

CONVENTION ON THE PROTECTION OF THE MARINE ENVIRONMENT OF THE BALTIC SEA AREA
(HELSINKI CONVENTION)

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

FIRST JOINT MINISTERIAL MEETING OF THE HELSINKI AND OSPAR COMMISSIONS (JMM)

BREMEN: 25 - 26 JUNE 2003

**DECLARATION OF THE FIRST JOINT MINISTERIAL MEETING OF
THE HELSINKI AND OSPAR COMMISSIONS**

WE, THE MINISTERS AND THE MEMBER OF THE EUROPEAN COMMISSION, meeting jointly as the Baltic Marine Environment Protection Commission (the Helsinki Commission – HELCOM) and the OSPAR Commission for the Protection of the Marine Environment of the North East Atlantic (OSPAR), stress the benefits from our friendly collaboration on issues of great concern to all members of those Commissions, which encompass both the European Community and twenty-one participating States – differing widely in their size, in their economic bases and interests, and in their relationship to the sea, spreading across Europe from Archangel to Cape St Vincent and Greenland and including Member States and candidate countries of the European Union, Member States of the European Economic Area and States and territories outside both those organisations. We have been assisted by the active participation of many non-governmental organisations as observers.

2. The fruits of this innovative first joint meeting of two regional seas organisations will help us work together more effectively in fulfilling our long-standing commitments to work for the conservation and sustainable use of the world's oceans and seas and, in particular, of the North East Atlantic and the Baltic Sea.

3. Changes in Europe – the enlargement of the European Union; the increasing interdependence of the marine environments of different countries; the ever-growing public interest in, and concern for the seas; the European Union initiative to develop a strategy to conserve and protect the marine environment – make it essential for us to develop and improve the ways in which we work together in HELCOM and OSPAR. In particular, we commit ourselves to work with the European Union initiative and, in collaboration with the other marine conventions, to extend and develop it, within our fields of competence, into a European Marine Strategy for the seas around Europe, which can receive the commitment of other Conventions and their Contracting Parties. Through such developments, we must exploit the possibilities for synergy between all the international bodies and national authorities involved. These developments will also enable us to deliver the commitments that we re-affirmed at the World Summit on Sustainable Development to strengthening regional cooperation and coordination between regional organisations and programmes dealing with the seas.

4. Further initiatives are needed to ensure the improved and sustainable marine environment that we and our fellow citizens want to see. Collaborative efforts from all the relevant international bodies, national authorities and other stakeholders are needed. To our long-standing tradition of international cooperation on individual issues, we must add a new and decisive impetus, based on an approach which matches the interlinkages within the marine ecosystems, on a determination to ensure that policies interface effectively with each other, and on clear-cut understandings of which organisation will do what. We shall integrate within our countries, the European Union and the European Economic Area the policies affecting the oceans and seas. We shall ensure that the potential impact on the marine environment is taken into account in *all* policies and programmes and we recognise that marine environment policy cannot on its own redress the problems of the marine environment resulting from pressures created by other policies – these must be tackled at source.

5. We set out here the results of our fruitful discussion on how to promote these combined aims of protection, sustainability, concerted regional action and integration. Our joint meeting has concentrated on

four issues where these aims are particularly relevant and where cooperation between the two Commissions would be productive and increase synergy – applying the ecosystem approach, conserving biological diversity, species and habitats, and the environmental impacts of fisheries and of shipping. Other major issues – eutrophication, hazardous substances, the environmental impact of the offshore oil and gas industry, radioactive substances, and monitoring and assessment of the marine environment – vary more between the two regions, and have been addressed in the separate HELCOM declaration and OSPAR statement.

Ecosystems at the centre of our approach

6. Better integration of environmental objectives with economic and social goals is a basic requirement for advancing and strengthening these three interdependent and mutually reinforcing pillars of sustainable development. Our work on the conservation and protection of the marine environment must therefore form part of our management of the full range of human activities, demands and pressures placed on the North East Atlantic and the Baltic Sea Area. Since it is the ecosystems as a whole that are affected by these impacts, we must use those ecosystems as the focus of our integration.

7. We have already made commitments to apply and further develop ecosystem approaches to management of human activities impacting on the marine environment (“the ecosystem approach”), *inter alia*, within the Convention of Biological Diversity and at the World Summit on Sustainable Development. North Sea States reinforced their undertakings at the Fifth International Conference for the Protection of the North Sea, and agreed on a conceptual framework for an ecosystem approach. The Member States of the European Union have made further commitments in this field, including their support for the European Commission’s proposal for a European Marine Strategy with an emphasis on an ecosystem approach. Other HELCOM and OSPAR States have made similar further commitments.

8. We will therefore by 2010 apply and further develop the measures necessary to implement an ecosystem approach, in order to give concrete effect to our commitments and help maintain and, when practicable, restore ecosystem health, integrity and services. HELCOM and OSPAR have this week adopted the statement “*Towards an ecosystem approach to the management of human activities*”, setting out their intentions, in particular:

- a. to continue to contribute, through our monitoring and assessment programmes, to the scientific understanding of marine ecological processes and to evaluating human impacts on the marine environment;
- b. to ensure that our programmes and strategies reflect the ecosystem approach. This will involve developing sets of coherent and integrated ecological quality objectives as a tool for this purpose, while taking account of the different needs of sub-regional areas as shown by the HELCOM 4th Periodic Assessment of the Baltic Sea and the five sub-regional reports of the OSPAR Quality Status Report 2000 on the North-East Atlantic;
- c. to implement our programmes and strategies across the whole range of the competences of the Helsinki and OSPAR Commissions, and identifying and acting on newly-emerging issues where human activities and pressures in those fields threaten marine ecosystems;
- d. to consider in addition how to promote the conservation of the full range of species and habitats in the other parts of the maritime areas of the two Commissions;
- e. to draw the attention of competent authorities and international bodies to threats and pressures in other fields affecting the ecosystems of the North-East Atlantic and the Baltic Sea Area;
- f. to involve stakeholders effectively in developing and applying the ecosystem approach, both at Commission and national levels.

9. We are convinced that the current state of scientific knowledge, coupled with a sound application of the precautionary principle¹, allows the immediate adoption of certain further environmental and nature-protection measures with a view to achieving sustainable use of the sea and conservation of marine ecosystems. We invite the competent authorities and international bodies in the HELCOM and OSPAR

¹ It is understood that, in the context of the management of fisheries, the “application of the precautionary principle” has the same result as the application of the precautionary approach, as referred to in, for example, Article 6 of the 1995 UN Fish Stocks Agreement.

maritime areas to develop and implement progressively specific policies and measures in line with the ecosystem approach.

Towards a European Marine Strategy

10. Integration is needed across a wider field than those covered by HELCOM and OSPAR. We therefore welcome the development of the European Marine Strategy², as one of the means to promote the coherence and integration of the efforts of the international bodies in which the Contracting Parties to HELCOM and OSPAR participate, of the European Union and of our national authorities. This will enable all States and international organisations across the whole of Europe to focus their efforts better.

11. We call for the start of an inclusive debate between all stakeholders on the objectives and contents of the European Marine Strategy. HELCOM and OSPAR will support that debate in all ways that they can. In our view at this stage:

- a. the European Marine Strategy should cover all the actions needed to ensure that all human activities with an impact upon the oceans and seas are so managed that marine biological diversity and critical habitats are conserved and our use of them is sustainable;
- b. we are committed to the objectives set in the HELCOM recommendations and OSPAR strategies. The European Marine Strategy should build upon these foundations and should make a contribution to the achievement of their objectives;
- c. the aim of the European Marine Strategy should be to cover all the seas around Europe (the Arctic Ocean, the Baltic Sea, the Black Sea, the Mediterranean Sea and the North-East Atlantic Ocean), but also the impact that Europe makes on the rest of the world's oceans and seas. In addition, the relevant elements of the strategy should be pursued globally.

12. The oceans and seas around Europe share many problems and face many common threats. But they also have numerous problems special to each of them. While we aim to address threats common to all European seas through common, cooperative approaches, the regional seas organisations will continue to have important individual roles to play. An important task for the European Marine Strategy is to set out the framework for these continuing tasks and their relationships with work in other forums. To this end, HELCOM and OSPAR have this week set out, in the statement "*What HELCOM and OSPAR can bring to the European Marine Strategy*", the contributions that they can make at regional level to this common enterprise.

13. At the regional level, we have already covered many crucial issues and integrated our approaches to them. We are convinced, however, that the European Marine Strategy should bring together all the issues relevant to the marine environment, including those mentioned in the statement by HELCOM and OSPAR.

14. Starting from the ecosystem approach to management, the debate on the European Marine Strategy needs to weld together the contributions from the Contracting Parties of HELCOM and OSPAR, other national administrations and the relevant international organisations to produce coherent and comprehensive commitments to deliver the objectives of the Strategy.

Conservation of biological diversity, habitats and species

15. We remain concerned that pressures on the marine environment from human activities will result in the destruction and loss of sensitive marine habitats or reductions in, or losses of, populations of key or sensitive species, in spite of the good work already done under the Helsinki and OSPAR Conventions, through the EC Birds and Habitats Directives, and by North Sea Conference commitments and many national measures, to conserve, protect and restore the ecosystems of the North-East Atlantic and the Baltic Sea Area.

16. Where species and habitats are identified as threatened, declining or in need of protection, we will take action to develop programmes and measures for their protection, where this is within the competence of HELCOM and OSPAR, and to seek action by the competent authorities in other cases, offering those authorities our full cooperation in complementary actions within the competence of HELCOM and OSPAR.

² See the communication of the European Commission to the European Parliament and Council of Ministers "Towards a strategy to protect and conserve the marine environment" (COM (2002) 539 final).

17. The marine protected areas will be an important tool to protect the species and habitats identified as threatened, declining or in need of protection. We reaffirm our commitments to establish a network of well-managed marine protected areas. Based on the progress made by HELCOM in establishing a system of coastal and marine Baltic Sea Protected Areas, and OSPAR's agreement to a Recommendation and guidelines for selecting and managing an OSPAR Network of marine protected areas, working with the European Community, we shall have identified the first set of such areas by 2006, and shall then establish what gaps remain and complete by 2010 a joint network of well-managed marine protected areas that, together with the NATURA 2000 network, is ecologically coherent.

18. To this end, HELCOM and OSPAR have adopted a joint Work Programme to ensure that this work is done consistently across their maritime areas. They will also seek to cooperate with the Arctic Council and the Barcelona Convention in this work. In 2010, and periodically thereafter, we shall assess whether an ecologically coherent network of well managed marine protected areas has been achieved and maintained in both the North East Atlantic and the Baltic Sea.

19. Recognising that the release of genetically modified marine organisms presents an inherent threat of potentially severe, irreversible and transboundary effects, and the need to apply the precautionary principle, we 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.

Environmental impact of fisheries

20. The environmental impact of fisheries gives us special concerns about the conservation of biological diversity, habitats and species and emphasises the need for fisheries to be better managed, including through better integration of fisheries and environment policies.

21. The status of fish stocks in the North-East Atlantic and the Baltic Sea varies greatly. A high proportion of commercial fish stocks are already, or are being harvested in a way which will put them, outside "safe biological limits". Some fish stocks and species have been extirpated in some areas. Where scientific advice has been followed and long-term management plans have been applied in accordance with the precautionary approach, the status of the stocks has improved significantly. The current intensity of commercial fishery has put under pressure the marine ecosystems of much of the North-East Atlantic and of the Baltic Sea, and has changed the species composition and the population composition of the main target species. Some non-target species and parts of the physical environment are also affected by excessive fishing pressure. This has affected some populations, some habitats and biodiversity, and may affect the productivity of marine ecosystems.³

22. The policy objectives for fisheries, for nature conservation and for the protection of the marine environment are complementary. Their integration is an on-going process, which should be intensified for each others' benefit. In this field, as in others, we stress the importance of cooperation among governments and relevant international bodies across all the issues related to the management of human activities affecting the maritime areas and to the conservation and protection of the marine environment, in order to ensure an integrated, holistic approach. We shall ensure that HELCOM and OSPAR work to promote such cooperation.

23. Where assessments of the quality of the marine environment in future demonstrate problems relating to questions of fisheries management, HELCOM and OSPAR will continue to draw their concerns to the attention of the competent national authorities and international bodies, offering those authorities their full cooperation in complementary actions within the competence of HELCOM and OSPAR.

24. Cooperation would be particularly beneficial in the areas of:

- a. promotion of research aiming at the definition of undisturbed areas;

³ All this is documented in the HELCOM 4th Periodic Assessment "Environment of the Baltic Sea Area 1994-1998", the OSPAR Quality Status Report 2000 on the North East Atlantic, the EC Green Paper on the Future of the Common Fisheries Policy (COM(2001) 135 final), the Baltic Marine Environment 1999-2002, and the 2003 report "Environmental Status of the European Seas" prepared by the International Council for the Exploration of the Sea.

- b. identification, protection and conservation of potentially vulnerable habitats, such as cold-water coral reefs;
- c. development of methods for assessing the environmental impact of fisheries and developments in fishing practices.

25. We welcome in general the movement of fisheries policy and management towards incorporating ecosystem considerations within a holistic, multi-annual and strategic context. The aims and methods of this movement were well captured by the Reykjavik Declaration of October 2001 on Responsible Fisheries in the Marine Ecosystem.

26. We also note with satisfaction the outcome of the reform of the EU Common Fisheries Policy, as a significant first step towards integrating an ecosystem approach into that policy.

27. Aquaculture makes an important contribution to the nutrition and the economic and social well-being of communities in both the HELCOM and OSPAR Convention areas. It is still developing as a sector of the food industry. We shall ensure, however, that the potential impacts of aquaculture on the environment are minimised.

Environmental impact of shipping

28. Recent disasters have emphasised how significant the environmental impact of shipping can be. This is another field which will benefit from a more integrated approach.

29. Much recent effort has gone into reinforcing measures aimed at strong and uniform safeguards for the environment against the large and increasing movements of cargo, which are so important to our economies. Action has been taken, and is under way, in the International Maritime Organization (IMO) and the UN Environment Programme at global level, within the European Union and at the regional level. We must now match this effort with intensified implementation and enforcement of these measures. We shall therefore work together on these different levels, within the framework of the UN Convention on the Law of the Sea, to ensure that all the controls that we have agreed, and are developing, are applied effectively. We shall focus our efforts on the significant risks, drawing on assessments of the environmental impact and threats from shipping for the marine ecosystems, including the assessments of HELCOM and OSPAR.

30. In particular, we welcome:

- a. the adoption of an EC Regulation for limiting the use of single-hulled oil tankers and, in particular, for moving towards banning their use for carrying the heaviest grades of oil, and the proposal to IMO to amend MARPOL 1973/78⁴ for this purpose;
- b. the measures adopted by the EU Council of Ministers on 6 December 2002 and 27 March 2003;
- c. the European Commission's proposals for measures on ship-source pollution;
- d. the progress towards the adoption of the International Convention on Ballast Water Management, as an important means to control the unintentional introduction of non-native species;
- e. the progress towards the finalisation and adoption of the draft International Convention on Wreck Removal;
- f. the designation of the Wadden Sea as a particularly sensitive sea area (PSSA);
- g. the examination within the framework of the IMO of the proposal from France (on behalf of itself, Belgium, Ireland Portugal, Spain and the United Kingdom and with the broad support of the European Union) that large areas of the Atlantic off the coasts of those States should be declared a PSSA (Western European PSSA);
- h. the investigation by Norway of the possibility that parts of the Barents Sea along the Norwegian coast should be declared a PSSA;
- i. the "clean ship concept".

⁴ The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78).

31. To build further on this recent effort:

- a. we support the development of measures within the IMO to amend MARPOL 1973/78 to limit the use of single-hulled oil tankers and, in particular, ban their use for carrying the heaviest grades of oil;
- b. we shall make efforts to achieve the early entry into force of the International Convention on Ballast Water Management, and shall take steps to prepare for its speedy implementation within our regions;
- c. we support the initiatives taken within the IMO to enhance compensation including the new supplementary fund for the benefit of victims of oil pollution and the revision process in IOPC to improve the 1992 Fund Convention and the 1992 CLC Convention. We shall seek entry into force as soon as possible of:
 - i. the 1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS);
 - ii. the 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage;
 - iii. the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (The Supplementary Fund);

we shall also consider the progress made generally on accountability and liability for the economic, environmental and social impacts of marine disasters, with a view to exploring further solutions if adequate progress is not being made;

- d. we join the efforts within IMO to quickly develop a flag-State code and a compulsory model audit scheme aimed at ensuring that flag States carry out their duties under international conventions;
- e. we also join the efforts in HELCOM, the European Union and IMO to consider establishing mandatory pilotage where requested by relevant coastal States in narrow or restricted waters;
- f. we support the declaration of PSSAs, and the adoption of appropriate associated measures, through the IMO machinery and in accordance with the UN Convention on the Law of the Sea, to enhance the protection of such areas;
- g. we also support efforts, through the IMO and other international and non-governmental organisations, to improve the training, certification and awareness of ships' officers and crew, particularly in order to ensure that they are able to make full use of the information made available by coastal states on navigational developments that may create hazards for ship safety or the marine environment;
- h. we urge the signatories of the Paris Memorandum on Port State Control to give effect to the call from the EU Council of Ministers for improved ship inspection, and to consider what further action would be appropriate to address the problems of ships, and of fleets whose members, are persistently found to be in breach of international rules and standards established to safeguard the safety of life at sea and the protection of the marine environment;
- i. we urge all Contracting Parties to ratify as soon as possible the International Convention on The Control of Harmful Anti-Fouling Systems on Ships. We also support the initiative of the Fifth North Sea Conference to develop by 2004 a North Sea strategy for the further reduction of the harmful effects of anti-fouling systems based on substances other than organotin. We will investigate the possibilities of expanding the strategy to the Baltic Sea and to other OSPAR regions.

32. We recognise that in a number of fields, including the implementation of regional measures in accordance with the IMO guidelines on ballast water, the designation of particularly sensitive sea areas and the control of air pollution from shipping, there will be common interests between HELCOM and OSPAR. We shall therefore ensure appropriate arrangements for joint efforts by HELCOM and OSPAR to enable such common interests to be promoted effectively.

33. Those of us who work within the framework of HELCOM also agree the measures and conclusions set out in the *HELCOM Ministerial Declaration*, in order to address problems specific to the special circumstances of the Baltic Sea Area.

Achieving our aims

34. Conserving our oceans and seas is crucial for present and future generations. Over the past three decades, HELCOM and OSPAR have made significant progress in helping to achieve cleaner seas and better protection of the marine environment. But much remains to be done, particularly in improving integration both between international forums and within national administrations. The developments in hand, particularly in relation to the European Marine Strategy, have the potential to meet these needs. We shall work to turn this potential into reality.

35. We shall hold a further joint meeting of HELCOM and OSPAR at Ministerial level in 2010 to take stock of developments and review the need for new initiatives.