

**DECLARATION OF THE 10TH TRILATERAL GOVERNMENTAL CONFERENCE
ON THE PROTECTION OF THE WADDEN SEA
3 NOVEMBER 2005**

SCHIERMONNIKOOG DECLARATION

Draft version, 29 September 2005

WE, The Ministers of Denmark, Germany and The Netherlands responsible for the protection of the Wadden Sea and representing our governments, met on the island of Schiermonnikoog to reinforce and further extend our cooperation on the protection and sustainable use of the Wadden Sea Area as a shared nature area unique to the world. Our Guiding Principle is to achieve, as far as possible, a natural and sustainable ecosystem in which natural processes proceed in an undisturbed way. We do this in the recognition that this can only be attained in cooperation with those who live, work and recreate in the area and are willing to endow its protection. Conditions for safety and sustainable development must be maintained. The Wadden Sea is still exposed to many external impacts, in particular, to the impacts from pollution via the rivers, the North Sea and the atmosphere, the impact of shipping on the adjacent North Sea and the impact of climate change. We recognize that these impacts can only be solved in a wider international context, and we are determined to continue and, where necessary, extend our successful common cooperation in this field.

2. Since the Esbjerg Conference in 2001, many people and organizations along the Wadden Sea and outside have invested considerable time, efforts and money in contributing to the protection and sustainable development of the Wadden Sea and the adjacent region. The Wadden Sea Forum has taken an important role in this process and we are grateful that the Forum has facilitated this Conference with an important contribution by their final report "Breaking the Ice" and the Action Plan. Also scientists and experts have contributed to writing the Quality Status Report (QSR) that enables us to act in a sound way. Though there may be differences in how our people see the future for the Wadden Sea, we sense a huge interest in and commitment to preserve this area and the well being of the people who live, work and recreate here. We need this support of the people to maintain what we have and to meet the challenges of the future.

3. We celebrated 25 years of successful cooperation in 2003. After a generation of protection efforts, the Wadden Sea now enjoys a level of environmental protection and wise management that is unprecedented throughout Europe and other parts of the World in terms of legal protection, harmonized international and national policies, management arrangements, and integrated environmental monitoring and assessment processes. We have appraised our common targets and policies in the Policy Assessment Report on the basis of in particular the comprehensive information in the Quality Status Report and the Joint Progress Report. The Policy Assessment Report identifies our achievements and topics where we have to focus our efforts including recommendations for policies and management which will guide us in the next period of our cooperation. In order to strengthen sustainable development we will continue our protection efforts, and we will also place additional emphasis on the social and economic developments of the wider Wadden Sea region.

4. For the next four years we have therefore set out the following program based on the Wadden Sea Plan and previous declarations to maintain and reinforce our efforts with regard to the protection and management of the Wadden Sea as a coherent system in cooperation with the stakeholders, with a view to also improve the sustainable development of the region.

Scope of the Cooperation

5. The relevant European Directives, in particular, the Habitats and the Birds Directives including the Strategic Environmental Assessment (SEA) and the Environmental Impact Assessment (EIA) Directives have been and are becoming more central to our cooperation. The Water Framework Directive has now been added as further key directive. The Joint Declaration of 1982, on which we base our cooperation, directs us to coordinate our activities and measures to implement the relevant Directives for a comprehensive protection of the Wadden Sea. Over the past period, we have now basically finalized the designation of Sites of Community Importance (SCI) according to the Habitats Directive, and further Special Protection Areas (SPA) according to the Birds Directive, which constitute in essence a coherent NATURA 2000 network within the Wadden Sea

Area, as we have set out to do at consecutive conferences since Leeuwarden 1994. We agree with the Wadden Sea Forum that coordinated and consistent implementation of EC Directives is needed and should be one of the core elements of the Wadden Sea Cooperation not least to ensure common standards for stakeholders and inhabitants.

6. In order to continue and further intensify our cooperation for the protection of the Wadden Sea as an ecological entity, a coordinated and consistent implementation of the European legislation in a transparent way must be ensured. We will therefore, in the coming period until the next Conference, further develop within our Shared Vision, Principles and Targets, the Wadden Sea Plan (WSP) into a management plan for the Wadden Sea Area in accordance with the stipulations entailed in the Habitats, Birds and the Water Framework Directives and other European Union directives and regulations, in particular Article 6 (1) of the Habitats Directive. This will also include reviewing the information and recommendations of the Wadden Sea Forum report, the Quality Status Report, the Policy Assessment Report, other relevant information, and other international conventions. This will encompass also the Lancewadplan project, acknowledging that the landscape and culture will include the relevant regional level, with the task to get a detailed insight in best practice on cultural heritage in the Wadden Sea area and to develop common trilateral strategies for the future management of the landscape and cultural heritage.

7. With the aim synchronize our management of the Wadden Sea Area we will continue our efforts to contribute to the implementation process of the Water Framework Directive (WFD) during the various implementation phases together with the WFD responsible authorities across the relevant WFD borders in the coastal waters.

World Heritage Site Nomination

8. [We recall our decision of the Esbjerg Conference 1991 to develop a joint proposal for the nomination of the Wadden Sea as a World Heritage Site and our decision at the Esbjerg Conference 2001 to continue the consultations with the local people in the Wadden Sea Region, as requested by the UNESCO Guidelines, on the nomination of the Wadden Sea Area, or parts thereof, as a World Heritage Site. We acknowledge the progress and the different results of this consultation process in the three member states. Germany and the Netherlands will now start with the preparation of the nomination procedure for a substantial part of the Wadden Sea covered by the southern and central Wadden Sea sub-regions whilst stating that during the whole process and even after a possible designation the area can be enlarged according to the UNESCO Guidelines. The secretariat is requested to coordinate the elaboration of the formal application documents.]¹

Wadden Sea Forum

9. We highly appreciate and accept the Wadden Sea Forum (WSF) as a valuable partner in achieving sustainable development of the Wadden Sea Region and contributing to an Integrated Coastal Zone Management (ICZM) Strategy. We thank the WSF member organizations for their tremendous efforts in elaborating proposals for a sustainable development strategy as laid down in the WSF Final Report "Breaking the Ice".

10. We also share the view of the WSF that this strategy is the start of a trilateral process which is in line with the European ICZM-recommendation. In that sense we endorse the WSF strategy and declare our willingness that governmental representatives will take part in the WSF meetings in the follow-up of the Wadden Sea Forum as a non-statutory body until the next conference. We support and look forward to a close cooperation with the communities, stakeholders and non-governmental organizations to work in support of the sustainable development of the Wadden Sea Region. [We will together with other authorities facilitate this process.]²

11. We highly appreciate the identification of prioritized actions by the WSF as represented in the Action Plan, and the WSF member's clear willingness to contribute to its implementation. In order to further strengthen the network that has been created, we will therefore in close cooperation with the WSF directly after the

¹ Text under consideration by the delegations

² Study reservation

conference, review the proposals of the Action Plan for implementation including identifying the responsible bodies, possible time frame and approximate costs.

12. We will also review the information, recommendations and initiatives of the Wadden Sea Forum Report which are relevant for our cooperation in the framework of the further development of the Wadden Sea Plan (WSP), as set out in § 6.

13. In the next period we will, in consultation with the WSF, contribute to the national ICZM strategies for the Wadden Sea Region in a trilaterally coordinated way.

Shipping

14. We note with satisfaction that the Wadden Sea has been designated as a Particularly Sensitive Sea Area (PSSA) by the International Maritime Organization (IMO) in 2002 following our joint application as decided at the Esbjerg Conference. We are hence obliged and also determined to continue to protect the Wadden Sea from negative impacts from shipping.

15. We acknowledge that transport of goods by ships constitutes a very environmental friendly way of transport and is of utmost importance for the economic development of the Wadden Sea Region and the well-being of the people living here. At the same time we also acknowledge that in case of an accident the consequences for the Wadden Sea Region could be immense.

16. We have reviewed the relevant agreements of the Esbjerg Declaration in conjunction with the recommendations submitted to us by the Wadden Sea Forum. We note a number of the agreements and recommendations have been implemented in the past period such as the ratification of international conventions, the implementation of the Erika II package of measures, the progress taken in the implementation of Directive 2000/59/EC on port reception facilities and the DenNethGer response plan.

17. To improve shipping safety, further action is needed, as described in Annex 1. We will bring this to the attention of the North Sea Ministerial Meeting next year in Sweden and other relevant EU and international fora. In terms of Wadden Sea specific matters and taking into account the recommendations of the Wadden Sea Forum we will, in particular, focus our attention to:

- a. spatial planning in the EEZ
- b. day-to-day joint cooperation in the framework of the DenGerNeth-Plan
- c. appropriate emergency towing and pollution response capacities
- d. practical implementation of the Places of Refuge
- e. harmonization of the no-special-fee-system
- f. aerial surveillance in the relevant coastal areas and the EEZ.

Climate Change, Sea Level Rise and Coastal Protection

18. Climate change resulting from global warming and the enhanced sea level rise in the coming century are global developments with local effects which may have a profound impact on the Wadden Sea coastal region and people living in the area as well as on the Wadden Sea ecosystem including its habitats and species. Considering the potentially severe impacts, we consider the Kyoto Protocol and the work of the Wadden Sea Forum regarding energy and will work for an increased reduction of green house gasses in the appropriate international frameworks under the UN Framework Convention on Climate Change.

We underline that energy saving in general, is a very important measure for a sustainable use of the available resources for a reduction of greenhouse emissions and avoiding polluting our environment and support to strive for energy savings. More specifically we will consider the work of the Wadden Sea Forum and will review the proposals of the Wadden Sea Forum on wind farms, oil and gas, solar energy, biomass and knowledge export.

19. Coastal protection, which is adequate to safeguard humans and their properties in the Wadden Sea Region, will be continued in a manner in which the natural properties of the Wadden Sea are impacted as little as possible. We welcome the report of the Coastal Protection and Sea Level Rise (CPSL) work group which has looked at, in particular, Best Environmental Practices for coastal protection. We welcome its recommendations

and agree to seriously consider them within the revision of our Wadden Sea Plan in the forthcoming period. Our competent authorities will support the continuation of the CPSL work group with the following tasks:

- a. to initiate a study on the feasibility of coastal spatial plans that consider climate change,
- b. to investigate the possibilities of a study on the feasibility and effects of sand nourishment to balance the sediment deficit of the Wadden Sea tidal basins under increased sea level rise.

Construction Wind Turbines

20. We reconfirm the agreement of the Wadden Sea Plan on the construction of wind turbines and the agreement of the Esbjerg Declaration to support a coordinated approach in a North-Sea-wide framework on the installation of offshore energy wind parks. We acknowledge that offshore wind energy is a necessary option in the framework of the policies regarding climate change and sustainability and we appreciate all efforts having been made so far as regards ambitious development and demonstration programs as well as careful offshore planning, including assessments of environmental, nature, landscape, shipping, commercial, cultural and other relevant aspects. We welcome the work that the OSPAR Commission for the Protection of the Marine Environment has undertaken to provide guidance on aspects of planning, licensing, construction, operation, cumulative effects and removal of offshore wind farms. We also welcome the initiatives on establishing common guidelines on wind energy and nature conservation by the EU Concerted Action for Offshore Wind Deployment (COD), and the initiation of cooperation between OSPAR and COD.

21. In order to balance the landscape and natural values of the offshore zone and to retain a high safety standard for shipping we agree that the construction of new offshore wind energy installations³ not already in planning should be avoided within the territorial sea adjacent to the Wadden Sea Area. The routing of cables through the Wadden Sea Area from offshore wind energy installations not already in operation in the Exclusive Economic Zone (EEZ) should preferably be planned within corridors of bundled cables and in the framework of best environmental practices. We will exchange information and initiate common research, as appropriate, e.g. within the German-Danish agreement of March 2005 on cooperation and exchange of offshore windmill research data, on effects of such installations on our Conservation Area and on shipping safety.

Trilateral Monitoring and Assessment Program

22. The Trilateral Monitoring and Assessment Program (TMAP) plays a central role in our cooperation enabling us to evaluate, through regular Quality Status Reports, the progress made regarding our common targets and policy implementation, as formulated in our Wadden Sea Plan (1997). Therefore, we will continue the TMAP as a basis for a common assessment of the Wadden Sea ecosystem.

23. We have, in accordance with the Esbjerg Declaration (2001), agreed on a process to revise the TMAP and have reviewed the TMAP Common Package of parameters in relation to the monitoring requirements of the relevant EC Directives. The major part of the parameters required by these Directives is already encompassed by the TMAP Common Package. A further elaboration of the TMAP ("TMAP revision") will be executed in the next period of our cooperation with the aim of meeting the requirements of the EC Directives to the largest extent possible. Completion may be necessary, where EC Directives do not encompass parameters, which are indispensable for controlling the implementation of the Wadden Sea Plan, taking into account priorities and budgetary restrictions.

24. Also in accordance with the Esbjerg Declaration (2001), we had the TMAP data handling system evaluated, which proved to be well developed. In the next period of our cooperation, the data handling system will be further optimized enabling us both to evaluate the implementation of the Wadden Sea Plan and to report, at the national level, to the EU.

Cooperation West Africa

25. Acknowledging the positive results with the collaboration with Guinea Bissau on monitoring and management of migratory birds we will continue to support the activities in West Africa. We will therefore work towards the establishment of an efficient and robust partnership between the Wadden Sea and the Western

³ Riffgat and Nordergründe in Germany and Horns Rev area in Denmark are not affected by this.

Africa Marine Ecoregion with the aim of establishing a memorandum of intent between the partners to include concrete activities of mutual conservation interest. In the next period we will together with WWF therefore support a coordination point to achieve this objective.

Continuation of our Cooperation

26. We are confident that the initiatives we have taken at this Governmental Conference will contribute to the protection of our Wadden Sea Area and the sustainable development of the wider Wadden Sea Region. Working towards and securing a sustainable development, however, cannot only be done by acts and actions of governments, whether they are national, regional or local ones. This is only possible if all of us who have a stake in the area are committed and contribute to it. We are, as representatives of governments, prepared to make our contribution and to facilitate and support this development over the years ahead.

27. We will continue to stimulate the active involvement of the inhabitants with the trilateral Wadden Sea Cooperation and we will therefore communicate the results of our conference to the inhabitants in the area and the relevant authorities. In accordance with the protection regime, there are still opportunities for upholding traditional interests of the local population.

28. We recognize that in particular our youth play a vital role for the continuation of our joint Wadden Sea protection. We appreciate therefore the work of the International Wadden Sea School (IWSS) project [and will contribute to a future IWSS.]⁴

29. Next year, Germany will take over the chair of our cooperation. In 2009, the next Scientific Wadden Sea Symposium will be held in Germany. In the beginning of 2010, we will meet again at the Governmental Level in Germany.

30. [We will focus on a closer form of cooperation directed to the process of implementing the EC Directives. Over the next period, we will evaluate this process to consider the desirability of a further-reaching and more obligatory cooperation.]⁵

⁴ Reservation by Denmark and Germany on future financing

⁵ Proposal by The Netherlands

ANNEX 1 : SHIPPING SAFETY**Spatial planning and shipping safety**

1. With respect to any offshore activity we underline the importance of shipping safety. The safety of shipping in the North Sea Area should be kept at least at the present level, irrespective of which kind of offshore development might occur, and where feasible be enhanced. We therefore emphasize the importance of spatial planning for the EEZ and invite the North Sea Ministers to accelerate the process of spatial planning by harmonizing the coordination procedures of spatial planning in the North Sea Area.

Shipping safety and ship's safety

2. We emphasize that further consideration should be given to the implementation of the Directive 2002/59/EC regarding establishing a Community vessel traffic monitoring and information system. Therefore we support the actions taken by the European Maritime Safety Agency (EMSA) to coordinate the implementation of this Directive at an EU-level. We note the development by the EU of the Maritime Safety Package. We furthermore affirm our commitment to implement the Directive 2002/59/EC according to the timetable given in the Directive, if not yet done so, and recognize the importance of the use of AIS equipment on board of vessels. We therefore support any initiative for further use of it.

3. We support

- the initiatives of the North Sea Ministers Conference to explore introducing economic or other incentives to improve the environmental performance of shipping by regarding quality ships and as far as possible harmonize such incentive schemes. We promote the concept internationally, in particular within IMO, and include the establishment of global criteria for incentive schemes and other environmental differentiating schemes;
- the initiatives within IMO to further reduce risks of pollution by shipping, in particular in emergency conditions by developing requirements for emergency towing concepts for ships other than tankers of not less than 20.000 DWT (Emergency Towing System - ETS).

4. We call upon all relevant States that have not yet done so, to ratify the relevant international and regional instruments and legislation for shipping (e.g. the Bunkers Convention, the OPRC-HNS Convention, the AFS Convention and Ballast Water Convention). We note with great pleasure that on March 3rd, 2005 the Supplementary Fund Protocol entered into force.

Emergency management

5. We emphasize the importance of a trilateral response plan in case of incidents involving oil and other harmful substances in the PSSA Wadden Sea and adjacent areas and therefore are pleased with the realization of the DenGerNeth-plan. Further consideration will be given to the day-to-day joint cooperation and management of relevant vessels and equipment. To promote and to support this, a trilateral working group of the administrations concerned has been established.

6. We acknowledge the need for prevention and protection of the Wadden Sea Area and therefore we will, based on risk analyses, review in a multinational framework

- the necessity of sufficient maritime assistance services, such as emergency towing capacity with "boarding capacity", "On scene Medical Assistance" and or an "Air/Ship Mobile" Fire Brigade;
- sufficient available oil pollution combating, e.g. with recovery capacity;
- the application of best appropriate pollution combating technology;
- the 24 hrs availability of adequate pollution response vessels.

We furthermore conclude that risk-limiting measures such as Emergency Towing Vessels, installation of radar, VTS/VTMIS and or routing should be based on risk analyses.

7. We invite the other North Sea Ministers within the framework of the BONN Agreement to further improve coordination with regard to ETV capacities within the wider North Sea Area.

8. We encourage the initiatives on EU-level to improve concerted action with respect to oil pollution response. We note the EU-initiative for a study for a European Coastguard.

9. We note with great pleasure the successful coordinated trilateral action with the fire-incident on the “ms Schieborg” early 2005 which was brought to place of refuge in the Netherlands while having troubles in the Danish Waters. We thus recognize the great importance of a well coordinated implementation of IMO guidelines and the EC Directive regarding Places of Refuge. We therefore invite the North Sea member states to coordinate as far as possible the practical implementation within the North Sea Area and to regularly reconsider and thus further develop the national concepts. We will, if not yet done so, inform the local authorities and the public concerned for the way we implemented the safe haven concept.

Illicit discharges

10. We note with pleasure the implementation of the Directive 2000/59/EC regarding port reception facilities on ship generated waste and cargo residues, including the implementation of the no-special-fee-system but with a limitation on the amount of waste which can be delivered for that fee. Therefore, we will, together with the other North Sea states, further develop the concept and introduce the no-special-fee-system without a limitation for the amount of waste. In this context we welcome the EU-review process of the Directive 2000/59/EC and its implementation in the EU member states. We will actively support all initiatives to further harmonize the implementation of this Directive, including the introduction of the no-special-fee-system and the harmonisation of exemptions.

11. We emphasize the high importance of the early entry into force of the Ballast Water Convention to avoid invasion of alien organisms in the wider Wadden Sea Area. We ensure that adequate measures to implement the convention will be taken and we therefore welcome the initiatives taken in OSPAR for a regional scope study to see this item in a broader perspective.

12. We furthermore acknowledge that new approaches and mechanisms are needed to minimise the impact of shipping to the environment, and therefore strongly support the initiatives of the North Sea Ministers Conference 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 close-loop processes.

13. We underline the importance of aerial surveillance and we will follow the decisions agreed in the 2nd North Sea Ministers Conference. In addition to the aerial surveillance programs we will increase our cooperation to the best of our endeavour and will find ways to cooperate in the application of satellite imagery. Within this context we welcome the initiative by EMSA concerning the study on the possibilities of centralized procurement of images on behalf of all EU member states.

14. We strongly support the EC initiatives on ship-source pollution and on the introduction of sanctions for infringements in order to strengthen the legal framework for the enforcement of the law against ship-source pollution.

Port State Control

15. We emphasize the importance of PSC and support the continuation of the work in the framework of IMO and Port State Control Committee. We further recognize the important role of Flag States in enhancing safety in shipping and actively promote the use of the IMO Voluntary Model Audit Scheme to help Flag States to improve their safety performance.

16. We welcome the initiatives to further focus PSC on higher risk ships and will actively participate in the deliberations in the Port State Control Committee and in the revision of the EC Directive on Port State Control.