection of marine protected areas¹ as well as draft guidelines for their management. In order to promote the establishment of a representative network of marine protected areas in the North Sea, the Ministers:
 - i) **urge** OSPAR and the European Union to assess whether measures to protect marine areas complementary to existing measures, or other relevant international or national commitments, are necessary to ensure the conservation of the ecosystem and biodiversity in the North Sea; and
 - ii) **support** the efforts to improve the existing cooperation between OSPAR and the EU, *i.e.* by promoting a coordination of their site-protection measures.

¹ Within the framework of the United Nations Convention on the Law of the Sea any uses that are not in conflict with conservation objectives are allowed in a marine protected area.

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7. The Ministers **agree** that by 2010 relevant areas of the North Sea will be designated as marine protected areas belonging to a network of well-managed sites, safeguarding threatened and declining species, habitats and ecosystem functions, as well as areas which best represent the range of ecological and other relevant character in the OSPAR area.
8. The Ministers **encourage** OSPAR and the EEA to start the marine habitat mapping by 2003. The Ministers further **recognize** the need for further development of the European Nature Information System's marine habitat classification system to meet the requirements for mapping and assessment of the conservation status of marine habitats in the North Sea and wider OSPAR area and **encourage** the current work within OSPAR in this field.
9. The Ministers of the EU Member States **confirm** that they will fulfil their obligations under the EU Habitats and Wild Birds Directives to protect species and nominate sites for the Natura 2000 network without delay and implement management plans as soon as possible, and
 - i) invite the competent authorities to study the practicability of the application of the EU Wild Birds and Habitats Directives beyond the territorial seas of EU Member States to the limits of their offshore jurisdiction; and
 - ii) develop and – while taking into account existing international guidelines – adopt guidelines on how marine special protected areas and special areas of conservation can contribute to the conservation, restoration and protection of species and habitats.
10. Recognizing that the release of genetically modified marine organisms is an emerging issue in the North Sea owing to the inherent, potentially severe, irreversible and transboundary effects, and the need to apply the precautionary principle, the Ministers **agree** to take all possible actions, in accordance with the requirements of the Directive 2001/18/EC and comparable national legislation, to ensure that the culture of genetically modified marine organisms is confined to secure, self-contained, land-based facilities in order to prevent their release to the marine environment.
11. Taking account of article 8h of the Convention on Biological Diversity (CBD) and ongoing international work in this field, the Ministers **agree** to take action, as far as possible and as appropriate, to reduce the risk and minimize adverse effects on ecosystems, habitats or naturally occurring species arising from the introduction or release of non-indigenous species, including:

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- i) in the case of intentional introductions to develop and implement, where necessary, systems of approval based on the precautionary principle and environmental impact assessments to ensure confinement of potentially invasive non-indigenous organisms and associated biota, taking account of the ICES Code of Practice on Introductions and Transfers of Marine Organisms; and
- ii) in the case of unintentional introductions, to take action at the earliest possible stage with the aim of preventing the firm establishment of the introduced species.

12. The Ministers **invite** OSPAR:

- i) to investigate how to best monitor introduced invasive non-indigenous and genetically modified organisms;
- ii) to develop a database on non-indigenous species aiming at detecting species which have the potential of adversely affecting the North Sea ecosystems and their biodiversity and may also entail economic damage;
- iii) to develop an appropriate system of risk assessment and risk profiles connected with relevant human activities (*e.g.* shipping and aquaculture) in particular regions and localities; and
- iv) to examine how best to prevent, control or eradicate, as appropriate, the introduction of harmful invasive species in the OSPAR region or to control or eradicate genetically modified organisms which after their release adversely affect the marine environment, and develop relevant measures, taking into account the results of ongoing work of other international organizations such as the International Maritime Organization (IMO) and CBD.

III

Sustainable Fisheries

13. The Ministers are **concerned** by the fact that the majority of the commercially important fish stocks in the North Sea are outside 'safe biological limits'². The Ministers are also concerned about the fact that some non-target species and the physical environment are also threatened from excessive fishing pressure. This may put populations and habitats in danger, reduce biodiversity and affect the productivity of ecosystem.
14. The Ministers **reaffirm** the need, requested at the Fourth North Sea Conference and at the IMM 97, to further reduce, without delay, the capacity of the fishing fleet and the deployed fishing effort to levels which sustain available fisheries and environmental resources and ecosystem function.
15. Achieving a balance between sustainability and fishing effort in the North Sea must not lead to excessive fishing effort elsewhere. The Ministers **invite** the competent authorities to establish a management regime for deep sea fisheries in the North East Atlantic and implement it on the basis of ICES advice and following a precautionary approach.
16. In order to rebuild fish stocks, the competent authorities are invited:
 - i) to establish Total Allowable Catch (TAC) levels consistent with scientific catch recommendations based on the precautionary principle;
 - ii) to use their best endeavour to restore and keep stocks above the level of the precautionary reference points (B_{pa}) as soon as possible; and

² A stock 'outside safe biological limits' suffers increased risk of low recruitment, *i.e.* average recruitment will be lower than if the stock were at its full reproductive capacity.

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- iii) to extend the TAC regime and other management measures to species which are unregulated at present, and improve the existing regimes for stocks extending beyond the North Sea.
17. The Ministers **urge** the competent authorities to establish, and following consultations with all relevant stakeholders, target reference points for all the stocks specified in the Annex to the IMM 97 Statement of Conclusions by 2004 (with the exception of ling, blue ling and tusk for which target reference points should be established by 2007), and at the same time to determine the action to be taken if they are not met.
 18. The Ministers **invite** the competent authorities to further develop and implement recovery plans and to ensure, by a multi-species approach, that a recovery plan for one target species does not impact on other species (*e.g.* by displacement of effort from a closed area).
 19. The Ministers **agree** that fisheries policies and management should move towards the incorporation of ecosystem considerations in a holistic, multianual and strategic context. While the transition towards a full ecosystem approach to fisheries management should be progressive and concomitant with the enhancement of scientific knowledge, the Ministers are **convinced** that the current state of scientific knowledge, coupled with a sound application of the precautionary principle, allows the immediate setting of certain environmental protection measures.
 20. The Ministers **invite** the competent authorities to give high priority to research and studies allowing a better understanding of the structure and functioning of marine ecosystems and contributing to the operational application of an ecosystem approach to fisheries management.
 21. While recognizing the progress achieved in elucidating the effects of different fisheries on the ecosystem, as suggested at the IMM 97, the Ministers **encourage** the appropriate authorities, in dialogue with the fishing industry and other relevant stakeholders, to continue these assessments, extended to all fishing activities, including industrial fisheries. On the basis of the above-mentioned assessments, the Ministers **encourage** the appropriate authorities to promote those fishing activities having less impact on the ecosystem.
 22. The Ministers **invite** the competent authorities to consider the establishment of a North Sea Regional Advisory Committee comprising relevant stakeholders, to provide joint advice for decision-making on the management of North

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Sea fisheries. The Ministers furthermore **invite** the authorities to consider the progress made by the North Sea Commission Fisheries Partnership.

23. In order to rebuild fish stocks, the Ministers **acknowledge** the need to protect juveniles through further development of adequate methods of selection. Recalling § 8.4 of the Statement of Conclusions of the IMM 97, the Ministers **note** that with regard to closed areas little progress has been made so far. Therefore, they **urge** the competent authorities to establish the legal means necessary for the closure of areas at short notice whenever unforeseen concentrations of juveniles are found.
24. In addition, the Ministers **request** the competent authorities to identify additional areas to be closed permanently or temporarily to fishing activities for the protection of juvenile fish. Such closures should then be implemented and regularly assessed to ensure that they are effective for stock recovery.
25. The Ministers **are concerned** about the high incidence of by-catch and discards in the fisheries. The Ministers **agree** that adequate data and information on by-catch and discards are indispensable in order to allow the further improvement of the selectivity of fishing gears, improvements towards a sustainable management of fisheries and an enhancement of the basis for the multi-species and ecosystem approaches. To the effect that such measures have not yet been taken, the Ministers therefore **urge** the competent authorities to introduce an adequate monitoring of and reporting on by-catch and discards.
26. The Ministers **invite** the competent authorities to consider measures, such as harmonization of regulations for by-catch and discards in the North Sea, joint and coordinated control measures both at sea and at landing of catch, permanent or temporary closure of areas with a high incidence of unwanted by-catch and/or discards.
27. The Ministers **urge** the competent authorities to introduce, as soon as possible, further measures suitable to prevent highgrading³, and to the extent possible reduce unwanted by-catch. They also **reaffirm** the requirement, made at the IMM 97, to investigate the ecological and economic effects of, and the practicability of, applying a discard ban. Where beneficial results can be expected, and on a pilot basis, the competent authorities should consider the establishment of a discard ban for certain fisheries.

³ 'Highgrading' refers to a practice whereby fishermen catch more than is necessary, in order to sort the most valuable components of the catch with the resulting discarding of the remainder.

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28. While recognizing the important steps taken to improve the selectivity of fishing gear and the positive role played therein by the fishing industry, the Ministers **urge** the competent fisheries authorities to take all necessary measures to minimize incidental catches and/or damage of non-target organisms. Such measures should include, *inter alia*, improvement of gear selectivity and area restrictions. When re-designing fishing gear, due consideration should also be given to minimizing habitat disturbance.
29. As an interim objective, the Ministers **agree** to aim at reducing the by-catch of harbour porpoises below 1,7% of the best population estimate. On the same basis the Ministers **agree** on a precautionary objective to reduce by-catches of marine mammals to less than 1% of the best available population estimate, and **urge** the competent authorities to develop specific limits for the relevant species. In this context, the Ministers **welcome** the initiative taken at the 9th Trilateral Governmental Conference on the Protection of the Wadden Sea to further improve gill-net fishery practices in order to reduce by-catch of marine mammals and birds.
30. Furthermore, the Ministers **will develop** and **adopt**, as soon as possible and in cooperation with all competent authorities, a recovery plan for harbour porpoises in the North Sea.
31. The Ministers **reaffirm** their request at the IMM 97 to the competent authorities to facilitate research on undisturbed areas and **invite** countries to establish on the basis of scientific advice by 2004, individually or in cooperation and on a pilot basis, undisturbed areas of significant size.
32. The Ministers **reaffirm** the need, raised at the IMM 97, to minimize any adverse effects of stock enhancement and sea ranching, by developing strategic objectives and regulations to ensure that these activities are under adequate control and undertaking environmental impact assessments of all such operations.
33. The Ministers **note** that the aquaculture sector will require specific actions in order to ensure full integration of environmental protection requirements and that the sector is very dependent on conservation of marine biodiversity for further research and development. In this context the Ministers **acknowledge** the guidelines developed by the North Atlantic Salmon Conservation Organization (NASCO) in cooperation with the salmon farming industry in the North Atlantic on containment of farmed salmon with the objective to minimize escapes and NASCO's plan of action for habitat

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protection and restoration. The Ministers **invite** the competent authorities to develop and implement the guidelines given in the FAO Code of Conduct for Responsible Fisheries in the field of aquaculture, in particular on the reduction of environmental impact.

34. The Ministers **recognize** that eco-labelling schemes may offer an interesting market- and information-based tool to promote sustainable fishing practices. They **invite** the competent authorities and all stakeholders to ensure that eco-labelling schemes provide objective and verifiable information to the consumer and that their certification methods are equitable, transparent, scientifically-based and fully accessible to the fisheries industry.
35. The Ministers **invite** all states with relevant fisheries in the North Sea to cooperate in the design and implementation of national plans of action in the context of the FAO International Plans of Action:
 - i) for the Management of Fishing Capacity;
 - ii) for Reducing Incidental Catch of Seabirds in Longline Fisheries;
 - iii) for the Conservation and Management of Sharks; and
 - iv) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.
36. The Ministers **note** that the current process of reforming the EU Common Fisheries Policy presents a major opportunity to integrate environmental protection requirements into the principles, objectives and operational procedures of fisheries management. The Ministers **urge** the competent authorities to make progress to this end and offer their full cooperation to facilitate this.

IV

Reducing the Environmental Impact from Shipping

37. The Ministers **note** with pleasure progress within IMO, the EU and the Bonn Agreement (Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances, 1983) on a number of issues arising from the Esbjerg Declaration. However, the Ministers **recognize** that further action is needed both internationally and nationally in order to prevent pollution from shipping activities in the North Sea.
38. The Ministers **call upon** all North Sea States that have not yet done so, to ratify the relevant international and regional instruments or legislation for shipping. In particular, the Ministers:
- i) **urge** North Sea States to become parties to the 1996 HNS convention⁴ pending, for Member States, the EU Council decision on this issue; and
 - ii) **call upon** all North Sea States that have not yet done so to urgently ratify the Protocol of 1996 to Amend the Convention on Limitation of Liability for Maritime Claims, 1976.
39. Although, when these various instruments have come into force, progress will have been made with regard to compensation of victims of marine pollution, some problems will remain. The Ministers therefore **agree**:
- i) to make coordinated efforts within IMO to review, strengthen and introduce, if appropriate, further compensation and liability regimes; and

⁴ International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS) 1996.

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- ii) to encourage the continuation of the work to further develop the International Fund for Compensation for Oil Pollution Damage (IOPC), in order to establish appropriate compensation for the cost involved in restoring environmental damages.
40. The Ministers **agree** to cooperate actively in order to improve the implementation of relevant international and regional instruments or legislation related to shipping.
41. The Ministers **agree** on the need for greater cooperation between North Sea States and at the EU level to enforce the internationally agreed rules and standards for the prevention, control and reduction of pollution from ships and the need to increase detection of illegal discharges and the need to improve the investigation and prosecution of offenders, and
- i) **will take** initiatives to create a network of investigators and prosecutors to improve the understanding of cooperation in the different stages of the enforcement process and **welcome** Sweden's offer to convene by the end of 2002 an initial meeting of North Sea prosecutors and investigators involved in this work;
 - ii) **urge** all North Sea States to ensure that the investigators, prosecutors and others involved in the enforcement process in their systems are aware of each other's requirements and **welcome** the Bonn Agreement Manual Oil Pollution at Sea – Part 2 Effective Prosecution of Offenders – Guidelines on International Co-operation;
 - iii) **invite** the Bonn Agreement to explore the scope for cooperation with other relevant bodies, such as the Helsinki Commission, the Barcelona Convention Protocol on Emergencies and the Lisbon Agreement; and
 - iv) **welcome** Ireland's intended accession to the Bonn Agreement.
42. To prevent, reduce and mitigate adverse effects on the ecosystem and indigenous species from the introduction and transfer of non-indigenous species via ships' ballast water and sediments, the Ministers **agree**:
- i) to actively support the development of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, and work towards its finalization in 2003, and its rapid entry into force;

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- ii) to take coordinated action within IMO to establish adequate mitigation and control measures for the North Sea under the framework of the coming pre-said IMO Convention, and to support OSPAR's work on regional matters regarding ballast water;
 - iii) to take urgent coordinated steps to reduce the problem of spreading of non-indigenous invasive organisms to and within the North Sea in accordance with international law and in order to fully implement IMO Guidelines (Resolution A.868(20)), in the light of the forthcoming International Convention for the Control and Management of Ships' Ballast Water and Sediments, and decide upon national and/or regional measures by, if possible, the end of 2004 taking into account the progress within IMO. Such measures could, *inter alia*, include monitoring programmes, information exchange, early warning systems, combating actions, control and enforcement; and
 - iv) to enhance and support actively research on and the development of treatment technologies, decision support systems, and other issues related to preventing the spreading of non-indigenous organisms via ships' ballast water and sediments and to cooperate in those activities.
43. The Ministers **agree** to support the revision by 2004 of Annex II (chemicals) to MARPOL 73/78 including strengthening of the discharge requirements for all generations of chemical tankers.
44. The Ministers **note** with pleasure the decision to designate the North Sea as a sulphur emission control area under MARPOL Annex VI, and **welcome** the European Commission's initiative to develop a community strategy to reduce air pollution from ships. The Ministers **agree**:
- i) to take immediate steps to ratify MARPOL Annex VI in order to promote a rapid entering into force of the Annex and once in force to work together in strengthening of the global cap for sulphur content in marine fuel oil towards 1.5%, and strengthening the IMO NO_x requirement;
 - ii) to participate actively in IMO's work on mitigating the impact of shipping on climate change;
 - iii) to, in collaboration with the EU, investigate, develop and implement where appropriate, regional mechanisms, including economic instruments, to reduce air pollution from shipping in the North Sea area as a supplement to the IMO regime on air pollution; and

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- iv) to encourage harbour authorities to examine the feasibility of making available convenient and cost effective onshore facilities for energy provision to reduce local emissions to air from ships in harbours.
45. The Ministers **recognize** that ship recycling is a major issue to be addressed, both from the environmental as from the social point of view. The Ministers wish to **emphasize** their concern and their willingness to contribute to making ship recycling an environmentally sound activity.
46. The Ministers **will** actively support the coordinated work on ship recycling in the relevant international fora, with the aim of:
- i) developing, as soon as possible, international standards under the International Labour Organization (ILO) for the protection of workers engaged in dismantling operations;
 - ii) adopting in 2003 adequate international safety and environmental measures regarding recycling of ships under IMO, with the aim of developing a future mandatory regime;
 - iii) adopting in 2002 international guidelines under the Basel Convention for the environmentally sound dismantling of ships; and
 - iv) supporting the implementation of the agreed international framework on recycling of ships under the auspices of the relevant UN bodies.
47. The Ministers **affirm** their commitment to the implementation of the provisions of the International Convention on the Control of Harmful Antifouling Systems on Ships adopted in 2001, and anticipating the European Commission proposals on regulation of organotin antifoulants, the Ministers:
- i) **request** industry representatives to negotiate an immediate end to the marketing, sale and application of organotin coatings by their members; and
 - ii) **agree** to develop by 2004 a North Sea strategy for the further reduction of the harmful effects of other antifouling systems, involving all interested stakeholders, identifying the need for measures through the convention, and/or supplementary regional measures.

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48. The Ministers **acknowledge** that new approaches and mechanisms are needed to minimize the impact of shipping on the environment, and **agree**:
- i) to explore and develop the concept of vessels designed, constructed and operated in an integrated manner to eliminate harmful discharges and emissions throughout their working life (the 'Clean Ship' approach). This approach will address all vessel operations and possible impacts on the environment and consider amongst other strategies the use of recycling, waste prevention and closed-loop process. The first stage of this work, compiling a comprehensive specification of the parameters of the 'Clean Ship' and establishing a system for monitoring progress towards fulfilment of the concept, will be reported on by 2004;
 - ii) to explore introducing economic or other incentives in order to improve the environmental performance of shipping, by rewarding quality ships and as far as possible harmonize such incentive schemes, and to promote this concept internationally, in particular within IMO, and include the establishment of global criteria for incentive schemes and other environmental differentiating schemes; and
 - iii) to initiating programmes to improve the environmental awareness of the maritime community, for example by introducing marine environment awareness courses.
49. The Ministers **support** the initiative of the 9th Trilateral Governmental Conference on the Protection of the Wadden Sea to submit a trilateral application to the IMO for the designation of a Particularly Sensitive Sea Area (PSSA) in the Wadden Sea.
50. The Ministers **emphasize** that potentially polluting wrecks should be cleaned-up or removed, in particular if otherwise they might hamper or endanger other legitimate uses of the sea. They therefore **encourage** the continuation of work with IMO to finalize the development of an International Convention on Wreck Removal aiming at its adoption in the biennium 2004/2005.

V

The Prevention of Pollution from Hazardous Substances

51. The Ministers **note** with satisfaction the major progress made since the Fourth North Sea Conference in protecting the marine environment against hazardous substances. The 'one generation' target of the Esbjerg Declaration has been recognized within OSPAR and in the European Union giving it increased importance. Progress also includes further achievements in meeting the 50% and 70% reduction targets established or confirmed by the London, the Hague and Esbjerg Declarations, and further limitations on the marketing and use of some of these substances. For a large number of the substances these have now been met – in particular, for most North Sea States, the 70% reduction target for mercury, lead and cadmium.
52. The Ministers further **note** that, in particular, both the OSPAR Strategy with regard to Hazardous Substances and the EU Water Framework Directive provide effective means for the identification of hazardous substances that threaten, respectively, the marine environment and fresh, transitional and coastal waters. This includes the important aspects of identifying those substances which, although not meeting the full set of criteria for persistence, toxicity and liability to bioaccumulate, give rise to an equivalent level of concern as addressed in the OSPAR strategy. These include endocrine disrupters, and some metals and substances which, though not necessarily meeting the toxicity criterion, are persistent and bioaccumulative.
53. However, the Ministers **recognize** that some significant targets on specific substances still remain to be met. For most substances where the 50% reduction target has not been met by all countries, actions are underway in the EU framework that may lead to the achievement of the target. Therefore, the Ministers **will** take into account the non-achievement of the 50% reduction target in the present and future work.

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54. The Ministers further **recognize** that a large number of chemicals which are either known to be hazardous or for which the intrinsic effects are largely unknown are still entering the North Sea. The Ministers **welcome** that this knowledge gap will be addressed in the new EU chemicals policy, and that industry should have the responsibility to generate and supply the information on the intrinsic properties of these hazardous substances.
55. As the one generation target is the focus of future work, the Ministers **recognize** that further efforts are required to meet the target of the cessation of emissions, discharges and losses of hazardous substances to the marine environment by 2020 with the ultimate aim of achieving concentrations in the North Sea near background values for natural occurring substances and close to zero for man-made synthetic substances. The Ministers **acknowledge** that this is addressed in the OSPAR strategy on hazardous substances and the EU Water Framework Directive. The presence of hazardous substances in consumer products can lead to substantial diffuse pollution during their life cycle. The Ministers **recognize** the need for work to identify what action may be needed to tighten control on the use of hazardous substances in consumer products, and **agree** that to this end their use should be addressed as a priority issue in the reform of the EU chemicals policy and the development of the EU integrated product policy.
56. Recalling the request of the Gothenburg Summit in June 2001 for the EC chemicals strategy to be concluded by 2004, the Ministers **urge** the European Commission to accelerate the work on the proposals of the strategy.
57. The Ministers **emphasize** the principle of substitution⁵ of hazardous substances with safer and preferably non-hazardous alternatives or the use of alternative processes as important tools for risk reduction and risk management, and **agree** that new initiatives on substitution are needed to address concerns about products, processes and diffuse sources. To support industry work on substitution, the Ministers therefore **agree** to develop and support further initiatives. Such initiatives should:
- i) in addition to industry, involve all other relevant stakeholders, environmental non-governmental organizations and representatives of consumers;

⁵ While Germany is committed to the substitution of hazardous by less hazardous substances where suitable alternatives are available, this is being done on a case by case basis rather than on the basis of an indiscriminate general principle.

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- ii) address both processes and products with regard to their full life cycle;
- iii) ensure availability to users, including consumers, of information on the hazards and risks presented to human health and the environment by hazardous substances, and to the presence of such substances in consumer products so that they are in a position to make an informed choice;
- iv) be based on applying an integrated product policy to minimize hazards and risks throughout the production, use and disposal of products (including waste minimization and increased re-use or recycling);
- v) request industry to seek for safer alternatives to hazardous substances; and
- vi) promote and facilitate the identification and development of such safer, and preferably non-hazardous alternatives where they do not currently exist.

Taking these issues forward should be done within OSPAR, the Organization for Economic Co-operation and Development (OECD) and in particular in the European Union, which should have a main role.

58. In the context of the OSPAR strategy the Ministers **invite** OSPAR to develop an effective and efficient monitoring and assessment process for the chemicals selected for priority action, in order to demonstrate publicly, clearly and transparently whether and how progress towards the cessation of discharges, emissions and losses is being achieved. The monitoring and assessment process should draw on the experience gained in the implementation of the Water Framework Directive and with the application of the newly developed Harmonised Quantification and Reporting Procedure for Hazardous Substances (HARP-HAZ prototype). It should provide for periodic assessment of progress for the chemicals selected for priority action towards the 'one generation' target, and the publication of such assessments.
59. Recognizing the need for further work to follow up the commitments in the Esbjerg Declaration on pesticides, the Ministers:
- i) **invite** the European Union to use the criteria and principles established for hazardous substances in the evolving EU chemicals policy in its forthcoming review of pesticides legislation;

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- ii) **agree** to ratify both the LRTAP POPs⁶ protocol and the Stockholm Convention on Persistent Organic Pollutants as soon as possible and to apply these instruments to pesticides, as well as to other chemicals, which meet the criteria established in those instruments;
- iii) **agree** to promote the application of OSPAR Recommendations 2000/1 (agricultural use of pesticides) and 2000/2 (amenity use of pesticides) by pesticide-users in their countries, and **recognize** the contribution to be made by organic agriculture to reducing pesticide use; and
- iv) **invite** the European Union to accelerate the review within the framework of Directive 91/414/EEC of those 19 pesticides given in the Esbjerg Declaration annex 2, appendix 1 (which have been detected in the North Sea or might pose a risk to the marine environment) for which these reviews have not been finalized.

⁶ Convention on Long-range Transboundary Air Pollution, Protocol on Persistent Organic Pollutants.

VI

The Prevention of Eutrophication

60. With regard to the reduction of anthropogenic nutrient inputs to the North Sea, the Ministers **note** the achievement of the 50% reduction target for phosphorus inputs by most countries and further progress towards achieving the 50% reduction target for nitrogen and **reaffirm** their commitment to reach that target.
61. However, the Ministers **note** with considerable disappointment that progress with regard to the reduction of nitrogen is still substantially behind schedule. This is amongst others due to the delays in implementing the Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources and, to a regionally varying extent, delays in implementing the Council Directive 91/271/EEC concerning urban waste water treatment or delays in equivalent national measures.
62. The Ministers therefore:
- i) **commit** themselves to achieve full implementation of the Nitrates Directive, the Urban Waste Water Directive, and the Water Framework Directive or equivalent national measures and to meet the target of the OSPAR Strategy to Combat Eutrophication, *i.e.* to achieve by 2010 a healthy marine environment where eutrophication does not occur, by:
 - a) employing preventive measures in respect of potential problem areas where applicable;
 - b) taking action to reduce further nutrient losses from agriculture, where this will reduce eutrophication, by promoting good farm management and by, amongst others:
 - directly limiting fertilization to such amounts as required, given available nutrients in the soil and given the established nutrient demand of the crop, based on realistic and verifiable yield expectations for the local conditions;

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- stimulating and promoting the implementation of this approach in practice, training, education and advisory programmes and in research;
 - making every endeavour to reduce nutrients surpluses where coastal and marine waters are found to be eutrophic, or may become eutrophic, or where groundwater contains or could contain more than 50 mg l⁻¹ NO₃ or, where at lower concentrations there is a significant and sustained upward trend;
 - promoting, where it embraces the above-mentioned management practices, organic farming and other strategies towards sustainable agriculture; and
 - significantly reducing the use of fertilizer based on a broader and deeper application of agri-environment measures according to Council Regulation (EC) 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF), or equivalent national measures;
- c) making use of strengthened 2nd nitrates action programmes or equivalent national monitoring programmes;
- d) urging the competent authorities to make extensive use of the measures under the EU Agenda 2000 and further supporting an increased commitment to environmental measures in the future review of the Common Agricultural Policy. The Ministers will also strengthen the integration of environmental objectives for the marine environment in the further development of the national agricultural policies; and
- e) providing relevant agglomerations with appropriate treatment facilities (to remove nutrients) taking into account the catchment areas of eutrophic water bodies and water bodies which may become eutrophic if protective action is not taken. In doing so, special attention will be given to fulfilling the requirements on nitrogen removal;
- ii) **note** the relevant efforts of the European Commission to enforce the full implementation of these two nutrients related directives; and
- iii) **call upon** OSPAR to complete the initial application in 2002 of the Common Procedure to identify problem areas, potential problem areas and non-problem areas with respect to eutrophication in the North Sea.

VII

The Prevention of Pollution from Offshore Installations

63. The Ministers **note** that considerable progress has been made within OSPAR in relation to the prevention of pollution from offshore installations. The Ministers **note** in addition that some combustion and waste incineration plants on offshore installations are covered by Council Directive 96/61/EC concerning Integrated Pollution Prevention and Control. These plants are required by 2007 at the latest to take preventive measures against pollution, apply best available techniques (BAT) and use energy efficiently.
64. The Ministers **realize** that further work is necessary to prevent pollution caused by discharges and emissions from offshore installations. The Ministers therefore **invite** OSPAR to pursue the implementation of the measures already adopted and:
- i) to investigate further the extent and effects of pollution caused by the hazardous, natural components of produced water (such as aromatic hydrocarbons, including PAH, endocrine disruptive substances, and heavy metals), and to develop appropriate descriptions of BAT and best environmental practice (BEP) for the minimization of pollution from those components by 2006;
 - ii) to review techniques for the reduction of the volume of produced water discharged into the sea (*e.g.* injection, downhole separation or water shut-off) and/or a reduction of concentrations of oil and other harmful substances in produced water, and to adopt appropriate measures;
 - iii) to study the effects of energy emission on the marine environment (such as noise on cetaceans) and, if appropriate, to adopt measures on abatement techniques;

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- iv) to continue to promote the use of management mechanisms to achieve environmental goals, including reporting on their effectiveness;
- v) to encourage stakeholder involvement in, and transparency in reporting on, the environmental aspects of offshore activities;
- vi) to promote where practicable the use of vapour recovery equipment during the offshore ship-loading of crude oil;
- vii) to further improve reporting requirements and request harmonized reporting of discharges of chemicals to the maritime area; and
- viii) to study the long term effects of discharges in the vicinity of offshore installations on the species and habitats of the North Sea.

The Ministers also **realize** that further work is necessary to assess the long term effects of discharges on the species and habitats of the North Sea and **urge** the states to cooperate in this field.

- 65. The Ministers **invite** the oil and gas industry to consider the market potential for renewable energy, in particular offshore wind, within the North Sea and to further the existing cooperation with the offshore renewable energy industry with respect to the sharing of information, technology and infrastructure.
- 66. The Ministers **urge** the competent authorities to ensure that the oil and gas industry as part of the decommissioning process, take appropriate action to remove from the site any lost equipment or other debris. The Ministers **note** the research undertaken by the oil and gas industry to identify the best options for dealing with drill cutting accumulations, which is currently under consideration by OSPAR.

The Ministers further **urge** the competent authorities to ensure that appropriate action is taken with regard to disused sub-marine cables and pipelines, so that they will not hamper or endanger other legitimate uses of the sea, that appropriate measures are taken for monitoring any cables and pipelines left in place, and that the person responsible for such cables or pipelines is identified.



VIII

The Prevention of Pollution by Radioactive Substances



67. **Recognizing** the concern about a potential accident during the transport of radioactive material by sea, the need to protect the environment and human health, and the socio-economic importance of the North Sea, and **noting with satisfaction** that the International Atomic Energy Agency General Conference in 2001 called for further efforts to examine and improve measures and international regulations relevant to the international maritime transport of radioactive materials, and **welcoming** the publication by the International Atomic Energy Agency of a technical document (IAEA TECDOC 1231) which concludes that the risks of maritime transport in type B packages of highly radioactive material are very small, **stressing** the importance of having effective liability mechanisms in place and the work done with the revision of the Paris Convention on Third Party Liability in the field of nuclear energy, which is aimed at providing for a better system of indemnification in the event of a nuclear accident, the Ministers:
- i) **urge** North Sea States shipping radioactive materials and spent fuel, consistent with the International Atomic Energy Agency's Resolution GC(45)/RES/10, to provide, as appropriate, assurances to potentially affected states, that their national regulations accord with the International Atomic Energy Agency's Regulations for the Safe Transport of Radioactive Material and **welcome** the practice of some states and operators of undertaking timely consultations⁷ with relevant coastal states in advance of shipments and invites others to do so, ensuring that the information provided is not contradictory to the measures of physical security and safety;
 - ii) **urge** states and operators shipping radioactive materials to minimize pollution risks;

⁷ The United Kingdom already provides timely information and will continue to do so.

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- iii) **call** for further efforts, at the international, regional, sub-regional and bilateral levels, to examine and further improve measures and international regulations relevant to the international maritime transport of radioactive materials consistent with international law recalling maritime rights and freedoms as provided for in the United Nations Convention on the Law of the Sea (UNCLOS); and
 - iv) **agree** to consider the issue of maritime transport of radioactive material at the ministerial meeting on the environmental impacts of shipping to be held in Sweden in 2006 at the latest.
68. **Recognizing** the need to address ongoing releases of radioactive substances to the marine environment, of which discharges from reprocessing facilities represent the main part, **noting** the concerns expressed by a number of North Sea States about technetium discharges from Sellafield and their view that these discharges should cease, and **further noting** that such concerns will be addressed by the United Kingdom in its forthcoming decision concerning the future regulation of technetium discharges from Sellafield, the Ministers **welcome** the adoption of the OSPAR Strategy with regard to Radioactive Substances, which provides for progressive and substantial reductions of discharges, emissions and losses of radioactive substances, and the programme for a more detailed implementation of the strategy, and
- i) **agree** that the progressive reduction of discharges from nuclear facilities is necessary for the effective implementation of this strategy;
 - ii) **urge** that national plans are implemented with a view to organize a progressive decline in discharges;
 - iii) **encourage** relevant North Sea States to continue their efforts to strengthen measures to minimize the risk of releases of radioactive substances from nuclear facilities resulting from any kind of accidents;
 - iv) **encourage** relevant North Sea States to evaluate the options for spent fuel management after current reprocessing contracts have come to an end⁸; and
 - v) **request** OSPAR to evaluate further the progress made in achieving progressive and substantial reductions in discharges at its ministerial meeting in 2003.

⁸ France attaches great importance to evaluation, which is an integral part of its own national strategy in the field of energy policy but cannot endorse the paragraph 68 iv), considering that the North Sea Conference is not the appropriate forum to address this issue.

IX

Promotion of Renewable Energy

69. The Ministers **welcome** the development of renewable energy technology, *inter alia*, offshore wind energy, that has the potential to make a significant contribution to tackling the problems of climate change. They **agree** to take action in order to exploit this potential fully and safely, taking into account the global and European commitments linked to the Kyoto protocol. Other technologies, such as wave power, may have a role in the future.
70. The Ministers from the EU Member States **affirm** their commitment to implement Directive 2001/77/EC on renewable energy as part of their commitment in the Kyoto protocol on climate change.
71. In order to ensure a consistent and coherent approach to future developments of offshore wind energy, which, *inter alia*, takes account of environmental, and nature-conservation issues, the Ministers:
- i) **encourage** the competent authorities to develop indicative guidance on areas suitable for offshore wind energy developments, taking account of local wind conditions, ecological importance, shipping, the possibility of connections to national electricity grids and other users of the North Sea;
 - ii) **agree** that offshore wind energy parks should be developed taking account of environmental impact data and monitoring information as it emerges and taking account of exchange of information and experience provided through the spatial planning processes;
 - iii) **note** that the stage of development of offshore wind energy gives the opportunity to apply the precautionary principle from the outset; and

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iv) **stress** that in particular strategic environmental assessments provide the opportunity to evaluate both the potential for cumulative impacts on the marine environment from offshore wind development and the potential positive benefits of renewable energy in combating global climate change.

72. The Ministers further **invite** OSPAR in cooperation with the European Union:

- i) to develop a comprehensive set of criteria to assist competent authorities when deciding on applications for the development of offshore wind energy installations; and
- ii) to develop a description of best available techniques for the location, construction, operation and removal of offshore wind energy parks with a view to facilitating their development and to protect the marine environment.

X

Marine Litter and Waste Management

73. The Ministers **express** their concern about the fact that, despite the wide range of measures taken in recent years, marine litter is still causing environmental, safety and economic problems to marine and coastal environments, as well as to coastal communities in the North Sea States.
74. The Ministers **agree** that litter can only be addressed by efforts from all sectors of society. The Ministers therefore:
- i) **emphasize** the importance of the role of the voluntary sector, particularly in mounting clean-up campaigns, information activities and educational projects (such as Beachwatch, Coastwatch and Adopt-a-beach), and **welcome** their contribution;
 - ii) in relation to litter from land-based sources, such as tourism/recreation, sewage, and waste landfills, **invite** organizations concerned with promoting tourism, managing waste disposal and encouraging the public not to create litter to review their programmes to see if there are further projects which could be developed to reduce marine litter by changing public attitudes;
 - iii) **note** with interest the project conducted in cooperation between a number of Dutch fishermen and Dutch authorities under which litter caught in trawls is brought back to port where it can be unloaded free of charge for safe disposal, and **draw** the attention of the relevant authorities in other North Sea States to this fruitful cooperation as a possible model for wider cooperation in this field;

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- iv) **commit** themselves to giving priority, within their national programmes to combat litter, to projects that effectively address the problems of marine litter (such as the Save the North Sea Project) and, where appropriate, to supporting them within the framework of the EU INTERREG IIIB North Sea initiative; and
 - v) in relation to litter from the maritime transport sector and offshore installations, **invite** the operators to review the provisions of their environmental management systems to see how they can better control litter.
75. The Ministers **commit** themselves to implement Directive 2000/59/EC on port reception facilities, and strive for a coordinated approach in the future. They **agree** to evaluate the different approaches in the meanwhile taking into account experience of the Baltic Sea States ('No Special Fee System' – '100%') and experience of other North Sea States. They **agree** to set up mechanisms that work as an incentive to deliver all ship-generated waste ashore, and to exchange information on the adequacy and use of such facilities, through a harmonized system of reporting. The Ministers **invite** the Helsinki Commission with participation of the North Sea States to initiate the evaluation and deliver a report in time for the next meeting in Sweden.

XI

Cooperation in the Process of Spatial Planning in the North Sea

76. The Ministers **are aware** of the potential conflicts between the requirements for conservation and restoration of the marine environment and the different human activities in the North Sea. The cumulative effects of the uses of the sea and seabed on the ecosystems and their biodiversity are of increasing concern to the North Sea States, in particular in relation to the conservation of the Natura 2000 network and other areas of ecological significance.

In order to prevent and resolve the potential problems created by such conflicts, the Ministers **agree** that the strengthening of cooperation in the spatial planning processes of the North Sea States related to the marine environment will be required.

77. The Ministers therefore **invite** OSPAR within the framework of its biodiversity strategy:
- i) to establish the current state of the uses of the North Sea and to improve arrangements for the exchange of information and national experiences in the spatial planning processes of the North Sea States and to make use of INTERREG IIIB North Sea Programmes;
 - ii) to investigate the possibilities for further international cooperation in planning and managing marine activities through spatial planning of the North Sea States taking into account cumulative and transboundary effects; and
 - iii) to consider the possibilities for improving environmental assessment of human activities in the marine environment, taking into account existing legal requirements.

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78. The Ministers **agree** that, given the important role of regional governments and local authorities in this field, future arrangements should ensure their close cooperation in an appropriate manner, as well as the involvement of other stakeholders.

79. The Ministers **agree** to facilitate research on the direct and indirect effects of infrastructural activities on both the North Sea ecosystem and on other users of, and activities in, the North Sea.

XII

Future Cooperation

80. In the spirit of the initiatives launched in Bremen, London, the Hague, and Esbjerg, the Ministers **are resolved** to identify and follow up issues in need of political commitment. The Ministers **affirm** that the flexibility and openness, in combination with the political impetus triggered by the legacy of the North Sea Conference, have resulted in considerable progress.
81. In doing so, the Ministers **acknowledge** that for some issues the North Sea process can efficiently be continued in an equally fruitful way but on a much broader geographical scale in other fora such as OSPAR, and the EU's thematic strategy on the protection and conservation of the marine environment of European seas. Therefore the Ministers **ask** for the exploration of this issue.
82. The Ministers **consider** that only a limited number of overarching thematic issues may require a specific geographical focus on the North Sea and that such issues include, for example, issues such as the environmental impact of shipping and, in the long run, questions of spatial planning.
83. The Ministers **welcome** the offer from Sweden to host a ministerial meeting by 2006 at the latest. This meeting will focus on the environmental impacts of shipping and environmental consequences of fisheries. In this context the Ministers:
- i) **agree** that it is valuable to continue the cooperation of the North Sea States to adjust to overarching social and political changes, as well as influencing organizations and other institutions, like OSPAR and the IMO;
 - ii) **agree** that the Committee of North Sea Senior Officials (CONSSO) should serve as a contact network and facilitate the preparations for the ministerial meetings; and

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- iii) **note** that Sweden will arrange for a secretariat to prepare and support the meetings that are deemed necessary and actively contribute to furthering the North Sea process.

84. The Ministers **conclude** that:

- i) it is desirable to develop new methods which stimulate flexible and open dialogue between government representatives, industry, environmental non-governmental organizations and other parts of civil society, including local and regional government in order to facilitate the protection of the marine environment in the North Sea at as many levels as possible;
- ii) cooperation applying a bottom-up approach should be explored so as to enable the active participation of local and regional stakeholders. The stakeholder proposals on objectives, measures and strategies would consequently be fed into the political process, bringing about ministerial declarations that engender automatic local and regional support; and
- iii) there is a need to develop a platform for the instigation of such an approach. The cooperation between North Sea States would be suitable to provide this platform. The Ministers **emphasize** that such a process requires committed participation, involvement and support from stakeholders as well as organizations such as OSPAR and others. The Ministers **call upon** observers to share the lead responsibilities for the preparation of the specific topics of shipping that will be addressed at the ministerial meeting.

85. The Ministers **agree** to create a network of prosecutors and investigators to improve the enforcement of internationally-agreed rules and standards for the prevention, reduction and control of pollution from vessels (see paragraph 41 i). The Ministers therefore:

- i) **welcome** Sweden's offer to convene by the end of 2002 an initial meeting of North Sea prosecutors and investigators involved in this work and to host any subsequent such meetings;
- ii) **invite** Sweden to nominate a chairman for these meetings;
- iii) **recommend** that such meetings should collaborate with similar processes within the framework of the Helsinki Convention; and

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- iv) **agree** to support the provision by the OSPAR Secretariat of support services for such meetings.
86. With a view to safeguard the fulfilment of the commitments agreed in the North Sea Conference declarations, the Ministers **invite** OSPAR in cooperation with the EU to facilitate a periodic follow-up to this effect involving all interested stakeholders and following the arrangements already established in CONSSO.
87. The Ministers **agree** to continue to explore ways of working with other countries to achieve levels of protection for the marine environment comparable with those established for the North Sea, and in particular they reiterate the support for the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities that they expressed in November 2001 in Montreal.
88. The Ministers further **agree** to invite Norway to take forward the results of this conference to the preparations of the World Summit on Sustainable Development to take place in Johannesburg in August/September 2002 and to the 6th Conference of the Parties to the Convention on Biological Diversity.

ANNEX 1

THE MAIN INTERNATIONAL AND EUROPEAN UNION INITIATIVES IN PROTECTING THE NORTH SEA 1995–2001

PROGRESS GENERALLY

- The Global Programme of Action on the Protection of the Marine Environment from Land-based Activities;
- The development of a thematic strategy for the protection and conservation of the marine environment in the framework of the European Union's 6th Environment Action Programme and the proposal for a European Union Strategy for Sustainable Development;
- The Directive 2000/60/EC establishing a framework for Community action in the field of water policy;
- The OSPAR Quality Status Report 2000, and the supporting Regional Quality Status Report on the Greater North Sea;
- The Commission proposal for a European Parliament and Council recommendation concerning the implementation of integrated coastal zone management in Europe (COM(2000) 545).

PROGRESS ON THE PROTECTION OF SPECIES AND HABITATS IN COASTAL AND OFFSHORE AREAS

- Annex V to the OSPAR Convention on the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area;
- The OSPAR Strategy on the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area;
- The European Community Biodiversity Strategy (COM(1998) 42);
- The Guidelines adopted by the Convention for the Conservation of Salmon in the North Atlantic Ocean in 1997, and reaffirmed in June 2001, with respect to genetically modified salmon.

PROGRESS ON FISHERIES

- The Statement of Conclusions from the Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues, Bergen 1997;
- The communications from the European Commission to the European Parliament and the Council of Ministers of the European Union:
 - Nature Conservation and Fisheries Management (COM(1999) 363);
 - The application of the precautionary principle and multi-annual TACs (COM(2000) 803);
 - Elements of a Strategy for the Integration of Environmental Protection Requirements into the Common Fisheries Policy (COM(2001) 143);
 - The Green Paper on the Future of the Common Fisheries Policy (COM(2001) 135);
 - EU Biodiversity Action Plan for Fisheries (COM(2001) 162);
- The conclusions of the Council of Ministers of the European Union:
 - on the precautionary principle and multi-annual TACs (25 April 2001);
 - on the Biodiversity Action Plan for Fisheries (18 June 2001);
 - on the integration of environmental concerns and sustainable development into the Common Fisheries Policy (25 April 2001);
- The entry into force of the UN Fish Stocks Agreement on 11 December 2001;
- Resolution no. 3 on Incidental Take of Small Cetaceans adopted by ASCOBANS in 2000;
- Agreement between the European Community and Norway on the North Sea Cod crisis (24 January 2001);
- Agreement between the European Community and Norway on Improvement of Exploitation Pattern in the North Sea, in the context of Recovery Measures for Cod;
- The Environmental Action Plan, for the period 2000 to 2004, issued by the Norwegian Ministry of Fisheries;
- The Norwegian White Paper on biodiversity (2001);
- Report No. 43 to the Storting (1998–99) Conservation and sustainable use of the coastal zone – the relationship between conservation needs and fisheries;
- Minister of Fisheries Aquaculture Policy Statement to the Storting (2001);
- Report No. 51 to the Storting (1997–98) Perspectives on the development of the Norwegian Fishing Industry.

PROGRESS ON THE PREVENTION OF POLLUTION FROM SHIPS

- The designation of North West European waters (including the North Sea and its approaches) as a Special Area for the purpose of MARPOL 73/78 Annex I;
- The adoption of a new Annex VI (air pollution) to MARPOL;
- The International Convention on Liability and Compensation for Damage in Connection with the Carriage by Sea of Hazardous and Noxious Substances 1996 (the HNS Convention);
- The International Convention on Civil Liability for Pollution Damage Caused by Bunker Oil 2001 (the Bunkers Convention);
- The adoption in October 2001 of the IMO Convention on the Control of Harmful Antifouling Systems on Ships;
- The initiatives regarding shipping safety agreed at the Ninth Trilateral Governmental Conference on the Protection of the Wadden Sea in 2001;
- Council Directive 95/21/EC 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);
- Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship generated waste and cargo residues;
- Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC HNS Protocol);
- Revision of Regulation 13 G of Annex I to MARPOL 73/78 (accelerated phasing in of double hull tankers);
- European Union ERIKA I package:
 - Directive 2001/105/EC of the European Parliament and of the Council amending Council Directive 94/57/EC on common rules and standards for ship inspection and survey organization and for the relevant activities of maritime administrations.
 - Directive 2001/106/EC amending Council Directive 95/21/EC concerning port State control.
 - Regulation (EC) No 417/2002 on accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94.

PROGRESS ON THE PREVENTION OF POLLUTION BY HAZARDOUS SUBSTANCES

- The adoption of the Council Directive 96/61/EC concerning integrated pollution prevention and control;
- The agreement in June 2001 of the Stockholm Convention on Persistent Organic Pollutants (POPs);
- The conclusions of the Council of Ministers of the European Union on an EC Strategy for a Future Chemicals Policy;
- The OSPAR Strategy with regard to Hazardous Substances;
- The progress made by OSPAR and the European Union towards cessation of discharges, emissions and losses of hazardous substances within 2020, particularly the work to establish lists of hazardous substances to be covered by this target:
 - The revised OSPAR List of Chemicals for Priority Action;
 - Adoption in 2001 by the European Parliament and the European Council of the list of priority substances identified for action under the Water Framework Directive;
- Adoption by the European Council of further restrictions on the marketing and use of hazardous substances in the framework of Council Directive 76/769/EEC;
- Adoption by the European Parliament and the Council of Directive 98/8/EC concerning the placing of biocidal products on the market;
- The development of Harmonised Quantification and Reporting Procedures for Hazardous Substances (HARP-HAZ Prototype).

PROGRESS ON THE REDUCTION OF NUTRIENT INPUTS TO THE NORTH SEA

- The OSPAR Strategy to Combat Eutrophication;
- The development of Harmonised Quantification and Reporting Procedures for Nutrients (HARP).

PROGRESS ON THE PREVENTION OF POLLUTION FROM OFFSHORE INSTALLATIONS

- The OSPAR Decision on the Disposal of Disused Offshore Installations;
- The OSPAR Strategy on Environmental Goals and Management Mechanisms

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for Offshore Activities;

- The OSPAR Decision on a Harmonised Mandatory Control System for the Use and Reduction of the Discharge of Offshore Chemicals;
- The OSPAR Recommendation on a Harmonised Pre-screening Scheme for Offshore Chemicals;
- The OSPAR Recommendation on a Harmonised Offshore Chemical Notification Format;
- The OSPAR Decision on the Use of Organic-phase Drilling Fluids (OPF) and the Discharge of OPF-Contaminated Cuttings;
- The OSPAR Recommendation on the Management of Produced Water from Offshore Installations.

PROGRESS ON THE MANAGEMENT OF RADIOACTIVE SUBSTANCES, INCLUDING WASTE

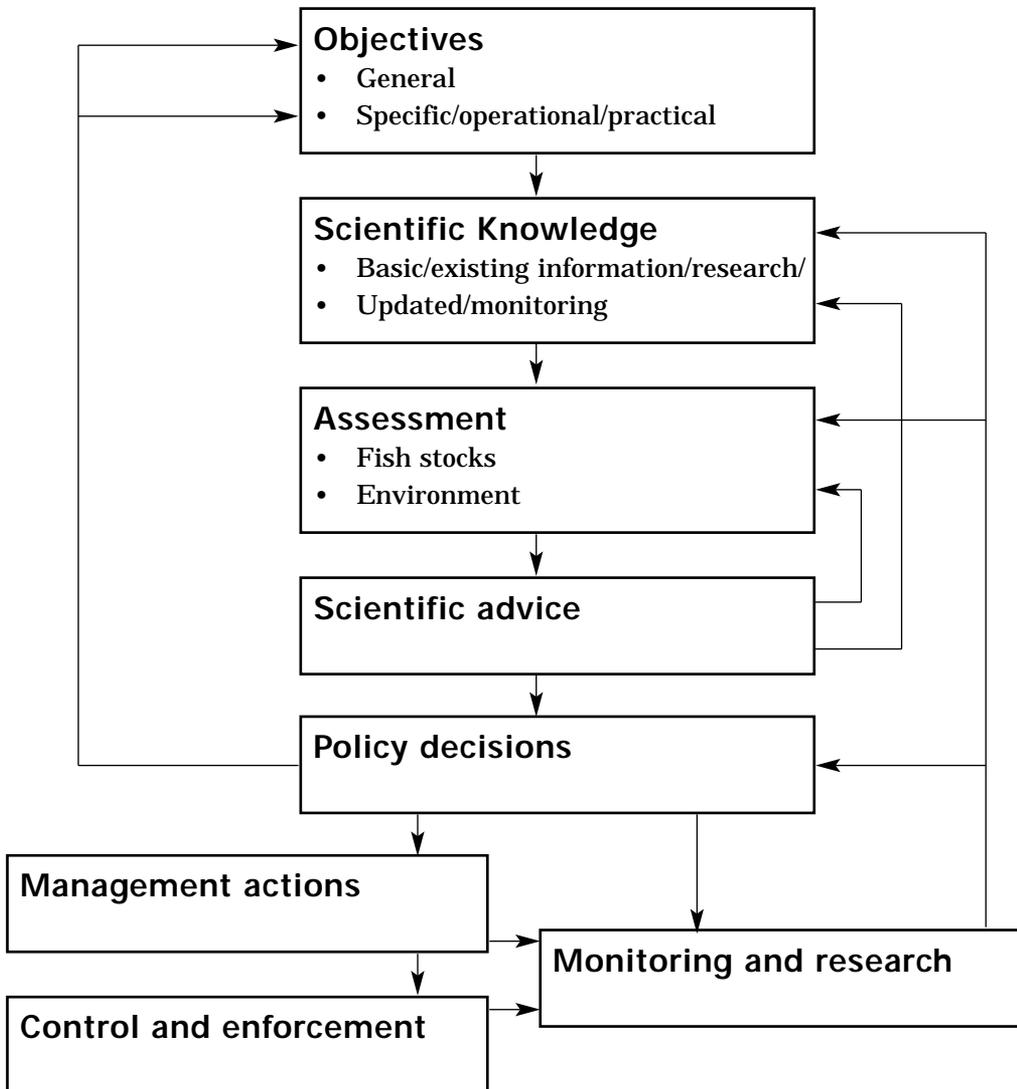
- The OSPAR Strategy with regard to Radioactive Substances;
- The Programme for the More Detailed Implementation of the OSPAR Strategy with regard to Radioactive Substances.

PROGRESS ON PROMOTION OF RENEWABLE ENERGY

Directive 2001/77/EC of the European Parliament and of the Council on the promotion of electricity produced from renewable energy sources in the internal electricity market.

ANNEX 2

A conceptual framework for an Ecosystem Approach⁹ to the management, protection and restoration of the North Sea. Stakeholders, along with scientists, managers and politicians, should be involved at different stages of the decision process to promote openness, transparency and responsibility



⁹ ICES working definition of Ecosystem Approach: Integrated management of human activities based on knowledge of ecosystem dynamics to achieve sustainable use of ecosystem goods and services, and maintenance of ecosystem integrity.

ANNEX 3

Ecological Quality (EcoQ) is defined as '*An overall expression of the structure and function of the marine ecosystem taking into account the biological community and natural physiographic, geographic and climatic factors as well as physical and chemical conditions including those resulting from human activities.*'

Ecological Quality Elements are the individual aspects of overall Ecological Quality.

An **Ecological Quality Objective (EcoQO)** is the desired level of an ecological quality (EcoQ). Such a level may be set in relation to **a reference level**.

TABLE A

Issue	Ecological quality element
1. Commercial fish species	(a) Spawning stock biomass of commercial fish species
2. Threatened and declining species	(b) Presence and extent of threatened and declining species in the North Sea
3. Sea mammals	(c) Seal population trends in the North Sea (d) Utilization of seal breeding sites in the North Sea (e) By-catch of harbour porpoises
4. Seabirds	(f) Proportion of oiled Common Guillemots among those found dead or dying on beaches (g) Mercury concentrations in seabird eggs and feathers (h) Organochlorine concentrations in seabird eggs (i) Plastic particles in stomachs of seabirds (j) Local sand-eel availability to black-legged Kittiwakes (k) Seabird populations trends as an index of seabird community health
5. Fish communities	(l) Changes in the proportion of large fish and hence the average weight and average maximum length of the fish community
6. Benthic communities	(m) Changes/kills in zoobenthos in relation to eutrophication (n) Imposex in dog whelk (<i>Nucella lapillus</i>) (o) Density of sensitive (<i>e.g.</i> fragile) species (p) Density of opportunistic species
7. Plankton communities	(q) Phytoplankton chlorophyll <i>a</i> (r) Phytoplankton indicator species for eutrophication
8. Habitats	(s) Restore and/or maintain habitat quality
9. Nutrient budgets and production	(t) Winter nutrient (DIN and DIP) concentrations
10. Oxygen consumption	(u) Oxygen

TABLE B

Ecological quality element	Ecological quality objective
(a) Spawning stock biomass of commercial fish species	<ul style="list-style-type: none"> Above precautionary reference points¹⁰ for commercial fish species where these have been agreed by the competent authority for fisheries management
(c) Seal population trends in the North Sea	<ul style="list-style-type: none"> No decline in population size or pup production of $\geq 10\%$ over a period of up to 10 years
(e) By-catch of harbour porpoises	<ul style="list-style-type: none"> Annual by-catch levels should be reduced to levels below 1.7% of the best population estimate
(f) Proportion of oiled Common Guillemots among those found dead or dying on beaches	<ul style="list-style-type: none"> The proportion of such birds should be 10% or less of the total found dead or dying, in all areas of the North Sea
(m) Changes/kills in zoobenthos in relation to eutrophication ¹¹	<ul style="list-style-type: none"> There should be no kills in benthic animal species as a result of oxygen deficiency and/or toxic phytoplankton species
(n) Imposex in dog whelks (<i>Nucella lapillus</i>)	<ul style="list-style-type: none"> A low (<2) level of imposex in female dog whelks, as measured by the <i>Vas Deferens</i> Sequence Index
(q) Phytoplankton chlorophyll <i>a</i> ¹¹	<ul style="list-style-type: none"> Maximum and mean chlorophyll <i>a</i> concentrations during the growing season should remain below elevated levels, defined as concentrations > 50% above the spatial (offshore) and/or historical background concentration
(r) Phytoplankton indicator species for eutrophication ¹¹	<ul style="list-style-type: none"> Region/area - specific phytoplankton eutrophication indicator species should remain below respective nuisance and/or toxic elevated levels (and increased duration)
(t) Winter nutrient concentrations (dissolved inorganic nitrogen (DIN) and dissolved inorganic phosphate (DIP)) ¹¹	<ul style="list-style-type: none"> Winter DIN and/or DIP should remain below elevated levels, defined as concentrations > 50% above salinity related and/or region-specific natural background concentrations
(u) Oxygen ¹¹	<ul style="list-style-type: none"> Oxygen concentration, decreased as an indirect effect of nutrient enrichment, should remain above region-specific oxygen deficiency levels, ranging from 4–6 mg oxygen per liter

¹⁰ In this context, 'reference points' are those for the spawning stock biomass, also taking into account fishing mortality, used in advice given by ICES in relation to fisheries management.

¹¹ The ecological quality objectives for elements (m), (q), (r), (t) and (u) are an integrated set and cannot be considered in isolation. ICES will give its further advice during the implementation phase.