

**IMPLEMENTATION OF THE
ESBJERG 2001 DECLARATION
AND THE TRILATERAL WADDEN
SEA PLAN**

JOINT PROGRESS REPORT

**Tenth Trilateral Governmental Conference
on the Protection of the Wadden Sea
Schiermonnikoog, November 3, 2005**

Common Wadden Sea Secretariat

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1. Introduction

In preparation of the 10th Trilateral Governmental Conference, which will be held on the island of Schiermonnikoog, The Netherlands, on November 3, 2005, this report describes the status of the implementation of the agreements of the Esbjerg Declaration 2001 and the policies and projects entailed in the Trilateral Wadden Sea Plan.

The Wadden Sea Plan entails policies, measures, projects and actions, which have been agreed upon by the three countries. The Plan is a framework for the overall Wadden Sea management. It is a statement on how the three countries envisage the future coordinated and integrated management of the Wadden Sea Area and the projects and actions that must be carried out to achieve the Targets. A first report on the implementation of the Wadden Sea Plan was delivered to the Esbjerg Conference in 2001.

The objective of this Joint Progress Report is to document the progress in the implementation of the agreements also for a wider audience and to enable the definition of deficiencies and lacks in the implementation as a basis for further political decisions as appropriate.

Chapter 2 of the Joint Progress Report entails information on general developments since the Esbjerg Conference in 2001 related to the protection and management of the Wadden Sea. It concerns, in particular, the amendments to the national protection regimes. Chapters 3 and 4 entail information on the progress in implementing of the paragraphs of the Esbjerg 2001 Declaration and the relevant paragraphs of Section I and the policies, management and projects of Section II of the Trilateral Wadden Sea Plan.

2. The Overall Protection and Management Schemes – Developments Since 2001

2.1 Introduction

Since the Esbjerg Conference in 2001, the national protection and management schemes relevant for the Wadden Sea have been revised to incorporate many of the agreements of the Ministerial Declaration of Stade 1997 and Esbjerg 2001 and the Trilateral Wadden Sea Plan (WSP). This chapter entails an overview of the most essential developments since the Stade Conference in terms of revisions of Wadden Sea protection schemes.

2.2 Denmark

Action Plan for the Aquatic Environment

The agreement on the Action Plan for the Aquatic Environment II (VMP II) from 1998 followed up on the Action Plan for the Aquatic Environment I from 1987 and the Action Plan for Sustainable Agriculture from 1991. In accordance with the agreement, a broad range of instruments were to be implemented, ensuring that the VMP I reduction targets set in 1987 were reached before the end of 2003.

The overall point of departure for the implementation of planning of the aquatic environment is that planning takes place in collaboration with the land owners. The Action Plan for the Aquatic Environment II rests on three principles: additions of fertilizers must be generally reduced; exploitation of existing resources must be improved; and support schemes must promote specific goals relating to local protection and environmentally friendly agricultural practices. In December 2003, the Danish Institute of Agricultural Sciences and the National Environmental Research Institute made a final evaluation of VMP II. Calculations made in

the evaluation show that the overall effect of aquatic action plans and the development in agriculture in general has been a 48 per cent reduction of nitrogen runoff since the mid 1980s. This result is very close to the original objective. Moreover, it is evaluated that runoff may be further reduced, by approx. 6,000 tonnes per year.

A new agreement has been made on the VMP III, providing for a further reduction of nitrogen runoff of 13 per cent up to the year 2015, and a 50 per cent reduction of the phosphorus surplus.

Monitoring Program NOVANA

When the Action Plan for the Aquatic Environment I was adopted in 1987, a monitoring program was launched in order to observe developments in actual discharges of nutrients to the aquatic environment, and to record the ecological implications of reduced discharges. The monitoring program was launched on 1 October 1988, and has since then been adjusted in 1992 and revised in 1997. The revised program for 1998-2003 was called NOVA-2003.

NOVA-2003 has now been replaced by the program for national monitoring of the aquatic environment and biodiversity – known as NOVANA. This program covers the period 2004-2009, and integrates national monitoring of nature and environment. Generally, this means that for instance species and terrestrial nature is now monitored, and that nature in aquatic environments is given a higher priority. On the other hand, monitoring of nutrients and their impact, and of xenobiotic substances, is now less extensive.

National parks

In December 2003, a broad representation of local authorities and organizations, and the Ribe and South Jutland counties addressed the Minister for the Environment with a request that the Wadden Sea be included as a pilot project on national parks in Denmark.

After the Minister's approval, work was initiated in April 2004, and a steering group was organized, counting representatives of local authorities and organizations and some state representatives.

By the end of September 2005 the steering group has delivered the final report containing two proposals for delimitation of a Wadden Sea national park. The majority proposes an area equal to the Wadden Sea Area as a national park, while a minority (farmers and municipalities on the continent) proposes to have an area equal to the Conservation area including the islands as a national park.

The Wadden Sea now forms part of an overall pilot project on national parks in Denmark, initiated by the Minister for the Environment. During the project, seven areas throughout Denmark are working with proposals for delimitation and content of possible national parks. Work is being organized in steering groups and working groups in the seven areas. The steering groups include representatives of local authorities and organizations. The working groups include local residents. Overall monitoring of the work takes place in a national monitoring group, focusing on pros and cons, possibilities and restrictions in connection with possible national parks in Denmark. Work is being financed by the Ministry of the Environment and the Danish Outdoor Council, and will be completed by spring 2006.

The report of the national monitoring group will contain an analysis of the pilot projects and a proposal for a Danish national park law. The government will handle the proposal in 2006.

Fishery

The Danish regulation on fisheries in the Wadden Sea has been revised in 2004. It contains severe restrictions on where and when fisheries may take place, and with what gears. The regulation also covers adjacent fresh water. The aim is to limit fisheries to activities that are likely not to interfere with vulnerable species and their reproduction.

Based on assessments on the biomass carried out by the Danish Institute for Fisheries Research, the Danish Directorate of Fisheries in close co-operation with the Danish Forest and Nature Agency determines an annual quota for mussel fishery in the Wadden Sea. For 2002 the quota was 5000 t and the landings less than half of the quota. For 2003 and 2004 the quotas were 3000 t per year. In 2003 the landings amounted to 243 t and so far in 2004, the landings amounted to 16 t.

Stocks measured in September 2004 were the lowest ever measured in the period 1986-2004. Fishing for blue mussel in the Danish Wadden Sea is subject to a quota system, under which fishing for blue mussel is based on analyses of the stocks and calculation of the production envisaged from the measured biomass one year ahead. This production volume is distributed between food requirements by birds and the fisheries trade, ensuring, however, that - prior to determining the share reserved for fishery, a minimum volume of 10,500 t of blue mussel is reserved for birds. Management of the plan takes place at national level in annual negotiations between the Ministry of the Environment and the Ministry of Food, Agriculture and Fisheries.

Between the 3 nm line and the so-called shrimp line in the Wadden Sea, light beam trawl is allowed for fishing of the common shrimp (brown shrimp) *Crangon crangon*. Fishing is based on licenses, and 26 Danish vessels are taking part. Counselling about fishing for shrimp is taking place at international level, through the ICES, which organizes regular working group meetings on the state of the stocks. Danish and international landings have increased notably in the last couple of years.

In the Grådyb area, small-scale fishing for cockle is taking place with hydraulic suction dredge. In 2003 and 2004, volumes of catches and landings were 258 and 554 t respectively. Fishing is subject to quotas, based on measurements of the stocks of cockle in the Grådyb fishing areas.

2.3 Germany

2.3.1 Schleswig-Holstein

The implementation of the 1999 revised national park law is still ongoing. Major improvements were achieved for the protection of moulting shelducks in the southern part of the national park and for the protection of harbour porpoise in the whale protection area off Sylt and Amrum.

In addition to the agreement with hobby-fishermen in 1999 a voluntary agreement with commercial fishermen of Schleswig-Holstein was settled in 2003 to protect the moulting areas of shelducks. During sensitive times within the moulting period the creeks are closed to fisheries.

The coastal fisheries legislation ("Küstenfischereiordnung") in Schleswig-Holstein has been renewed, including stricter regulations for the gillnet fisheries within the whale protection area (maximum height of gillnets 1,30 m, maximum mesh size 150 mm, obligation to report any by-catch of harbour porpoise).

The MaB reserve in Schleswig-Holstein was extended in 2004, including the large Halligen as transition zone on the explicit desire of the Hallig inhabitants, giving an excellent opportunity for a close integration of nature protection and cultural heritage. Through binding treaties, common projects and close cooperation stakeholders are directly involved into the management of the biosphere reserve. The awareness of the unique landscape, cultural heritage and regional identity of the Halligen was greatly enhanced.

The municipalities of Büsum and Nordstrand - bordering the Wadden Sea Area –have wished to be certified as “Nationalpark Municipalities”. The “national park partnership” has been awarded in 2003 to both municipalities, being unique in the Wadden Sea Region. Other institutions like regional train and shipping companies, hotels, youth hostels and private B&B places have also been certified as “national park partners”.

In 2004 the already as NATURA 2000 selected areas of the Eider and the Godel estuaries have been enlarged respectively amended as bird protection areas, so that meanwhile the whole tidal influenced parts of the Eider and the Godel are within the NATURA 2000 network with ecological linkage to the Wadden Sea. Additional areas in the Elbe estuary have also been selected accordingly and are delivered to the EU Commission.

The central information center for the National Park, the Multimar Wattforum in Tönning, has been enlarged by a Whale House in 2003. On 600 square meters the new permanent exhibition „Whale, Wadden and World Ocean” makes the visitor submerge into the world of whales. The number of visitors in the Multimar Wattforum exceeded 230.000 in 2004.

2.3.2 Hamburg

The new National Park-Law of 2001 has been fully implemented incl. regulations for new fishing regulations and leisure activities.

A new information center for the National Park has been established in 2003/04 and opened to the public in April 2004. The number of visitors in the 2004 exceeded more than 20,000.

Since Oct. 2003 the regular MAB evaluation after a decade of the UNESCO Biosphere reserve Hamburg Wadden Sea has started. The evaluation process will be finished very likely until the end of 2005.

2.3.3 Niedersachsen

The in 2001 revised national park law has now been implemented. As part of the law a new management plan for mussel fishery in the eulitoral was set into force in 2004 and covers the period till 2008.

The coastal fisheries legislation (Küstenfischereiordnung) will be amended in 2005. Regulations concerning the Pacific Oyster will be included.

As a compensation for the Europe Pipe Project in the 1990s the summer dike on the island of Langeroog has been dismantled on a length of more than 3 km. Now the natural tides can influence a salt marsh area of 218 ha again.

In cooperation with the responsible administrations and the stakeholders a detailed management plan for 33 km of salt marshes at the coast west and east of Norddeich was negotiated. Here for the first time in Niedersachsen aims and measures from the view of coastal protection and nature protection were harmonized. The plan will be in force at least for 10 years.

Parts of the Leybucht are an important roosting and feeding ground for geese. As a result of a research project a management plan was developed, to secure this function for the geese by extensive grazing with cattle.

A 100 year old lighthouse safeguarding the shipping route to Bremen and Bremerhaven in former times was replaced and restored at the coast at Dorum-Neufeld between Bremerhaven and Cuxhaven. The lighthouse is now a tourist attraction in which they can experience the unique landscape and natural values of the surrounding tidal flats and can learn about life in a historical lighthouse.

2.4 The Netherlands

2.4.1 Key Planning Decision Wadden Sea

The key planning decision of 1993 is still in force (PKB, 2nd Note Wadden Sea). In February 2001, an amended key planning decision document was presented by the Dutch government (PKB, 3rd Note Wadden Sea). The document was subject to a public hearing in the period February – May 2001. On the basis of the reactions of organizations and citizens, the advice of the Wadden Sea Advisory Board and negotiations with the regional and local governments, the government adopted the Planning Decision and submitted it to the Parliament in October 2001. Just before the final approval of the Parliament the Dutch Cabinet resigned.

At the end of 2005, a new amended key planning decision will be published (PKB, 3rd Note Wadden Sea). The policy document had to undergo a Strategic Environmental Assessment (SEA) according to the EU SEA Directive and a Suitable Evaluation according to Article 6 of the EC Habitats Directive. Next to that, there will be a public hearing and consultation of advisory bodies on the PKB, the SEA and the Evaluation Report. Then these documents will be approved by the Cabinet and will probably come into force in 2006.

In the new amended PKB only the policies on the exploration and production of gas and on shellfish fishery will differ from the amended PKB of 2001. There will be no new moratorium on gas exploration and production. At the moment production of so-called Wadden gas is in a licensing procedure.

Exploration and production under the Wadden Sea from outside the boundaries is therefore possible under conditions. Permit application requires an Environmental Impact Assessment procedure to be concluded. Environmental conditions will be formulated under both the mining legislation ("*winningsplan*") dealing with the production and monitoring of subsidence and the Nature Protection Act dealing with prevention and monitoring of (ecological) impact in the Wadden Sea area.

Regarding to shellfish fisheries the mechanical cockle fishery is no longer permitted since January 2005. Research proved that it does not comply with the basic principle of sustainable development of the Wadden Sea (see below 2.4.2. Fishery). Mussel fisheries have to be further developed within the next years to become more sustainable.

The PKB is a national planning decree which is the basis for all physical planning, conservation and management for the Wadden Sea under the jurisdiction of state, regional and local authorities. The planning document is subject to parliamentary endorsement and has, in substance, the status of a law. The PKB is valid for a period of 10 years after which the governments must indicate to the parliament whether it intends to amend it.

The area covered by the PKB is delimited by the dikes and dunes on the mainland and main islands, including those areas of the islands, which are regularly flooded. However, the harbor of Lauwersoog is outside the main sea protection and excluded. It covers about 2,400 km². The government has refrained from amending respectively extending the area. It will not lead to a simplification because the various delimitations which exist for, e.g. the nature reserve and the Natura 2000 would continue to exist and efforts would have to be made for working towards a differentiated policy and measures for an enlarged area.

The objectives of the PKB have been amended to explicitly also include the conservation of the landscape qualities, in particular the quietness, darkness, the openness and the naturalness. This objective is as indicated in the new PKB closely related to the Targets, as entailed in the Wadden Sea Plan. It also encompasses a development vision for the Wadden Sea for the period until 2030.

The PKB lays down policy guidelines for the different activities in the Wadden Sea. A substantial amount of those guidelines are binding decisions for state authorities. Others are

guidelines, which the regional and local governments will have to take into account in elaborating e.g. regional and local planning. The PKB also includes a framework of balancing different interests in conformity with Art. 6 of the Habitats Directive. This article is juridically implemented in the Nature Conservation Act of 1998.

In anticipation of the initiation of the discussion of proposed amendments to the PKB, the Dutch government is restrictive in allowing new activities or issuing new permits. This includes all new activities that may be harmful for the Wadden Sea Conservation area, as well in the area as outside if having an influence in the natural values inside.

Wadden Sea Policy Advisory Group

In September 2003 the Cabinet decided to install a Wadden Sea Policy Advisory Group with the task to give advice on subjects like gas drilling and shellfish fishery in relation to nature protection. In April 2004 the group presented its advice to the national government. The group concluded that more investments in the Wadden Sea region are of importance. Following the advice, the Cabinet decided to invest € 800 million extra in the Wadden Sea region within the next 20 years. Therefore a Wadden Fund will be established which will be operational from 2006 on. The Wadden Fund is part of a package of measures to create an integral Wadden Sea management. The Wadden Funds will be used for additional investments in the following categories:

- Nature restoration and –development;
- Reduction of threats;
- Sustainable economical development;
- Knowledge infrastructure;

Most of the money will be made available for nature restoration and development.

2.4.2 Fishery

Dutch shellfish fishery policy

EVA II study on shellfish fisheries

An issue which has caused much attention and debate in the past period is the policy with regard to the shellfish fishery. During the last years the research project EVA II took place. The study is the second phase in the evaluation of shellfish fisheries policy in the Zeeland Delta and the Wadden Sea, and relates these findings to other studies on the ecological effects of shellfish fisheries in the Wadden Sea and elsewhere. Four policy questions were at the heart of the project: (1) what are the ecological impacts of shellfish fishery, (2) did the policies implemented in 1993 achieve their objectives, (3) is current shellfish fishery in line with international obligations, (4) what possibilities for improvement do exist? These policy questions were translated into research questions. In general sense EVA II concluded that the numbers of large shellfish-eating birds declined, some restoration of sea grass beds occurred, but restoration was not maximal and the area of littoral mussel beds in the Wadden Sea increased to more than 2000 ha, after having disappeared completely in 1990.

The Dutch shellfish policy for the years 2005 till 2020 has been laid down in the "Policy Decision on Shellfish Fishery: Scope for a briny harvest (towards a shift in Dutch shellfish culture)".

In line with its response to the report by the Wadden Sea Policy Advisory Group (*Adviesgroep Waddenzeebeleid*) (TK 2003–2004, 29684 no. 1), the Dutch Cabinet has decided that the new policy on shellfish fishery should display the following main features:

- It should be robust policy with prospects for the future;
- Greater sustainability of economic activity is necessary in order to promote employment and income in combination with an improvement in the natural quality of the ecosystems ("Planet", "People", "Profit");
- Policy and regulations should be streamlined, including by abolishing the current complex system of food reservation;
- Greater responsibility should be assumed by the relevant industry;

- Innovation is necessary in order to meet the policy challenges of the future.

The Cabinet intends pursuing a policy on shellfish fishery that offers the prospect of an economically sound industry which applies production methods that respect natural values and where possible reinforce them.

Mechanical cockle fishing

The Cabinet also believes that investing in the sustainability of an industry requires that industry to be profitable, with innovation being essential. Continuing mechanical cockle fishing would require the volume of food reservation for birds to increase and the size of the closed area to be maintained or enlarged (this being on the basis of the EVA II study (see below) and the European directives); the Cabinet therefore considers that mechanical cockle fishing in the Wadden Sea offers insufficient options for sustainable development. Because this type of shellfish fishery does not comply with the basic principle of sustainable development of the Wadden Sea, it can no longer be permitted. With effect from 1 January 2005, no more permits are issued for mechanical cockle fishing in the Wadden Sea.

Mussel culture

Mussel culture has a future. The mussel sector has a good position on both the national and international markets. The Cabinet intends creating the conditions necessary for the sector to maintain that position and to improve it further. In order to guarantee an economically and ecologically sustainable future for itself, the mussel sector must invest both in reinforcing its commercial position and in making its production methods more sustainable. Elements of the plan for "Seed Mussel Management", recently published by the sector, offer valuable leads. However, the overall approach taken by the sector needs to be worked out in greater detail if it is to ensure sufficient confidence, particularly as regards the development of alternative sources of seed mussels. These alternative sources can make the mussel sector less dependent on natural conditions. In the longer term, they can also help reduce the impact of fishing on sensitive coastal ecosystems like the Wadden Sea and the waters of the Delta.

The question of whether they are compatible with the ecosystems concerned ("Planet") will also be a determining factor for the future economic prospects ("Profit") of other types of shellfish fishery, such as fishing for oysters, razor and surf clams, and manual cockle fishery.

The success of a policy is partly dependent on how it is implemented. It is for that reason that the Cabinet aims to increase the involvement of the sector and where possible of conservation organizations in the implementation of the chosen policy. The sector is itself responsible for ensuring a sustainable future – a responsibility that it will therefore need to assume. Initiatives within the sector can contribute, for example the Foundation for Sustainable Shellfish Fisheries (*Stichting Ontwikkeling Duurzame Schelpdiervisserij, ODUS*).

The new policy also relates to shellfish fishery in the Dutch fishing zone. It covers both traditional shellfish fishery and more modern methods of shellfish culture such as suspended mussel culture and seed mussel capture installations.)

The policy is intended to bring about responsible management and exploitation of shellfish stocks from an ecological and economic point of view. It also aims to indicate the conditions and criteria that shellfish fishery must observe with a view to its responsible and sustainable incorporation into sensitive coastal ecosystems. Where the sanitary and veterinary quality of shellfish are concerned, reference is made to other policy programs such as the implementation of the new hygiene regulations for shellfish fishery and the evaluation of the sanitary protocols.

The Policy Decision covers a period of 15 years (2005–2020), with interim evaluations being planned for 2008 and 2014. The results of those evaluations will be incorporated into river basin management plans, necessary within the framework of the EC Water Framework Directive, which will be drafted in late 2008 and in 2014.

3. Implementation of the Esbjerg 2001 Declaration

This chapter provides an overview of the implementation of the agreements of the Esbjerg Declaration 2001. After each paragraph respectively each chapter of the declaration (in *italics*) a brief implementation statement is given of the implementation status in the three countries with regard to the Wadden Sea.

PROGRESS IN IMPLEMENTATION OF THE STADE DECLARATION AND THE WADDEN SEA PLAN

1. To **welcome** the progress in the implementation of the Stade Declaration and the Trilateral Wadden Sea Plan as documented in the Joint Progress Report.
2. To **carry out** the necessary actions aiming at implementing the still outstanding issues from the Stade Declaration and the Wadden Sea Plan.
3. To **recall** §11 of the Stade Declaration and to **decide** to further develop the Wadden Sea Plan on the basis of, *inter alia*, the Policy Assessment Report, and the highly appreciated contributions of stakeholders, including proposals for sustainable development.

The outstanding issues from the Wadden Sea Plan are addressed under the respective chapter; it concerns dredging/dumping (WSP 2.2.3/4.2.7), ships/hazardous substances (WSP 2.2.2), reconciliation harbor and environment (WSP 6.2.5), roosting sites (WSP 9.2.1), and geese management (WSP 9.2.3).

On the basis of the QSR results, the developments on national and international level, especially with regard to the EC Directives, the implementation of the Wadden Sea Plan is presently being evaluated in preparation of the Schiermonnikoog Conference 2005.

STATE OF THE WADDEN SEA ENVIRONMENT

4. To **acknowledge** the 1999 Wadden Sea Quality Status Report (QSR) as a technical report in which the status of the Wadden Sea ecosystem and the implementation of the Targets have been assessed and **appreciate** the, often voluntary, work done by experts in elaborating the QSR.
5. To **acknowledge** the conclusions and recommendations of the Policy Assessment Report which also contains a list of trilateral reports.
6. To **stress**, in light of not yet having reached the Target with regard to eutrophication, that particular emphasis must be given to reducing nitrogen inputs.

The QSR 2004 revealed that inputs of phosphorus and nitrogen have gradually declined but that the Target with regard to eutrophication has not yet been reached.

Continued effort is necessary to effectively implement current policies to reduce nutrient inputs; special effort is necessary with regard to nitrogen compounds. The observed difference in the eutrophication status between the northern and southern part of the Wadden Sea is not yet well understood, and needs to be clarified.

7. To **note** with satisfaction the reductions achieved in inputs and concentrations of most natural micropollutants, however, that the level of xenobiotics still gives cause for concern, and therefore to **continue** implementing current policies for the reduction of inputs of these substances.

The 2004 QSR showed a decline in inputs and concentrations of most natural micropollutants. However, for some metals, the target of background concentrations in sediment and biota (blue mussels and bird eggs) have not yet been reached in all sub areas of the Wadden Sea and still pose risk to the ecosystem. Continued attention should be given on reduction of metal discharges through rivers debouching into the Wadden Sea, because riverine input is quantitatively the most important one.

Although for a number of xenobiotic compounds discharges to and concentrations in the Wadden Sea have decreased, the target has not yet been reached, some of them still pose a risk to the ecosystem. The ban on the use of anti-fouling paints containing organotin for pleasure craft showed its effect in decreasing contamination of Dutch marinas.

Many newly developed xenobiotics, including hormone disruptors, have a wide occurrence in the Wadden Sea ecosystem, and may cause deleterious effects on the ecosystem.

Policies for the reduction of hazardous substances have to be continued to further reduce inputs from all sources and thus further implementation of the Targets. Special attention should be given to newly developed xenobiotics and to some recently and locally increased contaminant concentrations. Special emphasis should be given to the harmonized implementation of the EC Water Framework Directive.

8. To **note** with appreciation that much has been achieved in the past ten years with regard to improving the natural situation in salt marshes by the reduction, or phasing out, of grazing and artificial drainage and the outbanking of summer polders, and to **initiate** a survey of the present status of salt marshes on the basis of common trilateral criteria.

On the basis of a newly developed common typology for salt marsh zonation and vegetation, the 2004 QSR concluded that an increase in area of natural and semi-natural salt marshes had occurred by reduction or phasing out of grazing and artificial drainage, and outbanking of summer polders.

9. To **acknowledge** the efforts that have been made with regard to the policy on the mussel fishery and to stress that the implementation of the Targets on geomorphology, eelgrass beds and mussel beds still deserves attention and, therefore, to **evaluate** before the end of 2004 the mussel fishery with special attention to stable mussel beds.

10. To **base** the conservation and management of mussel beds on the protection of sites where stable beds occur and areas with a high potential for the development of stable mussel beds.

Natural development of intertidal mussel beds occurred as a result of consecutive spatfalls and large areas having been without fishery for seed mussels; poor recruitment in the last years, however, has caused a decline. Progress was made with protection of young mussel beds at old (stable) sites of mussel beds.

Because of their high biodiversity and ecological importance, a trilateral protection regime should be designed for subtidal blue mussel beds; subtidal and intertidal beds should also be considered as a biological quality element in the relevant EC Directives.

The management measure of protecting stable mussel beds or sites (intertidal as well as subtidal) is still valid.

11. To **recall** the decision taken at the 6th Wadden Sea Conference to designate reference areas and, in this respect, to **welcome** the designation of a reference area without resource exploitation in the Schleswig-Holstein Wadden Sea in 1999 in addition to the Danish zero-use reference area designated in 1982, and the Hamburg zero-use area designated in 1990, and the anticipated designation of a reference area in the Dutch Wadden Sea.

Within the Schleswig-Holstein reference area monitoring and research activities have been intensified. It is aimed for the coming period to further intensify these activities in order to allow comparisons between the zero-use area and other Wadden Sea areas. Additionally the area will serve as a reference area with respect to the coastal water bodies implementing the EU Water Framework Directive.

Within the Hamburg reference area all regular monitoring activities concerning biotic factors were continued, evaluated in 2004 and adapted for the coming 5-year period.

In Niedersachsen no official reference area has been established up to now, but large areas e.g. the islands of Mellum and Memmert and surrounding flats, and the Hohe Knecht-sand area are without any human use.

In the Netherlands, the designation of reference area in the Dutch Wadden Sea without resource exploitation is part of the new Policy Decision on Shellfish Fishery and is anticipated to be designated before the Governmental Conference in 2005.

On the grounds of the trilateral criteria for reference areas and the social and economical effects of the closure of the site, an area of 6500 hectares south of Rottum, including the islands, has been chosen to be designated. The site is already closed for shellfish fishery on the basis of the 'structuurnota visserij' as of 1993. The gullies and creeks within the site are also closed for bottom disturbing fisheries (beamtrawls with tickler chains). For designation as reference area all fishery activities will be forbidden in the area.

In Denmark, no further zero-use reference areas in addition to the existing one in Langli have been designated.

*12. To **recall** the Target of an increased area of dynamic beaches and dunes and to **initiate** the development of common criteria for classifying dunes, including dynamic dunes, and to report on the status of dunes in the Wadden Sea Area in 2003, as a basis for possible further actions to implement the Target.*

In the 2004 QSR, the newly developed TMAP classification for dunes types was applied for all important dune areas in the Wadden Sea. For the first time, a comparable trilateral assessment of dunes development, and concurrent data collection regarding atmospheric deposition, coastal protection measures and water management could be carried out.

A reduction of coastal protection measures has caused increased dynamics in beaches and primary dunes. The 2004 QSR could document that areas with free-blowing sand, however, are still very limited. Eutrophication from atmospheric deposition has caused dense grass vegetations to develop and on some of the islands, species-rich dune slack vegetations have degraded due to groundwater extraction. The use of traditional-style management measures can contribute to restoring successional processes and species-rich habitats. The existing differences in dune management regimes make a case for exchange of information on this issue among managers involved;

The Danish LIFE – Nature project "Restoration of Dune Habitats along the Danish West Coast" which runs from November 2001 until November 2005 includes areas on the islands of Fanø and Rømø. Partners of the project are the National Forest and Nature Agency, Camp Oksbøl (Ministry of Defence), the National Environmental Research Institute, University of Copenhagen (Botanical Institute) and the counties of Nordjylland, Viborg, Ribe and Sønderjylland. The areas on Fanø and Rømø are dominated by the priority habitat types 2130* "Fixed dunes with herbaceous vegetation" and 2140* "Decalcified fixed dunes with *Empetrum nigrum*".

The management activities include clearing of overgrowth and removal of tree encroachment of non-indigenous species such as Dwarf Mountain-Pine and Lodgepole Pine, establishment of grazing, mosaic burning on heath areas, cutting vegetation and removal of material, restoration of breeding localities for herpetofauna as well as land swaps (Rømø).

By project mid-term 25 hectares had been cleared from tree overgrowth and encroachment, grazing was established on 40 hectares, cutting vegetation and removal of material had been finalized on 15 hectares, 2 hectares had been burnt and 172 hectares of land were purchased.

*13. To **acknowledge** that initiatives have been taken, e.g. in the Varde Aa and the Eider estuaries, which are anticipated to result in the long term in meeting the Targets for estuaries, and to **underline** the need for a continued application of the trilateral policy and management for the Wadden Sea estuaries where the Targets have not been met.*

In Denmark, an extensive project has been launched to restore the natural situation in the Varde Å valley and the Ho Bay, in an area of 2,700 hectares. The project aims at a more extensive management of the lower lying meadows by raising the water level and ceasing the application of fertilizer and pesticides. This will reduce the discharge of nutrients to the Wadden Sea and improve the conditions for the flora and fauna. The loss of income of the owners and other disadvantages will be compensated through subsidies from a particular regulation on environmentally friendly agriculture.

In the years 1997 - 2002 there have been made voluntary individual 20-years agreements with 250 farmers covering about 2,300 hectares. All agreements are on ceasing the application of fertilizer and pesticides, and for 1,830 hectares the agreements include raising the water level as well.

The already as NATURA 2000 selected areas of the Eider and the Godel estuaries (Schleswig-Holstein) have been enlarged respectively amended as bird protection areas in 2004, so that meanwhile the whole tidally influenced parts of the Eider and the Godel are within the NATURA 2000 network with ecological linkage to the Wadden Sea.

Additionally areas in the Elbe estuary have been selected and are submitted to the EU Commission. Recent plans for the next deepening of the Elbe river bed have to follow the legal planning procedure including an assessment of NATURA 2000 values.

In Niedersachsen no further activities have been carried out in the estuaries. With regard to NATURA 2000, the Niedersachsen part of the Elbe estuary and parts of estuaries of the rivers Weser and Ems are nominated for the Habitat Directive. Larger parts of the offshore zone were announced as a Natura 2000 area, due to the enlargement of the National Park in 2001.

The Ems-Dollard Commission consisting of German and Dutch government representatives meets on a regular basis. Since several years negotiations between Germany and the Netherlands are taking place about forbidding the mussel seed fishery on the Hond/Paap intertidal flats.

Since 2001 an international research on more economically and ecologically friendly dumping and dredging in the Ems-Dollard mouth has been carried out by Germany and the Netherlands. Test dumping and spreading of dredging material is therefore closely followed by measurements.

14. To **underline** that the management and protection of the Offshore Zone and Tidal Area be closely tuned.

Both, the Bird and Habitat Directive and the Water Framework Directive tune the protection of the Offshore Zone and Tidal Area. Tuning takes place on the executive official level.

15. To **stress** that sand will only be extracted outside the Wadden Sea Area and preferably from beyond the 20 m isobath, but that, in accordance with §7.1.3 of the Wadden Sea Plan, exemptions for local coastal protection measures may be granted, provided that such exemptions are in accordance with the Best Environmental Practice for coastal protection. It should also be ensured that the extraction of sand does not cause detrimental transboundary effects.

This is common and ongoing practice in Denmark. The extraction of sand is limited to the sand released from the regular maintenance of the shipping lane to Esbjerg.

This is common and ongoing practice in Germany.

As of 1 January 2000 sand extraction in the Dutch Wadden Sea was limited to the sand released from the regular maintenance of shipping lanes. In 2003, a relatively small amount

(240,436 m³ from the RWS Noord-Nederland management area) was taken ashore for construction purposes.

16. *To **note** that shell extraction is only carried out in certain parts of the Dutch Wadden Sea Area at a level which is well below the amount of shells added to the Dutch part of the Wadden Sea Area by natural accretion.*

Shell extraction in the Dutch Wadden Sea is regulated through a quota system and zoning. It is based on the principle that the annual amount of shells extracted from the Wadden Sea and from the outer deltas of the adjacent North Sea coastal zone does not exceed the long-term average of natural shell production.

In the Netherlands an evaluation of the national shell extraction policies has taken place in 2004. This evaluation led to changes in policies, which are accepted by the Cabinet. The two most important are:

- Certain extraction areas where few shells are found are being closed and one other area with relatively more shells is included.

Shell extraction now concentrates on three large tidal inlets. The new situation brings advantages for nature as well as for extraction companies.

- The amount of shells to be won is tuned to the long term amount of natural shell production. According to new investigations the amount of shells to be won is lowered from 210,000 m³ to 190,000 m³ each year. Half the amount, to a maximum of 90,000 m³, may be extracted from the PKB area. Shell extraction is allowed only at depths below 5m -NAP. It is estimated that the total amount will even more decline in the future.

17. *To **underline** the need for sustainable management of the shellfish fishery in order to prevent detrimental effects on bird populations.*

The 2004 QSR revealed that the Target of favorable food availability has not been met for some bird species in the Dutch Wadden Sea. The new Dutch fishery policy commencing in 2005 is expected to contribute substantially to improve the food conditions for benthos- and bivalve eating birds.

18. *To **underline** the need for securing the importance of the Wadden Sea as a spawning and nursery area for fish populations.*

The 2004 QSR revealed that several fish species use the Wadden Sea for different purposes, such as resident or migratory species, several North Sea species use the Wadden Sea as nursery area. However, information about distribution and development of fish species in the Wadden Sea is fragmentary, especially for pelagic and migratory fish species. The numbers of juvenile flatfish using the Wadden Sea as a nursery are clearly declining. This is especially so for dab and plaice, and is due to an offshore shift in the distribution of these fish species along the North Sea coast. The abundance of diadromous fish species is still low.

The formulation of trilateral targets regarding fish, tuned to the requirements of the relevant EC Directives, will structure and focus research and monitoring of this important faunal group in the Wadden Sea.

For threatened diadromous fish species further conservation effort is required, e.g. sluice and dike passage facilities and upstream habitat restoration

The Danish LIFE – Nature project "Urgent Actions for the endangered Houting". Together with the South Jutland and Ribe counties, the Danish Forest and Nature Agency has submitted an application to the EU LIFE scheme for support for a nature restoration project worth approx. Euro 13 million in four watercourses in Southwest Jutland for the benefit of the endangered salmonoid – the houting.

The application is for 60 per cent EU financing, corresponding to approx. Euro 8 million. By complete EU pre-approval, the project will be the largest ever nature restoration project

financed by the EU in Denmark. The houting is on the Red List and on the EU list of endangered species. This status of the fish makes Denmark eligible for considerable support from the EU LIFE scheme. Houting is found only in the large watercourses running into the Wadden Sea.

Recent observations show that small populations of the original salmon are still living in watercourses in West Jutland. These stocks of salmon have for many years been assumed extinct. In order to make sure that the improved aquatic environment will also be to the benefit of these endangered populations, the Ministry of the Environment worked out a national salmon management plan in 2004 – presenting the current status of existing stocks and outlining the problems in individual watercourses. The plan focuses on six of the watercourses running into the Wadden Sea: Varde Å, Sneum Å, Ribe Å, Kongeåen, Brede Å, and Vidå.

The scope of the project is:

- Removal or canceling of 13 large man-made dams, and opening of access to more than 130 km potential spawning areas, i.e. more than three times the extent of existing spawning areas.
- Re-establishment and restoration of the natural meanderings of approx. 30 km of watercourse, including full restoration of about 20 km of the Varde Å.
- Establishment of new 470 hectares of spawning and nursery areas for houting – more than twice the existing area.

Besides improving conditions for houting, the projects will benefit a large number of other rare and endangered species in West Jutland watercourses, such as the salmon in Varde Å and Ribe Å together with *Alosa fallax* (twaité shad) and *Lampetra fluviatilis* (river lamprey), and enhance conditions for flora and fauna in shallow fresh waters. The application to the EU was prepared in successful cooperation between the two regional authorities, each of them contributing significantly to financing the projects. Considerable economic contributions have also been given by local authorities and by others.

The remaining funds, approx. euro 3.3 million, are being financed by the Forest and Nature Agency nature restoration funds. The project has been broadly supported by the land owners along the watercourses, and the Agency is successfully negotiating with a number of fish farmers about the removal of dams. Also nature organisations are supporting the project widely.

19. To **stress** the need for further development of proper techniques and practices to reduce by-catch in the Offshore Zone and in the Tidal Area as part of future fishery policies.

By-catch is considered the main threat to harbour porpoise in the North Sea and the Baltic. By-catch is occurring in coastal waters adjacent to the Wadden Sea and along the Dutch mainland coast. The magnitude of the by-catch in terms of numbers per stock/population size in the Wadden Sea and adjacent North Sea is unknown and therefore the sustainability of the porpoise by-catch in Dutch, German and Danish EEZ waters should be addressed, including possible mitigation measures.

20. To **note** with satisfaction the positive development of most bird populations and to **continue** the implementation of relevant measures as laid down in the trilateral Wadden Sea Plan to safeguard favorable food, roosting and breeding conditions for birds. With regard to moulting seaducks, such as Shelduck and Common Scoter, to **acknowledge** the need for more detailed information regarding moulting conditions within offshore moulting areas with the aim of taking appropriate measures to achieve a more undisturbed situation for seaducks, if necessary.

Common shelduck moult from late June to early September in the vicinity of undisturbed and extended mudflats. The most important moulting sites for shelduck have recently shifted and are now almost exclusively situated within the southern Schleswig-Holstein Wadden Sea. Up to 2002, a large proportion of the entire Northwest-European shelduck population, regularly exceeding 200,000 individuals, synchronously concentrated at this moulting site during late July and August. Smaller numbers (10-20,000 birds) moult in The

Netherlands, although reliable information is lacking here due to the absence of offshore counts in summer.

Common scoters show the longest moulting period (June to October) since immature birds, males and females have consecutive moulting schedules. Compared to common eider and common shelduck, moulting behavior is less well-known, as they prefer offshore feeding sites and usually occur highly dispersed over the sea surface, making counts difficult. With regard to food, scoters seem to be highly opportunistic. While for The Netherlands, scoters are considered highly dependent on *Spisula* as an important food resource, they seem to focus on other food resources in Germany and Denmark. Due to the dispersed flocking behavior, common scoters are very susceptible to any source of disturbance; with approaching ships for instance, a flight distance of about 2 km has been reported. The importance of the international Wadden Sea for moulting scoters decreases from Denmark over Germany to The Netherlands. Moulting centers of common scoter in all three Wadden Sea countries have been identified and have recently been confirmed for the federal state of Schleswig-Holstein. However, numbers of moulting scoters seem to be underestimated in Germany and The Netherlands, making proper assessments in those countries difficult.

21. To **express** concern that some bird populations using the Wadden Sea (e.g. brent goose, eider duck, oystercatcher and knot) have shown considerable decreases during the last few years, and, therefore, to **safeguard** favorable food conditions in the future, especially for shellfish-eating birds.

For several species, notably the common eider and eurasian oystercatcher, the recent EVA II project in The Netherlands provided evidence that the downward trends are related to deteriorating food stocks of blue mussels and cockles, this being due to both fisheries and natural conditions (weather, reproduction rates in bivalves), especially in the Dutch Wadden Sea. In addition, Scheiffarth and Frank (2005) indicated a Wadden-Sea wide conflict between birds (e.g. the common eider and Eurasian oystercatcher and mussel fisheries. In the Danish Wadden Sea, mussel fisheries had been already restricted in the 1980s, after additional mortality had occurred among several waterbirds. In the Dutch Wadden Sea, in the late 1990s, licenses for shellfish (cockle) fisheries became subject to designation of closed areas and limitation of harvestable biomass in order to prevent over-exploitation. However, these measures were not able to stop the decline in waterbird populations. In June 2004, the Dutch government decided to phase out mechanical cockle fisheries from 2005 onwards, and to aim at the development of sustainable blue mussel fisheries in the next decade. In September 2004, licenses for mechanical cockle fisheries were withdrawn completely and a complete cessation of the mechanical cockle fisheries was decided upon starting January 1st of 2005. In the Dutch Wadden Sea, this is an important step towards the target of a favorable food availability for birds. Concerning the development of sustainable blue mussel fisheries, however, monitoring and scientific investigations should be carried out to be able to enhance proper management and evaluate the policy decisions taken.

22. To **underline** that some breeding bird species, such as kentish plover and little tern, are particularly vulnerable during breeding and, therefore, to **undertake** efforts to reduce the amount of disturbance at the sites used for these activities.

The great ringed plover and kentish plover continued their downward trend in nearly all parts of the Wadden Sea between 1990 and 2003. This is partly due to the reduction of numbers in the more recently embanked wetlands in Denmark and Schleswig-Holstein, which, due to vegetation succession, have become less attractive for plovers and other pioneering bird species. These species still also find limited possibilities to breed in their preferred habitat as a result of recreational pressure at these sites. For both plover species, which breed in a more scattered and isolated pattern, management measures have been not very successful so far, as they were not taken on a wide scale and thus had only effect on some local breeding populations. For management measures to succeed, local support is essential. In a project currently being carried out in the Dutch Wadden Sea, (island) mu-

nicipalities, scientists, conservationists and site managers of nature reserves collaborate in order to limit disturbance at the breeding sites. There is still a need for comprehensive protection measures for beach-breeding species, especially the great ringed plover and kentish plover. These species suffer from recreational activities, which prevent them from successfully breeding at many of their preferred breeding sites. This situation has not changed since the 1999 QSR and the Esbjerg Declaration (2001), where it was stated that these species are particularly vulnerable during breeding and therefore efforts to reduce the amount of human disturbance at the breeding sites should be undertaken. Measures that have been taken were implemented on a sporadic and local scale only, which is not satisfactory. Both species show ongoing declines in all parts of the Wadden Sea. The need for conservation measures at their primary habitats has now become even more urgent since breeding habitats in, for example, embanked wetlands and some mainland salt marshes have changed as a result of vegetation succession.

For the little tern, *Sterna albifrons*, which breeds in distinct colonies, protective measures have been implemented at many breeding sites since the 1980s and have initiated a population recovery in all parts of the Wadden Sea. In contrast to the other two species, for the little tern, conservation measures to prevent human disturbance have proven to be very well able to reverse the downward trends when implemented on a large enough scale.

In Denmark, work is being carried out to put up signs, indicating where breeding areas are located. Further, zoning of dunes, the beach and moor land is taking place in close cooperation with the local population and relevant authorities.

23. To **continue** to closely observe the developments with regard to installations in the Wadden Sea and the adjacent North Sea, with the aim of avoiding detrimental impacts on the environment in the Wadden Sea Area from these installations and to intensify the trilateral information process.

24. To **acknowledge** the potential impacts of wind turbine parks in the North Sea on the Wadden Sea environment and therefore to support a coordinated approach in a North Sea wide framework to the development of guidelines and principles for the installation of offshore wind energy parks, taking account of, amongst others, the protection of species and habitats and the high density of ships in the area.

The 2004 QSR provided an overview of offshore wind farm projects adjacent to the Wadden Sea.

In Denmark, in 2002 an offshore wind farm was established at Horns Rev in the North Sea, off the Wadden Sea Region, at a distance of 14-20 km from land. The farm, with 80 wind turbines producing a total power of 160 MW, covers an area of 20 km².

Together with the offshore wind farm at Rødsand in the Baltic Sea, the Horns Rev park forms part of a demonstration project being carried out in the Danish plan for development of offshore wind energy. Therefore, already from the project phase, a monitoring program has been set up for the project. The elements to be monitored are: hard soil, benthic flora and fauna, fish, birds, seal and the harbour porpoise.

The results of the monitoring program are available to the public (also in English) on the Internet: www.hornsrev.dk/.

In Germany, the construction of wind turbines along the coastline is also subject to the national building regulations ('BauGB'). Thorough Environmental Impact Assessments are carried out both in the EEZ and in the 12 sm zone. The German Renewable Energy Sources Act (EEG), which is also applicable for EEZ and 12 sm zone, contains a regulation that electricity from offshore wind farms will only be eligible for payment if sited outside of nature conservation areas and proposed Natura 2000 sites. This measure is designed to discourage intervention in these protected Natura 2000 areas.

The routing of cables from offshore wind farms to the mainland power grid network is currently under discussion in order to minimize the impact on the Wadden Sea.

Within the OSPAR framework, a document with "Guidance on Assessments of the Environmental Impacts of, and Best Environmental Practice for, Offshore Wind Farms in relation to Location" was adopted by the OSPAR Commission in 2005.

25. *To **continue** to closely scrutinize existing and envisaged new activities outside the Wadden Sea Area, as these could infringe on the attainment of the Targets, and to **re-call** the Shared Principles (WSP§1.8) and §13 of the Stade Declaration on external impacts applying to the whole Wadden Sea.*

This is common practice in Schleswig-Holstein. Especially the development of offshore-windparks in the German North Sea EEZ outside the cooperation area and the concomitant cable lines (Kabeltrassen) to the mainland have been and are thoroughly screened with respect to the overall protection aims and legal protection framework of the Wadden Sea.

In Niedersachsen, there are plans to establish two wind energy parks within the 12 sm-zone outside the conservation area. In a special planning process a cable line from offshore the mainland via the island of Norderney was identified.

In the Netherlands, the Nature Conservation Act of 1998 and the amended key planning decision request that impacts of existing and new activities on natural values of the conservation area are investigated. Activities are only allowed if they don't conflict with the natural targets of the Wadden Sea Conservation Area. Due to these restrictions all newly planned offshore wind energy projects have to fulfill the requirements of this article.

MARINE MAMMALS

26. *To **note** with satisfaction the positive development of the seal population and to **adopt** the amended Seal Management Plan for 2002-2006 as in **Annex 1**.*

The Seal Management Plan builds on the obligations of the Seal Agreement and contains objectives and action points on habitat protection, research and monitoring, pollution and wardening, taking and public information. The actions are being continuously implemented and special attention should be given to the issue of reporting of data. The implementation of the SMP will be evaluated in 2006 to give the basis for the amendment respectively the revision of the SMP after 2006.

The Trilateral Seal Expert Group (TSEG) coordinated and supervised the implementation of the Seal Management Plan and prepared regular progress reports. According to coordinated aerial flights in the entire Wadden Sea, a total of about 12,800 seals was counted in 2004, of which about 3,700 were pups. The harbour seal population in the Wadden Sea is considered to be viable with satisfactorily reproduction capacity.

After the PDV-epizootic in 1988, the harbour seal population in the Wadden Sea recovered prosperously and increased to approx. 21,000 in 2002, at an almost exponential rate. In 2002, a second PDV-epizootic struck the population, reducing numbers by around 50%; mortality was higher in adult males than in adult females. As a result, a relatively high proportion of pups was observed in 2003, providing a quick start of recovery of the population. There has been an improvement of the health condition of harbour seals in general. It could also be shown that harbour seals from the Wadden Sea use the North Sea to a much greater extent than realized before. The reason for this is yet not clear, but may be related to the population's exponential growth and/or to decreased availability of food in the Wadden Sea and adjacent coastal waters.

The Danish Forest- and Nature Agency has launched a Management Plan for Common Seal and Grey Seal in Denmark in April 2005

The final report of the Dutch Scientific Seals Management Platform was published in 2002. It includes information on the status of the seal population, stranding, taking and releasing of seals, health aspects, seal management in context of ecological targets for the Wadden Sea and ethical aspects of human interfering. The main conclusions of the report are:

- Seal taking and releasing is not necessary for maintaining the seal population.
- In the Netherlands there is support for seal taking and releasing, but there are different views on the extent.
- Seal taking and releasing needs to take place within strict conditions. Taking of seals not coming from the Dutch Wadden Sea is not permitted where seals from the Dutch Wadden Sea are hosted.

These results have been used in drawing up the Guidelines for the taking and releasing of seals, as stipulated in the trilateral Seal Management Plan (SMP). These Guidelines were adopted by the Dutch Parliament in June 2003.

Monitoring of grey seals, a prerequisite in the Seal Management Plan, is carried out in the Netherlands, and brings valuable data hitherto unknown. Activities are undertaken to bring the monitoring in the other countries also at a comparable level. The Netherlands have also started to investigate the population biology and habitat use of the grey seal. That is a further extension of the already ongoing monitoring, and serves to improve the management basis for this hitherto rather unknown species' habitat requirements.

The trilaterally agreed priority (in SMP) of investigating feeding ecology is taken on by the Netherlands. The Netherlands are in the second phase of that study and may be able to present results at the trilateral ministerial conference 2005.

In Germany guidelines for the taking and releasing of seals are in force since 1996 and have been amended in 1997. These guidelines proved to be a helpful tool especially in handling new born seals which are found ill or without mother, and in handling the seals in the seal station. Additionally in 2002 a diagnostic scheme was developed to give the seal hunters support in decision making (e.g. continuing observation, or sending the pup to a veterinarian for a medical check, or sending it to the seal station for rehabilitation, or euthanasia).

Monitoring in Germany does not only include the five trilaterally agreed aerial common seal counts in summer, but

- there is a regular monitoring of dead found seals (documentation, pathology, histology etc.),
- there is a regular monitoring of living seals (blood samples, virology, bacteriology etc.),
- in 2005 for the first time grey seals were counted two times by an airplane in the beginning of April (ship based counts are continued).

The results are yearly documented in five reports.

In the frame of the MINOS-project (Marine mammals in the North and Baltic Sea) common seals are equipped with satellite senders and data recorders so that their activities in the off shore area can be followed and analyzed over many weeks. During the aerial harbour porpoise counts also seal sightings are recorded. The acoustic abilities and sensitivities of common seals are studied as well.

Another study provided evidence for metal-induced hypersensitivities in common seals of the Wadden Sea.

The seal station in Friedrichskoog will be enlarged to give better facilities for research and information. Construction work begins in autumn 2005.

27. To **recall** §10.1.1 of the Wadden Sea Plan in which the aim to protect breeding and rearing areas of the harbour porpoise in the Wadden Sea Area and the adjacent areas through appropriate measures was agreed, and to **urge** the EU to implement adequate fishery regulations for protecting the Harbour Porpoise.

Common rules for incidental catches of whale in EU waters have been laid down in Council Regulation (EC) 812/2004 of 26 April 2004 on measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) 88/98.

The Regulation provides for rules on three specific measures to protect whales in EU waters:

1. Fishermen must use pingers (acoustical deterrent devices) in gillnets, trammel nets and driftnets in specified areas and periods, preventing harbour porpoise from coming near the nets.
2. Driftnets in the Baltic Sea are to be phased out, and will be banned as from 1 January 2008.
3. Under a scheme of observers, countries must secure systematic and coordinated collection of data on by-catches of whale.

The Danish action plan for the protection of harbour porpoise was revised in April 2005 with a view to integrating the rules of the EC Regulation, thus giving a specific and detailed description of efforts both in the fisheries area and for the protection of harbour porpoise in general. The primary objective of the action plan is to reduce incidental catches of harbour porpoise, and to protect it in its breeding areas. In accordance with the Regulation, the main elements of the plan are acoustical deterrent devices and regulation of certain types of fisheries.

Denmark, Germany and The Netherlands are contributing actively and financially to the implementation of the SCANS-II project together with other partners. The project aims at estimating populations of small cetaceans in the North Sea and in the European parts of the Atlantic, with a view to assessing and managing by-catches and other threats to stocks. The project was launched in April 2004, and will, according to plans, be finalized in 2006.

Aerial surveys of harbour porpoise in the German bight carried out in the summer of 2002 and 2003, revealed that the overall mean abundance of harbour porpoises in the German EEZ or the North Sea amounted to around 36,500 animals. Because of the very high density of harbour porpoises off the coast of northern Schleswig-Holstein, an area which is also an important calving ground, a whale sanctuary off Sylt and Amrum was established in 1999. Within the whale sanctuary, it is not allowed to seriously harm whales, and - according to a revised coastal Fishery Order ('Küstenfischereiordnung') - to use bottom set nets higher than 1.3 m and a mesh size >150 mm, to conduct industrial fishing or to use drift nets. The whale sanctuary is enshrined in German National Park Act and the Coastal Fisheries Order, which are only valid for German fishermen.

The status of the harbour porpoise in the Dutch Wadden Sea and adjacent areas is largely unknown. Opportunistic observations show that the number of sightings is consistently low and virtually restricted to areas with turbulent water and channels between the islands. The region around Rottumeroog, Rottumerplaat, and Borkum exhibits apparently a somewhat higher porpoise density compared to the entire coastal waters adjacent to the West Frisian Islands. The Netherlands is presently considering to designate an area north of Rottumerplaat and Rottumeroog as a SAC area to be included in the Natura 2000 Network of Protected Areas. That area will then join in the east to the already by Germany proposed SAC "Borkum Riff".

28. To **recall**, in accordance with the 3rd Meeting of Parties to ASCOBANS, the definition of "unacceptable interactions" between fisheries practices and small cetaceans as being in the short term a total anthropogenic removal above 1.7% of the best available estimate of abundance, and to **support** the intermediate precautionary objective to reduce by-catches of harbour porpoise to less than 1% of the best available population estimate.

At the moment data on the by-catch of harbour porpoise in Dutch small scale fisheries in the Wadden Sea are lacking. Stimulated by political interest and the trilateral agreement a field study will be conducted in 2005 and 2006 to get data on gillnet fisheries and harbour porpoise by catch. On the basis of this study the Dutch policy will decide in 2007 on the future use of gillnets in the Dutch Wadden Sea.

By-catch is considered the main threat to harbour porpoises in the North Sea and the Baltic. By-catch is occurring in coastal waters adjacent to the Wadden Sea and along the Dutch mainland coast. The magnitude of the by-catch in terms of numbers per stock/population size in the Wadden Sea and adjacent North Sea is unknown and therefore the sustainability of the porpoise by-catch in Dutch, German and Danish EEZ waters should be addressed, including possible mitigation measures.

29. To **welcome** the designation of an area for the protection of small cetaceans in the offshore part of the Schleswig-Holstein Wadden Sea National Park, as a valuable contribution to the implementation of the Target concerning the harbour porpoise.
30. To **welcome** the Danish Action Plan to protect the harbour porpoise and especially the mitigation measure with the application of acoustic deterrents (pingers) as a first step to reduce incidental by-catch in the gillnet fishery.
31. To further **improve** gillnet fishery practice in order to reduce incidental by-catch of marine mammals and birds.

With the Council Regulation (EC) No. 812/2004 the EU has prescribed measures to protect cetaceans in European waters. In the North Sea for ships longer than 12 m the use of acoustic deterrents (pingers) is obligatory from summer 2005 onwards in certain types of gillnet fishery, partly the whole year round (in large mesh-size gillnet fishery, e.g. turbot fishery), partly only during August to October. From 2006 onwards ships longer than 15 m have to take by-catch-observers on board.

The Danish Ministry of Food, Agriculture and Fisheries and the Ministry of Environment, Forest- and Nature Agency have launched a Revised Action Plan for the Protection of harbour porpoises in April 2005.

Due to the low fishery intensity, by-catch of harbour porpoise in the German gillnet fishery is estimated at 15 – 30 individuals per year in the North Sea.

The coastal fisheries legislation (“Küstenfischereiordnung”) in Schleswig-Holstein has been amended, including stricter regulations for the gillnet fisheries within the whale protection sanctuary (maximum height of gillnets 1,30 m, maximum mesh size 150 mm, obligation to report any by-catch of harbour porpoise).

Following the Hamburg National Park Law all fishing activities that may harm the population of the harbour porpoise or individuals are forbidden.

There is no gillnet fishery in the coastal area of Niedersachsen.

In the Netherlands, research on the interactions between gillnet fisheries, birds and sea mammals will be conducted in 2005 and 2006. In 2007 the government will decide which sorts of gillnet fisheries are allowed to be continue in the Dutch Wadden Sea and which types of fisheries are no longer permitted. Improvement of gillnet fishery practice will therefore be reached in the future. In the Netherlands it is forbidden to set gillnets on subtidal areas which stay erect during low tides.

(See also § 28 above).

WORLD HERITAGE SITE NOMINATION

32. To **recall** the decision of the 1997 Stade Conference to strive for the nomination of the Wadden Sea Area, or parts thereof, as a World Heritage Site, in close cooperation with the local and regional authorities, as well as, local interest groups and local citizens, taking into account the natural and cultural-historic values of the area (WSP §1.1.1 and §1.2.1).
33. To **welcome** the report on "The Nomination of the Wadden Sea Conservation Area as a World Heritage Site", which is an updated feasibility study of the nomination of the Wadden Sea as a World Heritage Site concluding that
 - 33.1 the Wadden Sea Conservation Area is worthy of inscription as a natural World Heritage Site as it meets all of the UNESCO criteria as a "Natural Property" representing one of the World's greatest wetland systems;
 - 33.2 a nomination of the Wadden Sea Conservation Area for inscription in the World Heritage List is feasible under the current conservation and management arrangements;
 - 33.3 the efforts of the people of the Wadden Sea countries to conserve and wisely use the Wadden Sea would be enhanced through the World Heritage Site award and provide benefits and opportunities for the region.
34. To **welcome** the consultation process which has been initiated in the Wadden Sea Region with the aim to consult the local people on the intended nomination, as requested by the UNESCO Guidelines.
35. To **acknowledge** the support, as well as, reservations expressed by stakeholders and others.
36. To **recognize** that the consultation process has not been finalized in the Wadden Sea Region as a whole and that, therefore, the consultations will continue with a view to their finalization within one to two years.

In Denmark, the national consultations were concluded with a negative result in 2001. The Danish Minister for Culture has informed UNESCO that the Wadden Sea is on the Danish tentative list, stressing, however, that this does not change the present Danish position that nomination as a World Heritage Site cannot be recommended.

In Germany, the environment ministers of Niedersachsen, Hamburg and Schleswig-Holstein underlined again their support of the nomination at their regular meeting in December 2003.

In Schleswig-Holstein, the discussion on the nomination of the Wadden Sea as a World Heritage Site has been finalized with a positive result in Dithmarschen. It is still ongoing in Nordfriesland. In Niedersachsen, the regional consultations were concluded in 2003. As a majority of the coastal inhabitants has a positive opinion, the Government of Niedersachsen recommends the nomination as World Heritage Site. Also in Hamburg it was positively decided on the nomination of the Wadden Sea as World Heritage Site.

In the Netherlands, the national rounds of consultations with inhabitants and interest groups have almost been concluded. Before end of May 2005 the 18 Dutch Wadden Sea municipalities will inform the ministry if the local inhabitants support a World Heritage Site Nomination of the Wadden Sea. On the base of the findings of the municipalities and interest groups it will be decided before the conference in 2005 if there is local support for a World Heritage Nomination of the Wadden Sea.

LANDSCAPE AND CULTURAL HERITAGE

37. To **recall** that, at the Stade Conference, it was agreed to protect and conserve the cultural-historic and landscape elements of the Wadden Sea Area through appropriate planning and management, and that an inventory, including a map, should be made of most cultural-historical and landscape elements of the Wadden Sea Area and relevant

adjacent parts with an assessment and recommendations for management (SD §37, WSP §1.1.2 and §1.2.2).

38. To **welcome** the report “Inventory of the Landscape and Cultural Heritage of the Wadden Sea Region” in the framework of the LANCEWAD Project, co-funded by the Interreg IIC North Sea Program in 1999-2001, noting its recommendations for conservation and management of the landscape and cultural heritage, and to **recommend** the publication of the LANCEWAD Project for a wider audience.
39. To **acknowledge** that the landscape and cultural heritage of the Wadden Sea region is of outstanding value, recognizing though that this heritage is under transformation.
40. To **encourage** the application of the overall conservation and management strategy, as contained in the inventory referred to in §38, and taking account of the conclusions and recommendations of the Bad Bederkesa Conference, being
- 40.1 managed development of the heritage;
 - 40.2 use of the landscape and cultural heritage as an opportunity;
 - 40.3 involvement of stakeholders in the management;
 - 40.4 integration of policy and management of the natural and cultural environment;
 - 40.5 enhancement of the awareness of the landscape and cultural heritage.
41. To **support** the submission of a follow-up project in the framework of the Interreg IIIB North Sea Program with the aim of further elaborating and extending the common conservation and management of the landscape and cultural heritage.

An application for a follow up project was prepared by the trilateral working group on Landscape and Cultural heritage in the Wadden Sea region (WADCULT) in 2003/04. In Mai 2004 an application for Interreg IIIB co-financing was granted and the project was started.

Based on and in continuation of the LANCEWAD-Project (1998 - 2001), the project “LANCEWADPLAN” (duration July 2004 – June 2007) aims to extend and enhance, in cooperation with the relevant governmental and non-governmental stakeholders, the development, management and sustainable use of the common transboundary landscape and cultural heritage of the Wadden Sea Region, complementing the natural and environmental facet of the region, taking into account the regional diversity (www.lancewadplan.org).

Project partners are the Ministry of Agriculture, Nature and Food Safety, Directorate North, The Netherlands (lead partner), Common Wadden Sea Secretariat (CWSS), Niedersächsisches Landesamt für Denkmalpflege, Germany, Cultural Heritage Agency Denmark, Archäologisches Landesamt Schleswig-Holstein, Germany, and the County of Lincolnshire, The Wash, UK. The total budget is about 2.5 M Euro.

This work will result in the preparation of a common, trilateral integrated management and development plan for the landscape and cultural heritage in the Wadden Sea Region. The plan will include the following elements:

- a) an integrated policy and management strategy, with regional and local support
- b) internet-based cultural-historic landscape plans (cultural heritage plans), forming the basis for regional and local planning
- c) sector and thematic plans and strategies, cooperating with the relevant sectors (land use/agriculture, urban development, tourism, and nature management)
- d) a common action plan for activities and projects to be launched by the stakeholders, aiming at strengthening integrated management and participation by owners and users
- e) an internet-based manual on management and preservation of the cultural heritage, for authorities, managers in the field, and interested owners and users – aiming at securing continued exchange of experience and knowledge on best practices – also after completion of the project
- f) a structure for future cooperation on collection and sharing of information across the borders, embedded in existing transboundary structures of cooperation.

The cultural heritage plans (point b) will provide a digital mapping and description of the cultural-historic values in the Wadden Sea Region, and will supplement and further develop work in the counties – and later in the municipalities – to designate and manage cultural environment assets and other highly prioritized cultural landscape areas.

The cultural-historic landscape plans will be made available on the internet, and, thus, be accessible by the public, both citizens and visitors in the area, providing a valuable source of information on the unique Wadden Sea cultural heritage and cultural landscape.

The other parties to the trilateral project are preparing similar landscape plans, and the overall aim is to give all interested parties across national borders access to information on the cultural-historic values in the entire Wadden Sea Region

In March 2005, the LANCEWADPLAN project prepared a leaflet “Passing on the Treasure” to inform the broader public (in English, Danish, German and Dutch) about the results of LANCEWAD project and the aims of the new project.

The extension of the MaB reserve in Schleswig-Holstein in 2004, including the large Halligen as transition zone on the explicit desire of the Hallig inhabitants gives an excellent opportunity for a close integration of nature protection and cultural heritage. Through binding treaties, common projects and close cooperation stakeholders are directly involved into the management of the biosphere reserve. The awareness of the unique landscape, cultural heritage and regional identity of the Halligen was greatly enhanced.

A LEADER+ project “Nature-experience Wadden Sea as a touristic offer” includes also regional cultural and landscape elements.

DELIMITATION

42. To **welcome**, since the Stade Conference in 1997, the extensions of the Danish Wadden Sea Wildlife and Nature Reserve in 1998, the Schleswig-Holstein Wadden Sea National Park in 1999, and the Hamburg Wadden Sea National Park and Niedersachsen Wadden Sea National Park in 2001.
43. To **note** that parts of the national parks of Schleswig-Holstein and Niedersachsen now exceed the three nautical mile line, which is the boundary of the trilateral cooperation according to §17 and the Appendix I of the Wadden Sea Plan.
44. To **note** the modification of the baseline and the minor modifications of the National Park borders in Niedersachsen.
45. To **adapt** the boundaries of the Wadden Sea Area and the Conservation Area accordingly, as in **Annex 2**.

The boundaries of the Wadden Sea Area and Conservation Area have been adapted accordingly.

EU LEGISLATION

Natura 2000

46. To **welcome** the designation of further Special Protection Areas in accordance with the Birds Directive and the listing of additional habitat sites in accordance with the Habitat Directive since the 1997 Stade Conference, acknowledging though that the selection of Sites of Community Interest, according to the EU Habitats Directive, has not yet been concluded.
47. To **instruct** the Senior Officials, pursuant to §19 of the 1997 Stade Declaration, in conjunction with §11 of the 1994 Leeuwarden Declaration, upon the conclusion of the process referred to in §46,

- 47.1 *to assess the coherence of the Natura 2000 Wadden Sea designated areas within and adjacent to the Wadden Sea Area taking into account the reaction of the European Commission on listed habitat sites;*
- 47.2 *to assess the consequences for delimiting the Wadden Sea Area and Conservation Area.*

The process of designation of Habitats and Birds Directive areas had almost been finalized in the Wadden Sea Area. As a result almost the entire Area will be part of Natura 2000. Although there were apparently differences in the delimitation of the designated habitat areas, a better coherence in the sense of a harmonized designation basis and boundaries has been achieved during the different stages of the designation process. A map of the Natura 2000 Wadden Sea Area including the adjacent areas is in Annex 1.

The Danish Environmental Objectives Act, which entered into force on 22 December 2003, provides for rules on the designation and planning of Natura 2000 sites.

As of 1 October 2004, a number of rules were implemented in the Nature Conservation Act etc., supplementing previous implementation of the Habitats Directive. The protection of nature types and habitats for species has been extended, and the framework required for active management of Natura 2000 sites has been established, allowing the objectives set for these areas to be reached.

One of these provisions, and related rules in the Forest Act, sets up a notification scheme under which certain forms of changes of practices or activities in Natura 2000 sites must be notified in advance – for the open land to the regional authorities, and for forest areas to the Danish Forest and Nature Agency. The activities involved are not subject to permission, but include for instance planting of firtrees, major changes of grazing or extensive felling of trees.

The Danish rules on Natura 2000 are now laid down in Statutory Order no. 477 of 7 June 2003 on delimitation and administration of international nature protection areas, as amended by Statutory Orders no. 902 of 25 August 2004 and no. 1076 of 9 November 2004.

In Denmark, in spring 2004, following a long period of consultation, the Minister for the Environment supplemented the designation of habitat sites in Denmark with site 86 Brede Å, and extension of site 90 Vidå and its tributaries, Rudbøl Sø, and Magisterkogen. The areas were designated to protect the houting. Denmark's designation of sites has now been completed in accordance with the negotiations with the European Commission on designations in the Continental and the Atlantic bio-geographical regions, as recognised by the Commission in the decisions of 7 December 2004. The sites are partly within the Wadden Sea Area.

The Danish Minister for the Environment has designated a new bird protection area no. 113 Southern North Sea, covering an area of 2,463 km² south of Horns Rev off the Wadden Sea Region, from 20-25 km to approx. 80 km from the coast, down to the Danish-German sea border. The proposal was submitted for public hearing in the summer of 2004.

In Germany for legal reasons the selection of marine NATURA 2000 sites was initially only possible within the 12 nautical mile zone, within which the states are responsible for nature conservation and site selection. The amendment of the Federal Nature Conservation Act (BNatSchG) in April 2002 then established a national legal framework for the implementation of the European Birds Directive and the Habitats Directive beyond territorial waters within the German Exclusive Economic Zone (EEZ). Responsibility for the selection and designation of these marine NATURA 2000 areas lies with the Federal Government.

In May 2004 Germany has nominated eight proposed Sites of Community Importance (pSCI) under the Habitats Directive (three in the North Sea EEZ, five in the Baltic Sea EEZ) and two Special Protected Areas (SPAs) according to the Birds Directive (one each in the North Sea EEZ and in the Baltic Sea EEZ) to the EU Commission. By this step now approx. 31 % of the German EEZ and by including the current nominations in the territorial seas 38 % of the total German marine area is covered by NATURA 2000 sites.

These marine NATURA 2000 sites are important as habitats or resting areas for marine mammals, birds or fishes because of e.g. their benthic communities and their stepping-stone functions for migratory species.

Three of the four NATURA 2000 sites in the North Sea border directly or almost directly on the Wadden Sea Area (SPA 'Östliche Deutsche Bucht' and the pSCIs 'Borkum-Riffgrund', 'Sylter Außenriff'). All German marine NATURA 2000 sites have been listed and mapped on the Internet under www.HabitatMareNatura2000.de.

Moreover Germany designated further proposals for Sites of Community Importance (pSCI) in January 2005 to eliminate the nomination deficiencies that were identified in the biogeographic seminars in 2002. By this process some additional 900,000 ha of terrestrial area and about 300,000 ha of freshwater and marine area were designated in addition to the existing sites.

The selection of additional areas for NATURA 2000 in Schleswig-Holstein was nearly finalized in 2004 (see also §§ 13 and 14). The scenery was revised, additional areas have been included. The trilateral relevant Birds Directive area is now called "Ramsar area Wadden Sea of Schleswig-Holstein and bordering areas" and the Habitats Directive area is named "Nationalpark Schleswig-Holstein Wadden Sea and bordering coastal areas" in order to show the ecological coherence.

In 2004 the whole Hamburg Wadden Sea Area up to the 3 sm zone has been announced as a Natura 2000 Area.

Nearly the whole Niedersachsen conservation area has been accepted in 2004 as Natura 2000 area by the European Union. The Niedersachsen part of the Elbe estuary and parts of estuaries of the rivers Weser and Ems are nominated for the Habitat Directive.

Nearly the whole Dutch conservation area has been accepted in 2004 as Natura 2000 area by the European Commission. Parts of the Ems estuary (Hond/Paap and Geisesteert) are nominated for the Habitats Directive. The 161 Habitat Directive Areas in the Netherlands will be designated end of 2005, beginning of 2006.

In the Dutch EEZ, the Netherlands have nominated a number of Areas of Special Protection according to the Birds / Habitats Directive in the new spatial plan (Nota Ruimte). The areas have to be implemented in the integral management plan of the North Sea. All Special Protected Areas will also be marine protected areas according to the OSPAR guidelines.

Water Framework Directive

48. To **recall** the coming into force of the "Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy" in December 2000. This Directive provides a strong impetus for coordinated water management of both surface water and groundwater for all river basins in the European community, including coastal waters extending up to one nautical mile and, in respect of the chemical status, all of the territorial waters.

49. To **underline** the importance of close cooperation with regard to the Wadden Sea Area when implementing the Water Framework Directive and, because it is foreseen that the Wadden Sea Area will be part of a number of adjacent River Basin Districts for all of which separate River Basin Management Plans have to be developed, to establish an overview of how the trilateral cooperation for the protection of the Wadden Sea can assist in this task, taking into account, inter alia, the identification of synergism and the avoidance of duplicating work.

A first joint workshop on the Water Framework Directive (WFD) and Wadden Sea was held in Hamburg in January 2004, where representatives from the three countries concerned with the WFD implementation and the TMAP discussed the possibilities of a closer coordination of monitoring and management activities in the Wadden Sea with regard to the WFD.

The workshop underlined that the implementation of the WFD in the Wadden Sea requires an intensive cooperation of all concerned authorities, at the national as well as at the trilateral level. A close coordination in the Wadden Sea is necessary to safeguard coherence between the EU Directives on Habitats, Birds, Water Framework, and the Trilateral Cooperation. This concerns not only monitoring but also policy and management aspects.

The workshop concluded:

1. The implementation of the WFD in the Wadden Sea requires an intensive cooperation of all concerned authorities, at the national as well as at the trilateral level.
2. The work of the Trilateral Cooperation covers, to a large extent, the work required for the WFD with regard to targets, monitoring and management.
3. A close coordination between the WFD and other relevant management and monitoring activities in the Wadden Sea is necessary to safeguard coherence with the EU Directives on Habitats (HD) and Birds (BD), the trilateral policy of integrated management of the Wadden Sea, other international conventions and further relevant aspects like ICZM.
4. The information exchange and coordination of these activities have not yet been optimized for the Wadden Sea because different institutions/persons are involved, time schedules are not synchronized and priority setting is different.
5. The definition of specific management aims, monitoring strategies and quality objectives for the WFD and HD in the Wadden Sea should be coordinated on the trilateral level.
6. The experiences of the Trilateral Cooperation (Wadden Sea Plan, Targets, TMAP) could provide a basis for a joint implementation of the WFD and HD in the Wadden Sea.

The workshop recommended a.o. to enhance the information exchange and coordination, and to develop a common understanding of monitoring and management goals on a Wadden-Sea-wide level. It was recommended to organize joint workshops on specific themes with relevance to the WFD implementation and the TMAP.

As a first step, a joint expert workshop on reference values was organized by the TMAG in November 2004. The workshop again underlined the importance of considering transboundary influences between River Basin Districts in the Wadden Sea but also influences from outside the Wadden Sea. These aspects have not yet received the desired attention in the framework of the WFD implementation. The workshop recommended that the further development of reference values should be coordinated within the entire Wadden Sea and that the TMAP should be used as a platform for such activities. This should also be tuned with the requirements of the EC Habitats and Birds Directive.

The workshop could already make suggestions for regional Wadden Sea specific reference values for nutrients and chlorophyll. With regard to salt marshes, seagrass, macroalgae and macrozoobenthos including mussel beds, the workshop agreed on follow-up activities to test the proposed approaches developed by the Netherlands and Germany and to coordinate their further development for the entire Wadden Sea using the QSR 2004 results and TMAP data units. This will be done as part of ongoing work of the TMAP expert groups on salt marshes and blue mussels (extended with additional zoobenthos experts), and a trilateral ad-hoc group on seagrass.

The work plan for these activities will be coordinated by the TMAG in conjunction with the planned activities for the TMAP revision in 2005 – 2006.

In December 2003, Denmark implemented the EU Water Framework Directive by adopting the Act on Environmental Objectives etc. on Waterbodies and International Nature Protection Areas no. 1150 of 17 December 2003.

In Germany, monitoring obligations of the WFD for coastal waters are elaborated in taking into account the experiences from TMAP, proving that TMAP has a high potential to contribute to the developments within WFD and especially the Birds and Habitats Directives and therefore will be an essential part of the monitoring.

In Schleswig-Holstein, National Park affairs and implementation of the WFD directive in coastal waters are organized within the same department in the Schleswig-Holstein environmental ministry. This has recently supported the trilateral activities laid down in the results of both WFD related workshops. In Niedersachsen, the TMAP-Database was extended and is now the common database for WFD, HD and TMAP data.

In the Netherlands, the Regional Northern Department of Ministry for Public Transport and Water management took an initiative In the autumn of 2002, in partnership with the Frisian provincial council, to set up a regional cooperative framework embracing all water managers in the North Rhine water basin for the joint implementation of the Water Framework Directive. The cooperative framework consists of an administrative and a public servants level.

The Regional Northern Department of the ministry represents RWS regional directorates for Noord Holland and the North Sea, which are in charge of the waters of the Wadden Sea and the coastal zone. Under the Water Framework Directive efforts were geared at characterizing water basin structures to enable all waters to reach 'good status' by 2015. This covers the water's ecological status and chemical status, the impact of human activity and risk analysis. Findings were laid down in a report (*WFD Rhine-North 2004* of the *Regional Governmental meeting* dated 13 October 2004), which was presented to the State secretary for Public Transport and Water Management. A summary of the findings is incorporated in the report on the entire Netherlands Rhine delta, which will shortly be presented to the EU in Brussels.

Environmental Impact Assessment

50. To **appreciate** that the Inter-regional Wadden Sea Cooperation (IRWC), pursuant to the decisions at the State Conference, has continued the information exchange on environmental impact assessments carried out in the Wadden Sea Region and has established an overview of ongoing and finalized environmental impact assessment projects in the Wadden Sea Region via the internet, which will be extended and updated in the coming period to enable a comprehensive overview of all EIA screenings and projects in the Region.
51. To **acknowledge** that the revised EU Environmental Impact Directive (EEC 97/11) has resulted in a more harmonized approach to projects subject to an environmental impact assessment in the Wadden Sea Region. To **recognize** also that differences remain between the three countries with regard to the screening and scoping procedure as stipulated in the Directive. To **note** that IRWC will therefore evaluate the different assessment practices within existing legislation, including the screening and scoping procedures, in order to obtain comparable results.
52. To **recall** the agreement of the Leeuwarden Conference to exchange information on the application of environmental impact assessments in the Wadden Sea Region in the framework of existing laws, with the aim of spreading information on relevant projects for the Wadden Sea Region.
53. To further **invite** the IRWC to deliver by the 2005 Conference an evaluation report based on the experiences with the implementation of §51 and §52.

The Danish Forest and Nature Agency has addressed the Danish authorities engaged in EIA, urging them to follow the guidelines on exchange of information in the Wadden Sea Region.

In accordance with §51 the Inter-Regional Wadden Sea Cooperation (IRWC) together with the CWSS initiated two external studies regarding EIA carried out by Oxford Brookes University, Impact Assessment Unit within the Wadden Sea Forum project: "Review of International Legal Instruments, Policies and Management in respect of the Wadden Sea Region" and "The Operation of the EIA Directive in the Wadden Sea Region". These surveys revealed amongst other things:

There are clear differences in the implementation and the operation of the EIA Directive across the Wadden Sea Region. Screening thresholds have been set at very different levels, the areas established as 'sensitive areas' for screening purposes have been based on different criteria in each of the three countries. There appears to be no common approach to scoping or public consultation.

Clearly the case studies presented in the report "The Operation of the EIA Directive in the Wadden Sea Region" illustrate that some projects that would be subject to EIA in one part of the Wadden Sea would not be in another. That means that in one part of the region the impacts of a project are considered to be significant and need to be fully assessed and mitigated and that the assessment and mitigation must be subject to public scrutiny, while in other parts of the region – an area acknowledged to be of international importance and to be considered as a single ecosystem – the impacts of similar projects go largely unassessed and unreported.

Denmark: EIA is obligatory for windmills over 80 m in total height and for new groups with more than 3 windmills.
 Germany: EIA is obligatory for groups with more than 20 windmills, which are either more than 50 m in height (hub height).
 The Netherlands: No EIA obligation. A "threshold" where there is no EIA obligation (groups with power under 10 MW or less than 10 mills).

Moreover the Oxford reports realize that the level of EIA screening activity, the number of EIAs and the arrangements for scoping and the assessment process appear to be little influenced by the Trilateral Wadden Sea Plan (TWSP) and not based upon the specific "Wadden Sea perspective" (The Wadden Sea is considered to be one ecological unit, which should not be managed based on national or regional borders; Stade, 1997).

Screenings in the Wadden Sea region 2000-2004:

708 screenings (Annex 1 and Annex 2 cases)

Denmark: 598 (42 of these resulted into an EIA)

Germany: 92 (45)

The Netherlands: 18 (14)

516 of the Danish screenings concern livestock farming. 17 resulted in EIA obligation (almost all were Annex 1 cases).

One livestock case in Germany and none in the Netherlands.

These differences are related to different approaches in the three countries:

Denmark: No "threshold" for screening procedures but mainly individual considerations.
 Germany: System of obligatory thresholds: General and geographically dependent = lower limits and focus on the criteria only involving the suggested location.
 The Netherlands: Threshold for screenings, which exclude many "cases".

The reports reveal that the WSP is by many authorities seen as a non-binding policy statement and they feel more bound by the legislative requirements of their national or regional governments. The fact that the Wadden Sea is an internationally recognized and valued wildlife habitat and that the TWSP recognizes the importance of the links between the protected areas and the wider Wadden Sea Region does not seem to be generally reflected in the approach to EIA generally in the region.

The fact:

- that only 30% of screening decisions result in the completion of an EIA;
- that the 'special area' concept does not automatically trigger an EIA, and
- that the TWSP is rarely considered,

could imply suggest that the competent authorities of the region are not fully applying the spirit of the trilateral co-operation or the precautionary principle to their decision making.

Within the context of the trilateral co-operation to treat the Wadden Sea as a coherent ecosystem, it is necessary to be consistent in the approach to the application of the EIA Directive. This can only be achieved if decision making on key stages of the process is consistent. On order to achieve this there needs to be a common approach to the establishment of geographical areas where common screening and scoping 'rules' apply.

The geographical coverage of screening and scoping 'rules' must reflect the fact that projects located outside of the trilateral co-operation area may have wider effects that have impacts on that area. The discretion permitted by the EIA Directive would allow for the use of the 'sensitive area' concept to be used to define such geographical areas and thus allow for greater consistency of decision making. Oxford Brookes University states the need for greater recognition that projects outside of the cooperation area have the potential to have significant impacts on that area. To this end there needs to be a widening of the 'sensitive areas' so that the inland areas are also considered to form an important part of the Wadden Sea. It will be for the authorities of the region to determine how this broadening of the sensitive area concept would be achieved. However, the EIA sensitive area could be harmonized with any used for an ICZM strategy. Once this area is identified, competent authorities could legitimately take the view that all Annex II projects within that area should be subject to EIA. That will require greater harmonization of the screening, scoping and public consultation procedures within the region as a whole.

An obvious question arises out of the reports: while it is clear that the EIA Directive is not being implemented consistently and uniformly across the region as a whole, what actual harm is being caused by this to the Wadden Sea itself? That question must largely remain unanswered in terms of the physical harm because of the lack of monitoring of project impacts that takes place.

The "Oxford reports" indicate further that little has been done to harmonize EIA procedures in the Wadden Sea region in national and regional legislation. Already the Stade Declaration invited, at § 27, competent authorities to take the opportunity of the amendments to the EIA Directive by Directive 97/11/EEC to specifically consider the Wadden Sea when establishing thresholds and screening criteria for Annex II projects.

Viewed in the light of the conclusions of the Oxford reports the IRWC underlines that differences in the implementation and applications of rules and regulations within the Wadden Sea Region with regard to the EIA Directive rules and regulations should be harmonized and, where possible, simplified, in order to facilitate sustainable development in the Wadden Sea Region.

In relation to § 52 the existing register of EIA projects within the Wadden Sea Region, maintained at the IRWC secretariat, is not up to date, especially regarding German EIAs. Moreover the contents and information of the displayed EIAs is uneven. Much effort has been invested by the IRWC secretariat to present a "complete" and consistent overview of EIAs in relation to directive EEC 97/11 throughout the Wadden Sea Region. However, many authorities have not reflected positively (and consistently) to support these efforts. An inquiry to the EIA authorities in the Wadden Sea region done by Oxford Brookes University indicates that the use of the EIA register is very limited.

If the EIA register should be maintained and improved a clear function and relation to the management issues of the Wadden Sea Region and the facilitation of stakeholder involvement.

SHIPPING

Shore Reception Facilities

54. To **note** the trilateral inventory of the availability and accessibility of shore reception facilities.
55. To **recall** the adoption of the EU Directive 2000/59/EC regarding port reception facilities on ship-generated waste and cargo residues.
56. To **urge** the competent authorities to take the necessary measures to comply with the EU Directive 2000/59/EC regarding port reception facilities on ship-generated waste, in particular with regard to implementing the no-special-fee system in all harbors, and with regard to cargo residues.

Denmark has implemented Directive 2000/59/EC by Statutory Order no. 1003 of 10 December 2002 on reception facilities for ship-generated waste, on the delivery of waste by ships, and on waste plans in ports. Under the order, ports must establish the required reception facilities, and payment for delivery of the waste is normally included in the harbor fees (the "no-special-fee-system").

As one element in the improvement of the environment in the Wadden Sea, Rømø Harbor has been certified under the environment standard ISO 14001, an internationally recognized environmental management system. As one of the objectives of the system, enterprises located in the harbor are – in addition to the obligation to make continuous environmental improvements – encouraged to prepare environmental statements. This work has already been successfully initiated by some of them. The harbor itself has supplemented certification with an EMAS statement. Rømø Harbor also takes part in the South Jutland Green Network, taking part in knowledge-sharing groups on the environment.

Germany has implemented in full EC Directive 2000/59/EC on port reception facilities for ship generated waste and cargo residues. The "no-special-fee-system" applies in all German ports (100 %). Only ports in Niedersachsen apply the "user pays principle" with a rate of 30 %. The remaining 70 % are also paid according to the "no-special-fee-system".

The Netherlands fully implemented the EC Directive 2000/59/EC regarding port reception facilities for ship-generated waste and cargo residues (including the "no-special-fee-system") to realize the environmental objectives. In line with other North Sea states, the Netherlands is working on a no special fee system with no limitation of amount of waste which can be delivered for the fee. This policy was laid down by the Minister of Transport also on behalf of the State Secretary for Housing, Spatial Planning and the Environment

Impacts of Shipping

57. To **recall** with concern the shipping accident of the MV Pallas (1998) and to **welcome** the initiatives taken to evaluate this accident, the initiatives to investigate the possibilities to improve shipping safety and emergency management, and the implementation of the first new measures in these fields.

In Germany, as a result of the accident of the MV Pallas, a Central Command for Maritime Emergency Response (Havariekommando) was established. Implementing EU-Directive 2002/59 Germany has created a system of procedures to allow ships in distress entering places of refuge. The final decision which place of refuge has to be entered by the ship in distress lies with the head of the Havariekommando. Germany also has implemented an emergency towing system in the Wadden Sea with three vessels permanently available.

In the Netherlands, the EC Directive 2000/59/EC has been fully implemented. Within the working area, the Dutch Coastguard is responsible for limiting and handling of disasters and incidents. A system of procedures to allow ships in distress entering places of refuge has

been operational for many years. The Netherlands also implemented an emergency towing system within the Wadden Sea Area with the Waker permanently available.

In case of shipping incidents preventing and limiting the outflow of dangerous or polluting goods is a major duty of the ship's master and the private salvage expert hired by the ship's owner. Prevention is mainly achieved by technical provisions and the provision of reception facilities. Thus ships fitted with a protective double hull have replaced single hulled tankers. Under the policy document *Bestrijding milieubedreigende stoffen Noordzee 2000-2010* the Ministry of Transport, Public Works and Water Management is in charge of combating hazardous spills. Preventing them and developing techniques to minimize spills does not come under its remit. As of 1 January 2005 automatic shut off nozzles are mandatory on bunker ships and bunker tanks on barges must be fitted with high level alarms. This is not mandatory for trawlers however and the possibility of the voluntary introduction of high-level alarms on bunker tanks in Wadden Sea ports is being investigated.

The policy document *Bestrijding milieubedreigende stoffen Noordzee 2000-2010* has several objectives and it takes some time to have them realized, particularly in view of the time it takes to develop new incidence control techniques. The current mechanical approach adopted by the Netherlands to combat oil spills using ships with oil skimmers has been judged one of the best methods worldwide. But this method can be developed further. By 2005, incidence control capacity will have been brought to the levels laid down in the 1990 *Capaciteitsnota*. The details of a new memorandum on control capacity are being worked out, as the *Capaciteitsnota* is currently under revision and the new plan is scheduled to be finalized at the end of 2005.

The benchmark incident laid down for the North Sea in the 1990 *Capaciteitsnota* is based on a direct outflow of 30,000 cubic metres of oil, half of which will after three days have evaporated or been incorporated in the water column. These 30,000 cubic metres of oil were considered adequate when the *Capaciteitsnota* was discussed in the House. The Ministry will only change this volume on the basis of a thorough risk analysis. It should be noted that implementation scenarios are based on using the same storage capacity several times (this was also done successfully when controlling the oil spillage from the Prestige).

58. To **welcome** IMO, EU and national activities to improve the safety of shipping, as documented in **Annex 3**, such as the accelerated out-phasing of single hull tankers, the further improvement of the port state control and the enhanced control of the classification societies.

Paris MoU Port State Control Committee established in May 2004 a Task Force to develop a New Inspection Regime (NIR). This NIR will further concentrate efforts more on (high) risk ships and areas in accordance with the IMO formula of risk. EC/EMSA is involved in the project to guarantee similar recasting of Paris MoU and directive 95/21/EC.

A 2nd Joint Ministerial Conference of Paris MoU and Tokyo MoU took place in November 2004 in Vancouver and encouraged both memoranda to enhance targeting on high risk ships an harmonization between both memoranda.

The accelerated phasing out of single hulled tankers has already been agreed. To that end Regulation (EC) No 417/2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers will be amended. The transportation of heavy oil in single-hull oil tankers to or from the ports of a Member State of the European Union is now prohibited: double hull tankers must be used for this purpose. The EU has also put forward a proposal to have EU requirements adopted worldwide to protect the marine environment.

According to the Paris MOU annual report of 2002 nearly all member states have reached their port state control targets (inspection rates of 24 to 25%). The European Commission monitors this.

59. To **emphasize** that illegal discharges of both oil and chemicals from ships still cause problems with pollution of the coastal area and that this problem needs continuous attention, and to **underline** that effective surveillance, including an intensified coordina-

tion of aerial surveillance, and strict prosecution are important to further reduce this problem.

The Royal Danish Air Force has preformed regular aerial surveillance of the Danish EEZ, using varying flight routes since 1998, with a total of 500 flight hours per year. At the moment The Royal Danish Air Force operates 3 Challenger aircraft which are equipped with Side Looking Airborne Radar (SLAR), IR/UV line scanners and video/photo cameras with annotation of navigational data. A belly mounted retractable FLIR turret and Synthetic Aperture Radar (SAR) has been projected. In addition to the aerial surveillance, radar satellites are used as a supplement, and in coordination with the surveillance preformed by the aircrafts.

The Admiral Danish Fleet, which is responsible for surveillance of oil in open Danish waters, uses a web-based programme, SeaTrack, a mathematical forecasting tool designed to predict the spreading of oil pollution at sea. The programme includes a model of operation that supplements a 3-dimensional simulation model for the circulation of seawater. Calculations can be made of the expected track of the oil spill on the water surface, and of the distribution of oil in the water column. The model can also follow the track backwards with the aim to link it with a possible polluter. Further, an algae model has been developed, which is used by the National Environment Research Institute to predict the movement of algae in Danish waters.

In Germany, there has been regular surveillance from the air of the German Exclusive Economic Zone and coastal waters (especially the main shipping lanes) using varying flight routes since 1983. Aerial monitoring is therefore an integral component of the traffic safety system as well as a security measure for monitoring environmental pollution by ships. Two Dornier 228 aircraft work on surveillance, dealing with and combating water pollution by oil and other harmful substances along the German coast.

A total of 1,600 air hours are targeted for the use of both planes. This can only be realized by the currently ongoing optimization of the sensor system in use.

Different sensor systems – some are independent of the weather and can also be used at night – are able to detect pollution by oil and other harmful substances and identify the type and location of the harmful substances. Since the mid 1980s, the incidents of pollution identified per air hour have declined from 1.5 to 0.2.

The Netherlands have performed aerial surveillance since late seventies, but an aircraft equipped with Remote Sensing was put into service as from 1982. The number of flight hours has increased from 400 in the beginning of the eighties to 1200 hours annually in 2005. In flight, all maritime traffic is monitored, special focus lies with shipping lanes and offshore areas. Although routine aerial monitoring and enforcement has been increased over the North Sea, there are still a large number of illicit discharges by ship traffic. In the past years aerial reconnaissance is combined with the application of satellite imagery.

In the Netherlands, the policy plan on maintaining the North Sea (*Beleidsplan Handhaving Noordzee*) describes how aerial surveillance is organized. The coastal waters up to 35 miles from the shore are under daily surveillance; coastal waters 35 to 55 miles from the shore are under surveillance once every two days and the area outside this 55-mile zone once every four days. The number of flight hours goes up from 1200 to 1500 a year. Through the cooperation with the Royal Navy a second surveillance plane can be used from the naval air base De Kooy by means of which it is easier to meet the one-hour notification requirement. This will ease pollution control and help identify the polluter. The Netherlands aims at a 24-hour coverage of the North Sea through a combination of aerial surveillance and satellite pictures (in close cooperation with Germany, Denmark and UK).

The Transnational Integrated Offshore Surveillance project aims at providing data on illicit discharge through a comprehensive surveillance program linked to an active regional prosecution network. The Netherlands provides helicopter patrols and the necessary expertise.

The Netherlands, Denmark, Sweden and Germany have intensified their cooperation (under the 1983 Bonn Agreement) and regulated this among the competent authorities in the field of aerial surveillance. The aim is to identify pollution from oil and other harmful substances which might be illegal under international law and to record oil spills and other harmful substances which could impair the coastal regions and environment of the North and Baltic Seas. This cooperation will entail

- establishing surveillance areas of common interest
- coordinating aircraft deployment
- standardising reports and communication procedures
- developing and effectively using surveillance equipment
- improving measures to combat marine pollution, especially introducing the DENGERNETH and SWDENGER Plans
- providing mutual assistance in case of aircraft being out of service, or if a party's own surveillance system cannot be used.

DENGERNETH

The pollution of the sea by oil and other harmful substances speaks in favour of a close cooperation especially among the adjacent coastal countries. In the southern part of the North Sea heavy pollution currently poses a threat to the coastal regions of Denmark, Germany and the Netherlands.

As a reaction to the ongoing threat of pollution to their coasts, bilateral agreements concerning close cooperation in this regard were concluded between the Netherlands and Germany on the one hand (NETHGER, 1991) and Denmark and Germany on the other (DENGER, 1993).

The competent ministries, e.g. the Defence Command of Denmark, the Ministry for Transport, Public Works and Water Management of the Netherlands and Germany's Ministry of Transport, Building and Housing would like to expand their previous cooperation in the fields of information exchange on dangers arising from marine pollution and aerial surveillance for preventing and clearing up pollution.

To this end the parties have prepared a summarized trilateral agreement on cooperation in place of individual bilateral agreements on cooperation in combating marine pollution and on aerial surveillance.

The joint DENGERNETH alert plan on pollution of the sea resulting from leakages of oil and other harmful substances and on cooperation in aerial surveillance (DENGERNETH-Plan) is already available and ready for signing.

60. To **establish** national land-based monitoring systems for ships based on AIS signals, in accordance with relevant IMO and EU regulations. A full monitoring of the Wadden Sea Area within GMDSS-A1 areas shall be strived for not later than 1 July 2005, and to **consider** establishing a common monitoring system based on all national AIS monitoring systems for the Wadden Sea and the adjacent coastal sea areas.

Denmark:

Besides the agreement on land-based AIS for the Wadden Sea, Denmark has made a similar agreement with the Baltic Sea states, and the Royal Danish Administration of Navigation and Hydrography has put land-based AIS in operation for the waters around Zealand. According to plans, land-based AIS will be put into operation in the rest of Denmark – including the Wadden Sea – in 2005.

It should be noted that the obligation to use AIS applies only to the following vessels, and under specific conditions: cargo vessels in international service of 300 Gt and above, cargo vessels in national service of 500 Gt and above, passenger ships (including certain passenger ships below 300 Gt) and fishing vessels of a length of 45 m and above.

An agreement with the Royal Danish Administration of Navigation and Hydrography can be made on the use of data from the Danish land-based AIS.

Germany:

All Baltic Sea riparian states are working together to set up a corresponding interlinkable land infrastructure which will enable coastal countries to undertake land-based monitoring of traffic in the Baltic Sea using the shipping data provided by the AIS, and to give support where necessary. The countries intend granting each other the right to access data on national traffic safety systems for the purpose of search and rescue, ship safety, maritime environmental protection, port state control and for drawing up transport statistics. This direct data exchange between countries – which will only take place on request – will substantially improve traffic monitoring in the Baltic Sea.

Such a data exchange as proposed for the HELCOM is not relevant for the Wadden Sea, because of lack of data due to the fact that only ships of 300 gross tonnage and upwards are obliged to carry and operate AIS on board. Moreover, it must be borne in mind that there is hardly any shipping in the area under discussion.

Furthermore, Germany is questioning the value of such a measure because according to the Directive 2002/59/EC the EU MS have to implement a monitoring system, which should be in operation by the end of 2008 and this has to be taken into account. Transfer of data to DK and NL is principally possible, but will be considered in context with the implementation of the Directive 2002/59/EC.

A budget of 12.5 million euros was announced for setting up a land infrastructure for AIS-based monitoring of shipping, including data processing and integration in the existing traffic safety systems, in German coastal waters and the German EEZ. Work on this is currently underway. For the main traffic centers in the Baltic Sea this was completed in 2003. The land infrastructure with full AIS and radar integration in the display units of the VTS personnel will require another 2 to 3 more years.

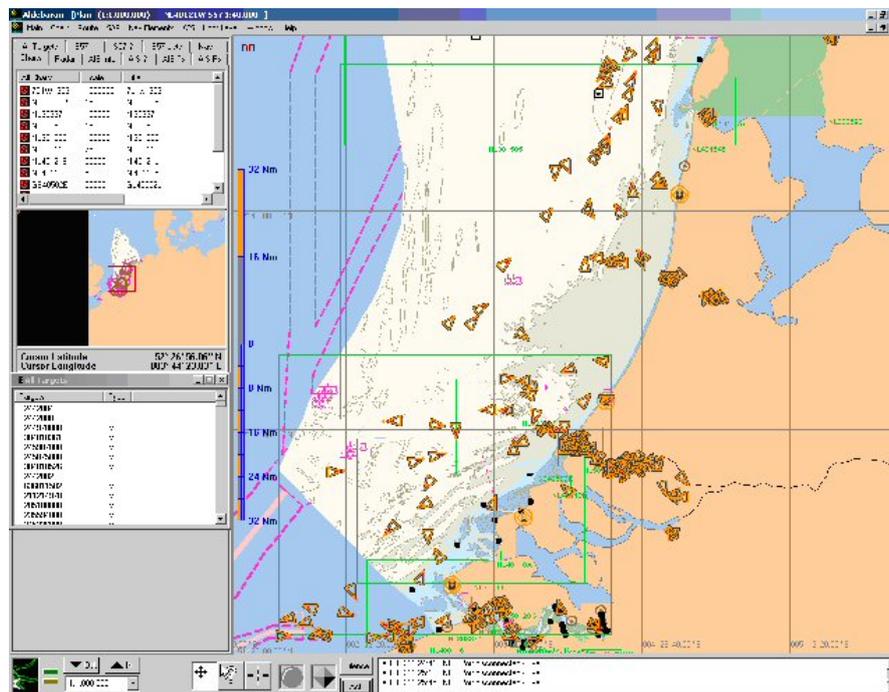
However, due to the fact that the European Commission has taken the lead in this question, Germany has the opinion that § 60 of the Esbjerg Declaration is overtaken by event and should therefore not be further considered within this forum.

Netherlands:

It should be noted that agreements have been made in the IMO and EU to improve vessel traffic monitoring outside territorial waters. The IMO has introduced the requirement for ships to have AIS systems on board. The EU has approved Directive 2002/59/EC with a view to establishing a vessel traffic monitoring and information system to enhance the safety and efficiency of maritime traffic, improve the response of authorities to incidents, accidents or potentially dangerous situations at sea and contribute to a better prevention and detection of pollution by ships.

All merchant vessels now have an AIS system on board and a coastal network of AIS stations is being set up.

All merchant vessels now have an AIS system on board and a coastal network of AIS stations covering also the Wadden Sea has been set up since July 2004. Extension of the coastal network towards the "Dutch part of the Continental Shelf" is foreseen for 2006/2007.



61. To **welcome** the EU initiative on a community vessel traffic monitoring and information system for marine traffic in the Wadden Sea Area, taking into account the introduction of land-based AIS monitoring systems.
62. To **invite** the competent authorities of Germany and Denmark to discuss mutual assistance in emergencies, especially with regard to emergency towing of vessels.

Denmark:

According to the existing DENER plan, annual exercises are planned to be carried out between Denmark and Germany, with the aim of securing good contingency systems. Instead of – or in addition to - the bilateral exercises, combined exercises may be performed in accordance with the relevant provisions of the Bonn Agreement, the Helsinki Convention, and the NETGER Plan.

On 1-2 June 2004 a trilateral operative exercise took place between Denmark, Germany and the Netherlands. The exercise took place in the North Sea, at Helgoland, with the participation of nine pollution combating vessels (1 DK, 6 GE, 2 NL) and 3 marine surveillance aircraft (2 DK, 1 GE).

In 2005 an operation exercise of environment units in Denmark, Germany and the Netherlands will be made in the period 18-19 May 2005. Also local contingency units will take part in the exercise, which is to take place in the Grådyb area off the city of Esbjerg.

The Danish Defence Command is currently investigating the possibility of making a formal contingency agreement with Maersk and Esvagt, focusing on pollution abatement off Esbjerg, and based on their extensive oil spill preparedness in the North Sea. Besides, it has been decided to locate one of the Danish Naval Home Guard patrol craft, 900 Class, at Esbjerg in 2005. The vessel is equipped for pollution abatement, and will, thus, strengthen the marine environment contingency in the area.

The DENERNETH Plan is a trilateral agreement between Denmark, Germany and the Netherlands. Prepared in 2002, it still awaits the approval of the Dutch authorities. Denmark and Germany are ready to sign the plan.

Germany:

At present the situation for a bilateral agreement of assistance in emergency towing remains unchanged. Since Denmark does not have a national concept for emergency towing, the prerequisites for a bilateral agreement like with the Netherlands are not given. Denmark therefore should be requested to present its position on the establishment of an own emergency towing capacity.

Particularly Sensitive Sea Area Wadden Sea

63. To **welcome** the feasibility study on the Particularly Sensitive Sea Area (PSSA) Wadden Sea, compiled by the Marine Research Center, Southampton Institute, UK, in accordance with the agreement at the State Conference (SD §25).
64. To **note** the report by WWF, Germany, also on behalf of the Wadden Sea Team, on the "Protection of the Wadden Sea from ship accidents through the establishment of a 'PSSA Wadden Sea'" (October 2000), as a valuable input to the feasibility study and to the discussions on the designation of the Wadden Sea as a Particularly Sensitive Sea Area.
65. To **conclude** that
- 65.1 the Wadden Sea is considered to qualify for PSSA status according to IMO criteria, with regard to ecological as well as socioeconomic and scientific aspects;
- 65.2 with regard to shipping safety and the protection of the marine environment in the Wadden Sea and the adjacent area, an extensive protection regime, consisting of both national and international (e.g. IMO, EU) regulations, is in place. Examples are compulsory reporting and routeing systems and MARPOL special areas;
- 65.3 the designation of a PSSA Wadden Sea will send a strong signal to, and increase the awareness of, the international shipping community regarding the particular sensitivity of the area.
66. To **submit** a trilateral application to the IMO for the designation of the Wadden Sea as a PSSA, as defined in the map in **Annex 4**, exclusively on the basis of existing measures in the field of shipping safety, access to harbours and the protection of the marine environment.

The PSSA application was elaborated as a joint trilateral application by representatives of the competent shipping authorities in the countries together with members of the TWG and delivered to the IMO in June 2002, the first possible date after the conference in 2001.

The Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO), which is the UN organization responsible for the world-wide regulation of shipping, has, at its meeting in London, 7-11 October 2002, agreed to designate major parts of the Dutch, German and Danish Wadden Sea as a Particularly Sensitive Sea Area (PSSA).

The area designated as a PSSA is the marine area of the Wadden Sea Conservation Area, comprising the Wadden Sea national parks in Germany and the Wadden Sea nature protection areas in Denmark and the Netherlands. The PSSA covers an area of approximately 13,000 km², the major shipping routes have been excluded from the designation.

The purpose of the PSSA is to send a strong signal to and increase the awareness of the international shipping community regarding the particular sensitivity of the Wadden Sea Area.

The Wadden Sea and adjacent the North Sea is already subject to an extensive regime of protective measures, consisting of both international and national regulations, that aim at reducing the impacts from and risks related to shipping. Examples of relevant measures are the MARPOL Special Areas against discharge of oil and garbage, routeing systems making certain shipping routes compulsory for ships carrying hazardous goods and compulsory reporting for ships. Therefore, the PSSA designation will not be associated with new measures. It will not limit shipping in the area or the use of the Wadden Sea harbors and the major shipping routes have been excluded from the designation.

The Wadden Sea is the 5th designated PSSA worldwide, but the first designated on the basis of a joint application by three states and the first in Europe.

In Denmark, the PSSA Wadden Sea has been included in the relevant Danish charts by the National Survey and Cadastre.

COMMUNICATION, INFORMATION AND PUBLIC PARTICIPATION

67. To **underline** that communication, information and public participation are fundamental and integrated elements of the development and implementation of Wadden Sea policies.
68. To **appreciate** the contribution of the trilateral workshop about public participation in the Wadden Sea region (Nieuweschans, 1999) and the role it played in stimulating the thinking about public participation and communication.
69. To **recall** §1.15 of the Wadden Sea Plan about active involvement of stakeholders (co-management) and to note with appreciation that co-management has proven effective, especially in the field of fisheries, nature conservation, tourism, and landscape and cultural heritage, and to **invite** the different sectors to continue their efforts to develop more sustainable approaches and methods in their respective fields.

In February 2002 the Danish Minister for the Environment set up the Committee on the evaluation of nature and environment regulation in the South Jutland and Ribe regional areas – known as the Lauritsen Committee. The committee consists of representatives of the regional authorities involved, and of the associations of local authorities in the area. Furthermore, local nature, agricultural, fisheries, hunting and outdoor recreation organizations and other interested associations and organizations in the area are represented. The task of the committee is to survey the international obligations and national rules in the area of nature and the environment which apply to the South Jutland and the Ribe regions and to the Wadden Sea Region – and in this connection identify the implications of existing regulation, and use such information to assess the potential for deregulation and clarification.

The committee is to prepare proposals for designation of new habitat sites close to the southern Jutland watercourses Brede Å and Vidå, thus clarifying the concerns being voiced at local level. Moreover, the committee will evaluate the implications of “section 3” protection in the two regional areas in relation to Denmark’s international commitments, and propose adjustments of protection measures, where required. The committee finalized work in February 2004, with the presentation of the committee report.

The Danish Advisory Board for the Wadden Sea is taking part in consultation processes on a regular basis, in matters in and near the Wadden Sea.

In Germany, the implementation is ongoing in all three federal states. In Schleswig-Holstein, additional voluntary agreements have been made and national park partnerships have been settled. In Niedersachsen, as an example, the blue mussel management plan was developed in consultation with the mussel fishery sector.

In the Netherlands, the national government communicates intensively with the inhabitants and stakeholders of the Wadden Sea region about the development and implementation of Wadden Sea policies. First, there exist management consideration groups (*Beheersoverleg groepen*) on all the Dutch islands. Members of those groups represent the inhabitants and stakeholders of the different municipalities. The Ministry of Agriculture, Nature and Food Quality is also participating in the meetings of those groups, which deal with questions of management on and around the islands.

Second, the Ministry of Agriculture, Nature and Food Quality holds regular rounds of consultations on the islands, to which all inhabitants and stakeholders are invited. At those consultations trilateral as well as national matters are discussed. Especially on the World Heritage Nomination of the Wadden Sea the government has intensively communicated with the public, stakeholders and regional governments.

Third, the national government communicates with the regional and local governments via the Regional Coordination Board Wadden Sea (RCW). The board deals with all Wadden Sea matters and consists of representatives of local and regional governments and the national ministries.

Fourth, the Ministry of Agriculture, Nature and Food Quality regularly meets with the different stakeholders and NGO's to discuss national and international Wadden Sea matters.

Especially regarding fishery the Dutch government stimulates the sector to develop more sustainable approaches and methods (see 2.4.2 Fishery).

70. To **appreciate** the active and effective presence of observers from the non-governmental organizations in the meetings, at which the decisions of the previous conferences are implemented and the future conference is prepared.

71. To **welcome**

71.1 the discussion in Germany with regard to the amendments of the National Park Laws and the discussions with regard to the preparation of the Esbjerg II Conference;

71.2 the active involvement of the inhabitants and users of the Dutch Wadden Sea Region, with whom a series of consultations have been held, which has influenced the agenda of the Esbjerg II Conference;

71.3 the contribution from the Danish Advisory Board for the Wadden Sea and the public consultation process as part of the Danish regional implementation of the Wadden Sea Plan,

as valuable steps in involving the public in decision making processes.

72. To **invite** all stakeholders and the general public to participate actively in the discussions on the further implementation of the Wadden Sea Plan and of this Declaration, thereby making full use of their experience and knowledge.

The Wadden Sea Forum is a step forward to include all interest groups in trilateral affairs. This is also implemented by having many trilateral organized stakeholders regularly observing the TWG.

In all three countries, an active integration of the stakeholders took place in the Wadden Sea Forum. Observers from governments also attended the Forum meetings.

In order to integrate all relevant stakeholders in the further development of the area, advisory boards or other regional fora have been established in all three countries where the implementation of the trilateral targets and preparation of the conference were discussed. For example, the extension of the MaB reserve in Schleswig-Holstein in 2004, including the large Halligen gives also an excellent opportunity for a close integration of the inhabitants.

ZONING

73. To **welcome** the interim report of the Trilateral Zoning Group as a fruitful step in the discussion about zoning as a valuable management instrument and about the possible harmonization. To **note** that differences in zoning are substantial. To **recognize** that, for the time being, harmonization will not result in better protection, support and understanding by the users of the Wadden Sea Area.

COASTAL PROTECTION AND SEA LEVEL RISE

74. To **welcome** the Final Report by the trilateral working group on coastal protection and sea level rise, which concludes, amongst others,

74.1 that there will be increasing costs for coastal defence, as well as, effects on the ecosystem under the most realistic scenario of a sea level rise of 25 cm/50 years, under which it is expected that the Wadden Sea system will be able to adapt;

74.2 that adaptation may not be possible above a certain degree of sea level rise (breakpoint) hence leading to considerable impacts on coastal defence and irreversible damage to the Wadden Sea ecosystem.

75. To **investigate**, therefore

75.1 *the feasibility of Best Environmental Practice for coastal protection measures;*

75.2 *which measures and/or integrated policies could be appropriate to increase the flexibility to cope with sea level rise and climate change;*

75.3 *at which degree of sea level rise the breakpoint will be reached.*

76. To **support** the continued close cooperation between the coastal defence and nature protection authorities in this matter, including communication with the stakeholders.

The trilateral working group on coastal protection and sea level rise (CPSL) started its second work phase in 2004. The work was focusing on elaborating integrated coastal defense solutions, which stand a feasibility check on safety standards, natural assets (best environmental practice) cost-benefit, public acceptance, legal aspects and "harmony" with other interests in the Wadden Sea.

The members of CPSL II represent coastal defense and nature conservation authorities in the three Wadden Sea countries.

The main conclusions of the report published by the CPSL are

- The predicted sea level rise will induce a sediment deficit in the Wadden Sea. Above breakpoint, the Wadden Sea will develop into a number of tidal lagoons.
- A number of measures are identified that contribute to maintaining safety and have limited ecological consequences.
- New coastal defense techniques that are both feasible and have minimal ecological impacts could not be determined.
- All coastal defense techniques constitute, to a varying extent, interferences with nature.
- The application of the identified measures differs among the regions, resulting from the differences that exist in the physical, socio-economic and cultural framework.
- Apart from the Netherlands, no specific regional plans that consider coastal defense and climate change for the Wadden Sea region exist.
- Including buffer and coastal flood hazard zones in spatial plans are a sustainable and flexible way to deal with the effects of sea level rise.
- Sand nourishments successfully balance coastal erosion along the outer coastlines of the barriers.
- Sand nourishment may contribute to the compensation of sediment deficits resulting from sea level rise, but the ecological effects are still unclear.
- Dune management techniques ensure protection against flooding and are, from an ecological point of view, to be preferred to hard constructions.
- Salt marsh management techniques are necessary to prevent most salt marshes from erosion.
- Salt marshes perform an ecologically sound measure to protect the dike foot compared to otherwise necessary hard constructions.
- Mussel beds and sea grass fields enhance biodiversity and may, on a local scale, help safeguarding intertidal areas from drowning.
- Inside estuaries, outbanking of summer polders has positive ecological effects and may, in specific cases, be positive for coastal defense.
- Sea dikes strongly interfere with natural dynamics in the area but are, generally, necessary to secure present safety standards in coastal lowlands.

The CPSL II recommends

- Coastal spatial plans that include buffer and coastal flood hazard zones should be established based on the principles of integrated coastal zone management. Coastal defense and climate change should be duly considered. The feasibility of such plans should be investigated by a follow-up group, comprising trilateral experts from nature protection, spatial planning and coastal defense.
- Sand nourishment should be applied, wherever feasible, to combat erosion along sandy coastlines.
- A study should be carried out on the feasibility and effects of sand nourishment to balance the sediment deficit of the Wadden Sea tidal basins under increased sea

level rise (e.g., volumes needed and costs, search for optimal locations, ecological impacts).

- Regional salt marsh management plans should be established to harmonize the demands of coastal defense and nature conservation.
- An evaluation of maintaining present day safety standards with respect to feasibility and ecological consequences, especially above breakpoint, should be carried out.

The Danish Ministry of the Environment has circulated a publication to decision-makers, business and authorities, requesting them to assess how considerations for the effects of possible climate change can be integrated in new projects and in current planning and maintenance initiatives.

TRILATERAL MONITORING AND ASSESSMENT PROGRAM

77. To **recall** §§21 - 22 of the Stade Declaration in which the implementation and evaluation of the TMAP Common Package were agreed upon.
78. To **appreciate** the work exercised by the TMAG to implement the common package of TMAP parameters including the associated data management.
79. To **note** the gaps in the implementation of the TMAP Common Package, in particular with regard to the data handling system.
80. To **reiterate** their commitment that having trilateral data on the Wadden Sea stands at the core of the trilateral cooperation and, therefore, to **finalize** the work on the Common Package by implementing the remaining parameters of the TMAP Common Package and establishing an operational data handling system by the end of 2002, taking into account the wish to optimize that system and to have it evaluated by 2004.

By 2005, the large majority of the Common Package parameter groups were implemented as part of the regular monitoring program in the three countries. The remaining parameters will be dealt with in the framework of the TMAP revision (ED § 81).

Technical preconditions for the implementation of a common TMAP data handling system were established in 2003 by continuation of the data handling work at the four TMAP data units and at the CWSS. Necessary technical modifications and adaptations of the data units and further developments in the data model of all parameter groups have been coordinated and agreed upon on the trilateral level.

The filling in of chemical data sets (nutrients and contaminants) was given the highest priority and was concluded by end of 2004.

All four data units can be accessed via the TMAP website (<http://www.waddensea-secretariat.org/TMAP/Data-Unit/Data.html>).

In the framework of the TMAP, the 2004 QSR was prepared under the responsibility of the QSR Management Team, an ad-hoc group of the TMAG. After the work plan for the QSR was endorsed by the TWG in April 2003, a network of authors was established and the first outlines of the QSR chapters were delivered in autumn 2003. A final draft version of the 2004 QSR was submitted to the TWG for comments in October 2004. Based on further comments and additional information a final pre-print version was published on the CWSS website in March 2005

The TMAP data units were able to deliver around 110,000 chemical data sets for the 2004 QSR. For the 80,000 nutrient data sets no serious problems occurred and the data were delivered in time. The 30,000 available data sets on contaminants in biota and sediment, however, caused a delay in preparation of the related QSR chapter, because more than 10,000 contaminant data sets, which had been received by November 2004, had to be quality checked manually at the secretariat.

GIS data on salt marshes and blue mussel beds was analyzed and calculated at the secretariat and substantially supported the QSR work.

In 2004, the TMAP data handling system was subject to an evaluation (ED § 80). The objective of this evaluation was to assess whether the data handling system is technically up-to-date, organizationally adequate, and cost efficient within the TMAP framework.

The evaluation was carried out by the Orbis Institute, Canada. The final report was delivered in September 2004 and concluded relevance, effectiveness and efficiency of the TMAP data handling as positive. The report entailed 29 recommendations to further improve the system, a.o. by implementing newly evolved techniques, particularly dealing with the user interface, a better horizontal connection of the trilateral working groups with the national structures, joint trilateral funding of data handling projects, by increasing synergy, The report concluded that *“the TMAP data archive of harmonized time series, as is, has great potential to support the assessments, indicators and data inputs to EC Directives and International Conventions”*.

The TMAG agreed on a number of actions regarding the implementation of the recommendations made by the ORBIS report, which were given priority by the TWG 04/2 and are planned to be carried out until 2006. One of the main topics will be a proposal for an establishment of a user-friendly TMAP information system.

81. To further **optimize** the TMAP for future requirements, in particular with regard to the Targets, the EU Habitats Directive and the EU Water Framework Directive, and to this end

- 81.1 to make use of data from existing monitoring programs and to evaluate possibilities of including them into the TMAP without additional costs;
- 81.2 to prepare proposals for the further development of the TMAP by the next Trilateral Governmental Conference.

The TMAP Revision Strategy was endorsed by the TWG 04/2 (November 2004) and consists of three steps:

- Definition of common monitoring objectives and associated monitoring parameters for the Wadden Sea by combining the requirements of the EU Directives and the Wadden Sea Plan (carried out in June 2005),
- Development of a detailed monitoring program (TMAP Manual: methods, locations, technical guidance, data handling) (by June 2006),
- Streamlining of assessment and reporting activities (by June 2006).

The TMAG compiled an analysis regarding the consequences of different area delimitations (WFD, HD, HB, WSP) for monitoring and a synoptic overview of specific monitoring objectives and assessing parameters of EC Directives and the Wadden Sea Plan in May 2005.

SUSTAINABLE TOURISM AND RECREATION

82. To **recall** that the Stade Conference supported the development and implementation of a sustainable tourism policy for the Wadden Sea region by the Inter-regional Wadden Sea Cooperation (IRWC), together with relevant stakeholders, as well as, local and other relevant authorities (SD §36).

83. To **acknowledge** that the development of sustainable tourism policy for the Wadden Sea Region in the framework of NetForum has been highly successful and has resulted in the adoption by the IRWC of the Tourism Action Plan at its conference in Dokkum on 20 September 2001.

84. To **analyze** the Tourism Action Plan with a view to considering how its objectives, strategies, measures and projects can be implemented in national and trilateral policies.

85. To **invite** the IRWC to report on progress with regard to sustainable tourism and recreation for the Wadden Sea Region by the 2005 Conference.

The IRWC Tourism Action Plan (TAP) from 2001 contained a series of 1) objectives, strategies, policies and 2) projects for the development of sustainable tourism in the Wadden Sea Region (Nature and Recreational Activities, Culture and Cultural Tourism, Accommodation, Accessibility and Transport and Charter Tourism).

An important strategy was to develop the TAP or part of within the tourism industry, based upon 1) the principles of sustainability, integration and subsidiarity, and 2) the challenges and demands of the tourism industry related with the principles of ICZM.

At trilateral level (The Wadden Sea Forum process) the IRWC-TAP was introduced as the basis for the further development of sustainable tourism to which all stakeholder representatives could agree. A revised tourism strategy and follow up elaborated by an ad hoc working group became part of the final report from the Wadden Sea Forum. This strategy reflects today's trends, interests, demands and considerations of the tourism industry, organizations and local and regional authorities. The Wadden Sea Forum outcome is the future basis for further joint activities.

Re. 1) Objectives, strategies and policies

The Netherlands: the Wadden Sea provinces have given the IRWC policy on sustainable tourism a place in their regional and local leader programs.

Denmark: the two counties have, when relevant, included into their overall Regional Planning Documents. Moreover, the policies have acted as guidelines for county subsidies in regional or local tourism developments projects and/or programs, e.g. "The Wadden Sea – the Rain Forrest of Denmark".

Germany: In Dithmarschen and Nordfriesland a working group, consisting out of members from regional tourism organizations and administrations, has been established in order to develop a possibility for an implementation of the TAP.

Re. 2) Projects

For the implementation of the proposed tourism strategies and objectives the IRWC TAP has identified thirteen project ideas. A selection of six projects was prioritized based upon the following criteria: Goal-perspective at short-term; Positive responding from hearings; The contribution towards sustainable development as defined by NetForum.

Setting up an electronic communication network (Internet Portal):

In 2002 the IRWC elaborated a "Wadden Sea Internet Portal" which first and foremost functioned as entrance for tourists of the region in order to find their ways throughout the overwhelming amount of possibilities and offers. The establishment, maintenance and costs were up to 2005 safeguarded by the IRWC. An inquiry to the tourism sectors in the three countries in 2004 to partly involve themselves into the project was not reflected positively, and the Portal was closed in the beginning of 2005.

Thematic marketing for the Wadden Sea Region

Among the most successfully activities within the TAP, the Wadden Sea Gastronomy Award consisting of Wadden products has been successfully accomplished by now two events (1st International contest in November 2003 and 2nd contest in March 2005) with an international jury. This project has demonstrated that the principle of public-private partnership is essential as well as the involvement of the tourism sectors is a precondition for the implementation of any initiative from authorities regarding tourism development. The two contests were granted by Leader+ and Article 33 programs. The 3rd event is scheduled to commence during 2007. Besides the marketing on one special theme, representatives from various fields in the three countries also worked on drafting a common marketing strategy. This work did not come to an end.

Enhancement of groups with special demands

A project application (Interreg IIIb) to make the Danish, German and Dutch North Sea coast as the number 1 destination for disabled tourists failed. National tourism boards and individual organizations in Denmark and Germany and The Netherlands have, however, succeeded to implement parts of the project.

Added Value

As the concrete outcome of the IRWC TAP to some extend is limited the added value of the many meetings of networking in the past period is obvious. The involvement of representa-

tives from various tourism boards and –sectors have resulted in new cross boarder activities and networks, e.g. exchange of craftsmen and handicrafts (Ameland and Danish Wadden Sea coast); Wadden Sea Theatre performances (Terschelling, Cuxhaven and Ribe).

Perspectives 2005+

However, too many transnational initiatives are pending on individuals and local fiery souls and occasional funding or granting. At present “international” marketing in the Wadden Sea Region focuses often on cross boundary activities, which are often done by co-operations which do not specifically promote the Wadden Sea Region (e.g. “destination North Sea” or the slogan “fascination water”). In some cases there are important regional activities/events for tourists but again not particularly related to the Wadden Sea Area. So: cross boundary marketing is presented by some isolated actions by various actors. In the co-ordination of these activities sometimes difficulties appear in the realization (e.g. linking of the languages, finding of private-public-partners). Therefore the situation in the overall marketing-strategy for the whole Wadden Sea Region should be optimized. An overall marketing-strategy for the whole Wadden Sea Region is still missing. Presenting the region as a whole has a lot of advantages. The biggest advantage is that the region can distinguish itself from other big holiday areas in Europe. Another advantage might be that the Wadden Sea Region can attract tourists during the whole year.

Here lays the main challenge for a possible continuation of the Wadden Sea Forum beyond 2005.

INTERNATIONAL COOPERATION

5TH North Sea Conference

86. To **submit** a common statement, as in **Annex 5**, to the 5th International Conference on the Protection of the North Sea, to be hosted by Norway from 20-21 March 2002.

The common statement was submitted to the 5th International Conference on the Protection of the North Sea, Bergen, Norway in 2002. All issues of the statement were taken into account respectively referred to in the Bergen Declaration.

The Wash – Wadden Sea Cooperation

87. To **recall** the "Memorandum of Intent The Wash/North Norfolk Coast - The Wadden Sea ", concluded with English Nature at the 1991 Esbjerg Conference.
88. To **welcome** the efforts of all involved parties to exchange information and experiences between professionals of the Wash and the Wadden Sea area, appreciating further exchanges.

There were no specific joint projects initiated between the Wash and the Wadden Sea. Information exchange between managers and scientist was continued.

The Wash Estuary Strategy Group has been involved in the Interreg III project LANCEWADPLAN (see WSP 1.1.3).

Guinea Bissau – Wadden Sea Cooperation

89. To **recognize** that many waterbirds which utilize the Wadden Sea also depend upon the availability of a chain of wetlands between the Northern Palaearctic and Africa during their annual life-cycles, especially the Bijagos Archipelago in Guinea Bissau, from where knowledge about the status of wetlands and waterbirds contributes to our understanding of the concept of flyway conservation, contributes to the protection of internationally important wetlands in Guinea Bissau and highlights the international importance of the Wadden Sea for waterbirds.
90. To **recall** that, at the Stade Conference, it was decided to continue the collaboration with Guinea Bissau in the context of the Memorandum of Intent by signing a new three-year work program that continues and builds upon the experiences and results of the first work program with the aim of finalizing the training of an ornithological team and to

establish an organization for ornithological research, monitoring and public information in Guinea Bissau, in order to continue the work initiated.

91. *To **appreciate** that the work program has been initiated with Wetlands International, as the implementing contracting party in Guinea Bissau, after having been delayed for almost two years owing to the civil war in the country from 1998-99, and will now end in 2002.*
92. *To **acknowledge** that, in accordance with the work program, an ornithological team has been trained and a total count of waterbirds was carried out by the local ornithological team in cooperation with Wetlands International and two Danish professional ornithologists in 2001.*
93. *To **continue** the collaboration with Guinea-Bissau by finalizing the ongoing work program and by continuing the collaboration in the context of the Memorandum of Intent, e.g. by exchanging information on research and management practices, by providing possibilities for exchange visits and participation in seminars, symposia and conferences, by providing advice in areas of special experience and by arranging, where appropriate, joint publications.*

Wetlands International has been responsible for the implementation of the project "Water-bird and IBA surveys, training and public awareness in Guinea-Bissau, 2000-2002". The project was essentially concluded in 2003, except for the production of final publications arising from the project. Four publications have been printed as a result of the project.

Summary of key project achievements

With the support of the Trilateral Wadden Sea Cooperation, the following achievements were made:

- a. The project has produced a new national NGO, ODZH, for the protection of wetlands. The NGO is legally established and fully operational, with a constitution and board (general assembly). The remit of the NGO is on wetland wise use, with four focal areas, one of which is to promote ornithological knowledge of Guinea-Bissau.
- b. The project realized a successful complete count of waterbirds of the Bijagos Archipelago in January/February 2001.
- c. The project has published a full review of waterbird monitoring in the Bijagos Archipelago, which includes recommendations for future monitoring (in Portuguese and English).
- d. The project has executed a comprehensive range of IBA (Important Bird Areas) surveys in Guinea-Bissau, and identified 10 IBAs.
- e. The project has published a national directory of the IBAs of Guinea-Bissau (in Portuguese and English) which includes management recommendations for the country and for each site, and an up-to-date bird list for the country.
- f. The project has concluded three major training courses.
- g. The project has published an illustrated educational booklet on wetlands and waterbirds in Guinea-Bissau (in Portuguese).
- h. The project has published an illustrated educational booklet on bird migration in relation to Guinea-Bissau (in Portuguese).
- i. The project has produced a bilingual technical poster on the program.
- j. The project has resulted in a lasting staffed coordination office for wetlands within the Coastal Planning Office.
- k. The project has led to the development and implementation of new projects, thus yielding a successful measure of sustainability.

The Future

- a. Two Guinean staff is fully employed in activities that follow on directly from the project and financed from other sources.
- b. A complete waterbird count of the Bijagós will be conducted in January/February 2006.
- c. Various follow-on projects are underway, including a conservation program for the black crowned crane and an integrated research program in the mangrove and rice-field habitat.

Other international cooperation

94. To **welcome** the progress made in drafting an International Brent Goose Management Plan, and to **encourage** the second meeting of the African-Eurasian Waterbird Agreement (AEWA) to be held in Bonn in 2002, to adopt the final version of the Plan. They will **follow** the implementation of a sound and effective management plan with specific interest.

At MoP2 AEWA a recommendation on the international action plan for the Dark-Bellied Brent Goose was adopted. Recommendation 2.1 defines that the action plan will be amended and finalized on basis of recommendations of MoP2 AEWA and after consultation of the Range States. The Standing Committee is asked to adopt the action plan. The action plan will however be formally adopted by the parties at MoP3 AEWA on 24-27 October 2005 in Senegal. At the Standing Committee AEWA on 4-5 July 2005 the action plan was already adopted, so there will be no discussion on the contents at MoP3. Via the recommendation 2.1 the parties are urged to implement the action plan.

95. To **acknowledge** that there are considerable similarities between the Wadden Sea Area and the wetlands of the humid zones in Benin and to **exchange** mutual experiences in sustainable development and management of wetlands in the form of a mutual visit.

Since 2001 no new mutual visits have taken place.

Future cooperation

96. To **recall** §5 of the Stade Declaration, in which competent national authorities are invited to maintain or intensify their cooperative dialogue with all stakeholders involved, in order to promote greater public acceptance of the Wadden Sea Plan.
97. To **acknowledge** that the Wadden Sea Plan contributes to promoting the idea of nature protection and sustainable use of the Wadden Sea Area, for the long-term benefit of everyone living and working in the area, as expressed in the Shared Vision, being
- A healthy environment which maintains the diversity of habitats and species, its ecological integrity and resilience, as a global responsibility;
 - Sustainable use;
 - Maintenance and enhancement of values of ecological, economic, historic-cultural, social and coastal protection character, providing aspirations and enjoyment for the inhabitants and users;
 - Integrated management of human activities which takes into account the socio-economic and ecological relationship between the Wadden Sea Area and the adjacent areas;
 - An informed, involved and committed community.
98. To **recognize** the requirements of Article 2(3) of the EU Habitats Directive, stating that measures taken pursuant to this Directive shall take account of economic, social and cultural requirements and regional and local characteristics.
99. To **convene**, therefore, in accordance with the Terms of Reference in **Annex 6**, a Trilateral Wadden Sea Forum, as a consultation project, with the participation of the governmental and non-governmental stakeholders, with the task of developing proposals for sustainable development scenarios and strategies for their implementation, respecting the existing protection levels and ensuring economic development and quality of life. This will be done on the basis of the Shared Vision, the Wadden Sea Plan Targets and the Shared Principles, and as a contribution to the further development of the Wadden Sea Plan. The results of the work of the Forum will be presented to the 10th Trilateral Governmental Conference.

Wadden Sea Forum

The Wadden Sea Forum (WSF) was installed in August 2002, after preparatory work of a committee consisting of TWG representatives and observers. The WSF was chaired by Mr. Nijpels, Queen's Commissioner of the Dutch Province of Fryslân. Vice-chairs were Mr. Kli-

mant of the German Kreis Dithmarschen and Mr. Andresen of the Danish county South Jutland.

The members of the WSF represent local and regional governments, the sectors of agriculture, energy, fisheries, tourism, industry/harbour and nature protection from the Netherlands, Lower-Saxony, Schleswig-Holstein and Denmark. In addition observers from national governments and advisory boards participated in the plenary meetings.

The Wadden Sea Forum work has been carried out as a project with support from the Interreg IIIB program. In the period August 2002 – September 2005 seven plenary Forum meetings were held. The central element in the WSF discussions has been the future sustainable management of the Region and the role of stakeholders therein. This has resulted in a catalogue Wadden Sea Region sustainability aims and a structure for implementing the sustainable strategies. The Wadden Sea Forum has furthermore addressed the topical issues of offshore wind energy, international cooperation of shrimp producers, safety of shipping, infrastructure, coastal protection and integrated coastal zone management.

The WSF was supported by Thematic Groups on agriculture, energy, fisheries, industry/harbour, tourism and policy/management. The Thematic Groups have produced scenarios for the Wadden Sea Region, to be used as benchmarks in the development of sustainable development strategies. On the basis of the scenarios, the Thematic Groups have prepared draft sector strategies, which have been further discussed and specified by the plenary Forum meetings.

In addition eight external studies were commissioned while a consultant for scenario development supported the scenario development work.

The external studies were about legal and management matters (Review of legal instruments, Review of EIA, Integrated Coastal Zone Management, Sustainable development, Shipping safety) and the socio-economic situation and perspectives in the Wadden Sea Region. All studies are available as printed reports.

All proposals of the Wadden Sea Forum have been discussed in regional conferences, one in each of the four parts of the Wadden Sea Region. The regional conferences were attended by a total of 274 participants, representing more than 250 organizations. The results of the discussions, together with written comments have been integrated in the WSF Final Report.

Wadden Sea School

A two-year pilot project “International Wadden Sea School” (IWSS) was launched in 2003 on the occasion of the 25th Anniversary of the Trilateral Wadden Sea Cooperation, in order to promote the idea of nature protection and sustainable use of the Wadden Sea Area, as expressed in the Shared Vision of the Wadden Sea Plan.

A network of three Danish, five German and two Dutch education centers developed and ran international study courses for pupils from the Wadden Sea countries. The pupils learned about ecological, cultural, historical and political aspects of the various regions and about national and international approaches to protect the Wadden Sea. The educational activities based on a jointly developed curriculum and focused on firsthand experience in nature, trilateral region building, and intercultural learning. To facilitate communication in the international Wadden Sea area, the courses were conducted in English (www.iwss.org). In 2004 and 2005, the IWSS ran 32 courses at 9 locations with about 860 participants from Denmark, the Germany and The Netherlands. The IWSS was supported by the Bingo Lottery Schleswig-Holstein and the Trilateral Wadden Sea Cooperation.

Based on the experiences of the pilot phase, a proposal for a follow-up project (implementation phase) from 2006 – 2009 has been prepared to allow for a thorough preparation of a long-term IWSS after 2009.

Involvement stakeholders and public

Consultation and information

In the Netherlands it is common use that stakeholders and the public are intensively informed over the trilateral activities and that they are involved in the preparations of the conferences.

Concerning the preparations of the conference in 2005 the Dutch government communicated in the following ways:

- Two rounds of Information and consultation meetings were held in winter and spring 2004 on all islands and also in municipalities along the coast. Inhabitants and local stakeholders were invited to join.
- Regular meetings with regional stakeholders of the Wadden Sea Region take place.
- The regional and local governments of the Wadden Sea Region are part of the Dutch Preparation Group (Kernteam) of the TWG.

In Germany, consultation processes take place on two levels, the federal and the states level. Stakeholders and the public of the Wadden Sea region participate in the information and discussion processes especially through the advisory boards of the national parks in which the interest groups of the region are represented.

The results of the various consultation processes are reflected in the trilateral documents.

In Denmark, the advisory board, the stakeholders, the regional and local authorities, relevant ministries and non-governmental organizations have been involved in a public hearing on the draft Ministerial Declaration and the draft Policy Assessment Report June - August 2005. The hearing papers have been published on the Danish Forest and Nature website. The shipping safety issue has been dealt with in a public hearing in September 2005.

Public campaign around conference 2005

In June 2005, the Dutch government started a campaign around the preparations of the conference. Aim of the campaign is to involve inhabitants of the region by the preparation of the conference in several ways. The Dutch government traveled along all 18 island and coast municipalities with an Information Caravan to inform inhabitants on the agenda items of the conference and to collect the peoples opinions on those.

Also a questionnaire was sent to all households within the 18 municipalities in which people could give their view on what they think is important for the Wadden Sea Region. The response on the questionnaires is large and people react enthusiastically also on the caravan.

The Dutch government also organized school projects to involve young people in the trilateral Wadden Sea matters and the preparation of the conference.

For small children these projects entailed a photo and the older ones could take place in a project to evaluate the trilateral achievements so far. Their findings will be presented around the conference.

Interwad

In the Netherlands, the Interwad website (www.waddenzee.nl) enhances information and communication with regard to the Dutch Wadden Sea policy as a joint project of the relevant Dutch Ministries and regional governments. The website has almost 400,000 visitors a year. Since 2004, a digital newsletter of the Regional Coordination Board has been established which comes out ten times a year and consists of news and developments relevant for the Wadden Sea region.

To provide the public with information on the 10th conference, the ministry of Agriculture, Nature and Food Quality set up a special website. The site www.waddenzeeconferentie.nl provides information on the background of the trilateral cooperation, the agenda items of the conference and side events.

100. To **invite** the IRWC to participate actively in the organization and implementation of this trilateral process in order to gain from the experiences of their NetForum process.

101. To **recognize** that the inhabitants of the Wadden Sea Area derive an important part of their identity, way of life and well-being from the nature immediately surrounding them. To **investigate**, in so far this has not been done yet, whether, and if so, how to allow small-scale traditional uses, if such uses would contribute to the support of nature conservation measures in general and are in accordance with the protection aims.

In Denmark, a number of small-scale fishing permits or exemptions have been granted for the Wadden Sea:

An area off Sneum Å was designated as a test area in 2002 and 2003, permitting gillnet fishing for flounder under special conditions.

In the Wadden Sea at Rømø, a number of commercial fishermen were granted an exemption to use gillnet for fishing mullet under special conditions.

At Mandø, a permit was granted to some residents for manual digging of cockle

In Ribe Vesterå, a commercial fisherman was granted an exemption/a permit for fishing under special conditions.

In Varde Å, in 2004 angling societies were granted a permit to catch salmon under special conditions, i.a. a river quota of 100 salmon.

In Germany, this is ongoing policy of the National Park administration and the environmental ministries in Schleswig-Holstein, Hamburg and Niedersachsen. Traditional uses are explicitly allowed through the national park law, respectively restricted to parts of the island of Neuwerk by the Hamburg national park law.

In the Netherlands, a working group consisting of inhabitants of the Dutch islands has made an investigation of small-scale traditional use activities. This investigation has been forwarded to the Ministry of Agriculture, Nature and Food Quality. It is still being discussed how to handle a number of activities which seem to conflict with national or international regulations. A brochure about small-scale traditional use activities was published by the Dutch islands in June 2005.

102. To **acknowledge** that they have been approached in the past by various parties with proposals for closer forms of cooperation, for example the ideas of an "international park" and a "Wadden Sea Convention". They **ascertain** that these and future proposals have been and will be reviewed within existing fora, both with regard to possible advantages, disadvantages and potentials for implementation, and that the results will be reported.

This will be further discussed in the light of relevant EC Directives taking into account the shared competences and responsibilities by the partners joining this process and the results of the Wadden Sea Forum.

HOST AND YEAR OF NEXT CONFERENCE

103. To **hold** the 10th Trilateral Governmental Wadden Sea Conference in 2005 at the invitation of the government of The Netherlands.

104. To **invite** The Netherlands to chair the cooperation from 1 January 2002.

HOST AND YEAR NEXT SCIENTIFIC WADDEN SEA SYMPOSIUM

105. To **hold** the 11th International Scientific Wadden Sea Symposium, which will be hosted by Denmark, in 2004.

The Scientific Wadden Sea Symposium was organized by the National Environmental Research Institute in cooperation with a trilateral preparatory committee and was held in Esbjerg on 4 – 8 April 2005, at Esbjerg. It was devoted to "Monitoring and Assessment in the Waden Sea – Foundations and Perspectives". The recommendations of the symposium are in Annex 2.

4. Implementation of the Wadden Sea Plan

This chapter provides an overview of the implementation of the Trilateral Wadden Sea Plan (WSP). After each relevant paragraph respectively each chapter of the WSP (in italic) a brief implementation statement is given of the implementation status in the three countries with regard to the Wadden Sea.

Preface

The Wadden Sea: into the next Millennium

1 The Wadden Sea is an area of outstanding natural value. It is characterized by a high biological productivity and high natural dynamics. The Wadden Sea is the largest European wetland area and its tidal flats form the largest unbroken stretch of mudflats worldwide.

2 The Wadden Sea area has been inhabited for thousands of years. In the beginning, the population lived mainly from hunting and fishery. Together with permanent settling and the development of agriculture, land reclamation became an important activity. In the course of the last century, and especially since the end of World War II, the influence of humans has increased with growing technical possibilities and economical opportunities. The Wadden Sea is an area where people live, work and recreate.

3 It is only 30 years ago that there were serious plans to embank substantial parts of the Wadden Sea for agricultural purposes. Nowadays, it is a common understanding that the Wadden Sea is an area with unique natural values, which are the basis for livelihood of the local people, tourism, recreation and other activities.

4 At the beginning of the 1970s, national and international policies for combating chemical pollution of the sea started. Since then, a considerable shift in thinking occurred which resulted in substantial improvements in the quality of the water and sediment.

5 This shift in thinking started at the beginning of the century through the pioneer work of concerned citizens and non-governmental organizations who founded protected colonies for birds. Still, it has taken almost 70 years before the official awareness of the importance of the area resulted in effective nature protection. Central, regional and local governments and interest groups have played an important role here, although they have often been criticized.

6 Almost 20 years ago, a process began which resulted in the protection and conservation of the entire Wadden Sea with nature reserves and national parks and the establishment and extension of the trilateral Wadden Sea cooperation between The Netherlands, Germany and Denmark. In parallel, parts of the area were designated as Wetlands of International Importance (Ramsar Areas), Bird and Habitat Directives areas and as Man and Biosphere (MAB) Reserves.

7 The Wadden Sea is a coastal sea and there are many interactions with the North Sea and the northwestern European mainland. The quality of water, sediment and marine habitats of the Wadden Sea is to an important degree affected by the North Sea and activities in the catchment are as of the debouching rivers. The Wadden Sea is an important nursery area for North Sea fish and some species of marine mammals. For these reasons, the trilateral policy and management regarding pollution and species and habitat protection issues have been, and are, closely related to developments within the framework of the North Sea Conferences, the Oslo and Paris Conventions and, in their succession, the Convention for the Protection of the Marine Environment of the North East Atlantic (OSPAR Convention 1992), which is expected to be ratified in the near future¹, and the International Maritime Organization (IMO).

¹ The OSPAR Convention entered into force on 25 March 1998.

8 Through these national and international designations and treaties, the Wadden Sea has obtained an extended and comprehensive protection status. The protection schemes and arrangements resulting from these designations, can be regarded as a start of the implementation of the commitments emerging from the Convention on Biological Diversity and Agenda 21. They are also the basis for the present and future sustainable use and development of the Wadden Sea region.

9 It is often argued nowadays that "we have done enough for nature" and even that the Wadden Sea is overprotected. The many rules and regulations, however, directly reflect the many claims to use the Wadden Sea. These claims are often as relevant as a decade ago and, in a number of cases, even more serious. Land reclamation will not be carried out again and the reduction of pollution is a highly relevant political issue but intensified impacts and conflicts may be expected from, amongst others, gas exploration and exploitation, wind energy, deepening of estuaries and coastal protection, in light of the increased sea level rise.

10 Moreover, we are dealing with a system which reflects past impacts. Land reclamation, for example, has reduced the size of the area which again has reduced the ability of the system to deal with an accelerated sea level rise. The occurrence of black spots in the Niedersachsen Wadden Sea is an indication of accumulated organic material resulting from eutrophication. Also, the high number of threatened habitats, as indicated in red lists, must be reduced to achieve the full scale of habitat types which belong to a natural and dynamic Wadden Sea.

11 The Targets, which are the focal point of this document, reflect both the need for a recovery of the natural values of the Wadden Sea ecosystem and the necessity that human activities in the area must also be possible in the future. The Targets make clear that an increase of natural and undisturbed habitats all over the Wadden Sea is a condition for the restoration of the ecosystem. The Targets have been formulated in an open-end way, although the direction towards the desired situation is given. This means that there is room for negotiation, both from the user and the nature protection sides.

12 At the same time, it is a precondition that sustainable human activities in the area remain possible in the future. Sustainable development also has to take into account the needs and requirements of the population, e.g. coastal protection measures, management of shipping routes, energy supply, agriculture, fishery, tourism, infrastructure and internal and external security.

13 Through this Plan, inhabitants, users, visitors and all stakeholders in the Wadden Sea region are invited to provide their ideas and inputs to the implementation of the Targets.

The Shared vision

14 The Targets feature a shared vision of the Wadden Sea which encompasses the countries' aspirations:

- A healthy environment which maintains the diversity of habitats and species, its ecological integrity and resilience as a global responsibility.
- Sustainable use.
- Maintenance and enhancement of values of ecological, economic, historic-cultural, social and coastal protection character, providing aspirations and enjoyment for the inhabitants and users.
- Integrated management of human activities which takes into account the socio-economic and ecological relationship between the Wadden Sea Area and the adjacent areas.
- An informed, involved and committed community.

I. Integrated Management of the Wadden Sea

The Wadden Sea Plan

1 *At the 6th Trilateral Governmental Conference in Esbjerg in 1991, it was decided to elaborate a management plan covering the Wadden Sea from Den Helder to Esbjerg in order to further substantiate the joint coherent protection. At the Esbjerg Conference, and the subsequent conference in 1994, the Leeuwarden Conference, the cornerstones of the Wadden Sea Plan were adopted: the delimitation of the Trilateral Area of Cooperation and Conservation, the Guiding Principle, the Management Principles, and the Targets.*

2 *A precondition is, that all measures, activities and policies mentioned in this plan, are to be realized in a sustainable way, as defined in the Convention on Biological Diversity. The three parties stress that this definition implies that the use of components of biological diversity may not lead to the long-term decline of biological and ecological diversity and that nature protection may not lead to the long-term decline in socio-economic conditions for the inhabitants of the Wadden Sea Area. The interests of all user groups within the Wadden Sea Area must be weighed against general and specific protection aims in a proper way. The impairment of traditional interests of the local population, which are not contrary to the protection aims, should be avoided.*

The principles of sustainable development and use of the Wadden Sea including an impartial weighing of the relevant interest and avoiding the impairment of traditional interests of the local population are cornerstones in all national, regional and local regulations, policies and management with regard to the Wadden Sea.

3 *The implementation of the Plan will not affect the protection of the local inhabitants against the sea.*

As indicated in the implementation statement to §8 of the Stade Declaration the necessity of coastal protection and safety of the local population is legally implemented in all three countries and has been further specified in policy and management.

Status

4 *The Wadden Sea Plan entails policies, measures, projects and actions which have been agreed upon by the three countries. The Plan is a framework for the overall Wadden Sea management and will be revised at regular intervals. It is a statement on how the three countries envisage the future coordinated and integrated management of the Wadden Sea Area and the projects and actions that must be carried out to achieve the Targets.*

5 *The Wadden Sea Plan was developed with the participation of authorities and interest groups. The Plan was prepared with financial support from the European Commission.*

6 *The Plan is a political agreement and will be implemented by the three countries in cooperation, and individually, by the competent authorities on the basis of existing legislation and through the participation of interest groups. The implementation of the Plan shall not interfere with legislation regarding, in particular, marine navigation, management of marine navigation routes, harbor management, disaster control, sea rescue services and other aspects of internal and external security.*

Delimitation

7 *The geographical range of the Wadden Sea Plan is the Trilateral Wadden Sea Cooperation Area, in short, Wadden Sea Area, which is*

- *the area seaward of the main dike, or where the main dike is absent, the spring-high-tide-water line, and in the rivers, the brackish-water limit;*

- an offshore zone 3 nautical miles from the baseline;
- the corresponding inland areas to the designated Ramsar and/or EC Bird Directive areas;
- the islands.

The trilateral conservation area, in short the Conservation Area, is situated within the Wadden Sea Area, and consists of:

- in The Netherlands, the areas under the Wadden Sea Memorandum including the Dollard;
- in Germany, the Wadden Sea national parks and protected areas under the existing Nature Conservation Act seaward of the main dike and the brackish water limit including the Dollard;
- in Denmark, the Wildlife and Nature Reserve Wadden Sea.

A map of the Wadden Sea Area and the Conservation Area is given in Appendix I.

It is recognized that within the Wadden Sea Area, there are areas in which human use has the priority.

At the 9th Governmental Conference Esbjerg 2001, the delimitation of the Wadden Sea Area and the Conservation Area were adapted according to the extensions of the Conservation Areas in Denmark (1996), Schleswig-Holstein (1999) and Niedersachsen (2001) (ED Annex 2).

The geographical range of the Wadden Sea Plan is the Trilateral Wadden Sea Cooperation Area, in short, Wadden Sea Area, which is

- the area seaward of the main dike, or where the main dike is absent, the spring-high-tide-water line, and in the rivers, the brackish-water limit;
- an offshore zone 3 nautical miles from the baseline as fixed nationally or where the Conservation Area exceeds the 3 nautical mile the offshore boundaries of the Conservation Area;
- the corresponding inland areas to the designated Ramsar and/or EC Bird Directive areas being the adjacent inland marsh areas of the Danish Wadden Sea Region designated as international nature protection areas and the Bird Directive Areas of Schleswig-Holstein adjacent to the Conservation Area;
- the islands.

The trilateral conservation area, in short the Conservation Area, is situated within the Wadden Sea Area, and consists of:

- in The Netherlands, the areas under Key Planning Decision Wadden Sea;
- in Germany, the Wadden Sea national parks and the protected areas under the Nature Conservation Act seaward of the main dike and the brackish water limit including the Dollard;
- in Denmark, the Wildlife and Nature Reserve Wadden Sea.

Shared Principles

8 The Guiding Principle of the trilateral Wadden Sea policy is "to achieve, as far as possible, a natural and sustainable ecosystem in which natural processes proceed in an undisturbed way" (ED §1). The Principle is directed towards the protection of the tidal area, salt marshes, beaches and dunes (LD §8).

In addition, seven Management Principles have been adopted which are fundamental to decisions concerning the protection and management within the Wadden Sea Area (Esbjerg Declaration §3):

- the Principle of Careful Decision Making, i.e. to take decisions on the basis of the best available information;
- the Principle of Avoidance, i.e. activities which are potentially damaging to the Wadden Sea should be avoided;

- *the Precautionary Principle, i.e. to take action to avoid activities which are assumed to have significant damaging impact on the environment, even where there is no sufficient scientific evidence to prove a causal link between activities and their impact;*
- *the Principle of Translocation, i.e. to translocate activities which are harmful to the Wadden Sea environment to areas where they will cause less environmental impact;*
- *the Principle of Compensation, i.e. that the harmful effect of activities which cannot be avoided, must be balanced by compensatory measures; in those parts of the Wadden Sea, where the Principle has not yet been implemented, compensatory measures will be aimed for;*
- *the Principle of Restoration, i.e. that, where possible, parts of the Wadden Sea should be restored if it can be demonstrated by reference studies that the actual situation is not optimal, and that the original state is likely to be re-established;*
- *the Principles of Best Available Techniques and Best Environmental Practice, as defined by the Paris Commission.*

Unreasonable impairments of the interests of the local population and its traditional uses in the Wadden Sea Area have to be avoided. Any user interests have to be weighed on a fair and equitable basis in the light of the purpose of protection in general, and the particular case concerned.

Targets

9 *The trilateral conservation policy and management is directed towards achieving the full scale of habitat types which belong to a natural and dynamic Wadden Sea. Each of these habitats needs a certain quality (natural dynamics, absence of disturbance, absence of pollution), which can be reached by proper conservation and management. The quality of the habitats shall be maintained or improved by working towards achieving Targets which have been agreed upon for six habitat types. Targets on the quality of water and sediment are valid for all habitats. Supplementary Targets on birds and marine mammals have been adopted, as well as, Targets on landscape and cultural aspects.*

Zoning

10 *In a large complex ecosystem like the Wadden Sea, a differentiated management is necessary to balance the implementation of the Targets and sustainable human use. At the Leeuwarden Conference, it was agreed 'to acknowledge zoning as a valuable management instrument and consider the need for harmonization of this and other management instruments' (LD §18.5).*

11 *The three Wadden Sea countries use different approaches to zoning. In order to be able to compare the implementation of the Targets in the different parts of the Wadden Sea Area, a common understanding of the various protection regimes and the way they are applied in the three countries is necessary. To this end, the different national protection regimes will be compared and assessed on the basis of a common classification tool. On the basis of this assessment, the need for harmonization of zoning, in relation to other instruments, will be investigated.*

The Trilateral Working Group on Zoning (TZG) prepared an interim report (document TWG 00/2/14-2) which entailed the results of the first work phase, namely an inventory of zoning regulations and a proposal for an evaluation of these regulations with regard to the implementation of the Targets. The 9th Governmental Conference, Esbjerg 2001, noted that differences in zoning were substantial and recognized that, for the time being, harmonization will not result in better protection, support and understanding by the users of the Wadden Sea Area.

Economic development and potentials

12 *Within the constraints of a suitable protection and a natural development of the Wadden Sea, economic activities remain possible. Agriculture, industry, shipping, fisheries, tourism and recreation have considerable economic significance for the Wadden Sea region and must be balanced in a harmonious relationship between the needs of society and ecological integrity. This will be done in cooperation with the stakeholders. Regarding sustainable tourism development and recreational use in the Wadden Sea region, a joint proposal will be elaborated, together with the Interregional Wadden Sea Cooperation, for a policy emphasizing the development of communication and the involvement of the stakeholders. The policy should aim at contributing to maintain the social structures and cultural identity of the region.*

The Wadden Sea Forum is the most important initiative in this regard. It is referred to §§99ff of the Esbjerg Declaration above.

Communication and information

13 *The Targets are the focal point of this plan. In order to achieve the goal to protect the full scale of habitat types in the Wadden Sea Area and a successful implementation of the Wadden Sea Plan, the active support of relevant authorities, interests groups and local citizens is important.*

14 *Effective communication on this plan and Targets are essential and possibilities to enhance this and improve public participation will be explored. Notwithstanding the responsibility of competent authorities for the conservation and protection of the Wadden Sea Area, different types of active involvement of stakeholders (co-management) can contribute to many aspects of the implementation of the Wadden Sea plan.*

It is referred to the Esbjerg Declaration §99 above.

15 *The following trilateral projects and actions will be undertaken:*

- *The possibilities for enhancing the quality of public participation, amongst others, by different types of active involvement of stakeholders (co-management) will be explored on a national basis.*
- *The results of the Trilateral Monitoring and Assessment Program (TMAP) will be made available for relevant authorities, interest groups and local citizens.*
- *The possibilities for a trilateral information and communication site on the Internet will be explored.*

In all three countries, different types of stakeholder involvement are implemented.

In Schleswig-Holstein, reports of the regional TMAP monitoring results from 1998, 1999, 2000 and 2001, results of the socio-economy-monitoring and a comprehensive overview of 15 years of salt marsh monitoring have been published in German and are available on the homepage of the National Park (see also ED § 67 – 72).

In the Netherlands, the Interwad website (www.waddenzee.nl) enhances information and communication with regard to the Dutch Wadden Sea policy as a joint project of the relevant Dutch Ministries (LNV, VenW, VROM) and regional governments. The CWSS participates in the Advisory Board of the Interwad project which investigates possibilities for international extension. The website has almost 400 000 visitors a year. Since 2004 a digital newsletter of the Regional Coordination Board has been established which comes out ten times a year and consists of news and developments relevant for the Wadden Sea region.

16 *The competent authorities are invited to submit information on Environmental Impact Assessments in the Wadden Sea region to the Common Wadden Sea Secretariat.*

It is referred to ED §51-53

Evaluation and review

17 *The progress of the implementation of the trilateral policies and management, projects and actions entailed in the Wadden Sea Plan will be evaluated in preparation of each Trilateral Wadden Sea Conference on the basis of, inter alia, the Quality Status Reports on the Wadden Sea (QSRs) emerging from trilateral monitoring and assessment activities, relevant reports and developments on the national and international level. As appropriate, the Wadden Sea Plan will be amended on the basis of the conclusions and recommendations of the review process.*

Structure of the Plan

18 *This document is structured according to the Target categories as adopted at the Leeuwarden Conference:*

- *Landscape and Culture*
- *Water and Sediment*
- *Salt Marshes*
- *Tidal Area*
- *Beaches and Dunes*
- *Estuaries*
- *Offshore Area*
- *Rural Area*
- *Birds*
- *Marine Mammals*

For each Target category, a brief description is given followed by its current status, the precise wording of the relevant Target(s), an assessment of the situation and how to proceed. On the basis hereof, trilateral policy and management and proposals for trilateral projects and actions necessary for the implementation of the Targets have been developed, taking into account the Esbjerg and Leeuwarden Declarations.

The measures, projects and actions generally apply only to the habitat under consideration. The chapters 'Landscape and Culture', 'Water and Sediment', 'Birds' and 'Marine Mammals' have a habitat crossing character. Measures, projects and actions contained in these chapters also apply to one or more of the other habitats.

Three Appendices are attached to the Plan. In Appendix I, thematic maps of the Wadden Sea Area are given. Appendix II contains an index of entries of activities, Appendix III a glossary.

II. The Targets

1 Landscape and Culture

1.1 Trilateral policy and management

1.1.1 The nomination of the Wadden Sea Area, or parts thereof, as a World Heritage Site will be strived for, taking into account the natural and cultural-historic values of the area.

The possibility for the designation of the Wadden Sea area as a World Heritage Site has been discussed intensively as a common activity of all countries during the last years on the basis of a feasibility study. An intensive consultation process has been initiated in the Wadden Sea Region with the aim to consult the local people on the intended nomination, as requested by the UNESCO Guidelines. Up to now, the consultation process has not been finalized in the Wadden Sea Region as a whole.

Germany:

The discussion on the nomination of the Wadden Sea as a World Heritage Site has been finalized with a positive result in Dithmarschen. It is still ongoing in Nordfriesland.

Niedersachsen concluded the regional consultations in 2003. As a majority of the coastal inhabitants has a positive attitude, the Government of Niedersachsen recommends the nomination as World Heritage Site. The State of Hamburg also supported the nomination as World Heritage Site.

In the Netherlands, the western part of the Wadden Sea has already been submitted to the tentative list of the World Heritage Convention, based on the existing cultural-historic values. (ship wrecks). The discussion on this topic forms a constant part of the agenda in several rounds of consultation. In these rounds, which are open to the public for the inhabitants of the islands and the municipalities at the landside of the Wadden Sea, the local government, as well as, the different users represented by sector (e.g. industry, fishery, nature, recreation, agriculture) were invited to give their ideas on this subject. In addition information brochures in Dutch were widely distributed throughout the area, newspaper articles were published and two video's. One video was produced to give an overview of different opinions on World heritage and the other one was produced to explain that there would come no extra regulation for the Wadden Sea because of a World Heritage nomination.

The national rounds of consultations with inhabitants and interest groups have almost been concluded. In April and May 2005 the 18 Dutch Wadden Sea municipalities will inform the ministry if the local inhabitants and stakeholders support a World Heritage Site Nomination of the Wadden Sea. On the base of the findings of the municipalities it will be decided if there is local support for a World Heritage Nomination of the Wadden Sea.

In Denmark, the national consultations were concluded with a negative result in 2001.

1.1.2 The cultural-historic and landscape elements of the Wadden Sea Area will be protected and conserved through appropriate planning and management.

Germany:

In the Hamburg Wadden Sea, all cultural-historic relevant buildings are already under protection. A national park plan has been developed to create a perspective for the long-term conservation of the cultural-historic valuable landscape on the island of Neuwerk.

In Schleswig Holstein, no specific measures were taken in addition to the existing regulations of landscape protection and protection of cultural properties.

The extension of the MaB reserve in Schleswig-Holstein in 2004, including the large Halligen as transition zone on the explicit desire of the Hallig inhabitants gives an excellent opportunity for a close integration of nature protection and cultural heritage. Through binding treaties, common projects and close cooperation stakeholders are directly involved into the

management of the biosphere reserve. The awareness of the unique landscape, cultural heritage and regional identity of the Halligen was greatly enhanced.

A LEADER+ project "Nature-experience Wadden Sea as a touristic offer" includes also regional cultural and landscape elements.

In the Netherlands, the protection is being included in the new PKB and the new policy on spatial planning "Nota Ruimte". Once the new PKB has passed parliament, the new policies will be transmitted into an actualized Measures Program Wadden Sea (Maatregelenprogramma Waddenzee). In the regional spatial planning protection by development of the landscape and cultural heritage is the leading motive. On the local level improvements still can be made. The Lancewad plan project therefore will focus on practical dealing with protection-included development of the specific "Lancewad values" in the Lancewad region with its specific conditions.

Developments: In the province of Groningen 435 hectare of greenhouses are being planned south of the Eemshaven. The possible effects on landscape and nature are worked out in the EIA report. On the basis of the findings of the report it will be decided if the construction of the greenhouse area will be permitted. This is only the case if the effects of the project don't conflict with the leading motives of the PKB.

The ministry of Agriculture, Nature and Food Quality gave a number of permits to place wind turbines along the coast. The permitted projects fulfill the criteria of the PKB.

1.1.3 The awareness of the area's cultural-historic and landscape values will be enhanced, where possible and appropriate, on a joint basis.

On the basis of §1.2.2, a trilateral project LANCEWADPLAN started in 2004 with co-financing from the Interreg III program as a follow up of the LANCEWAD project (1998-2001). The project aims to extend and enhance, in cooperation with the relevant governmental and non-governmental stakeholders, the development, management and sustainable use of the common transboundary landscape and cultural heritage of the Wadden Sea Region, complementing the natural and environmental facet of the region, taking into account the regional diversity.

In Denmark, the awareness of the area's landscape and cultural heritage has been enhanced through the establishment of a soundboard group and several regional information meetings in the framework of the LANCEWAD-Project.

In the Netherlands, the awareness in general has been enhanced by several publications and promotions actions on the national level (implementation of the Belvedere Memorandum), on the regional level (provincial maps and policy documents) and on the local level (Landscape Development Plans). In several meetings the sound board group of the former Lancewad project gave valuable input on how to raise further awareness in the Lancewad-plan project. Furthermore landscape and cultural heritage are prominent in all kinds of tourism guidance (guides, routes) and facilities (places of cultural heritage to stay).

On the trilateral level a book is under preparation for a broad audience with the Lancewad results in full color pictures and maps and to be published in the 3 national languages and English in 2005/2006.

1.1.4 The construction of wind turbines in the Conservation Area is prohibited. (Identical with 9.1.9.

In all three countries, the construction of wind turbines in the Conservation Area is prohibited according to the Danish Statutory Order, the German National Park Acts and the Dutch PKB.

In Germany, protected areas (see Chapter 'NATURA 2000') and suitable areas for offshore wind energy were identified to reduce conflicts. Electricity from offshore wind farms (will

only be eligible for payment if sited outside of protected areas in the EEZ or in the 12 nautical mile-Zone. Additionally, an extensive program of accompanying research on the impacts of offshore wind energy on the marine environment has been carried out.

1.1.5 The construction of wind turbines, in the Wadden Sea Area outside the Conservation Area, is only allowed if important ecological and landscape values are not negatively affected. (Identical with 9.1.10).

In Denmark, the construction of wind turbines in the Wadden Sea Area outside the Conservation Area is restricted to smaller areas on the mainland designated in the framework of the regional plans, which stipulates the numbers and height of the turbines. This is also in accordance with the Statutory Order on the delimitation and administration of international protection areas, no. 782 of 1/11/1999 (Habitat Areas, Special Protection Areas and Ramsar areas). Outside the Wadden Sea Area a wind turbine farm was built 14 km west of Jutland at Horns Rev. The farm consists of 80 wind turbines and cover an area of 27.5 km².

In Germany, the construction of wind turbines along the coastline and the 12-sm zone is subject to the national building regulations (*BauGB*). Construction of wind turbines outside the 12 sm zone in the EEZ are subject to the Offshore Installations Ordinance ('Seeanlagenverordnung'). Thorough Environmental Impact Assessments are carried out both in the EEZ and in the 12 sm zone. The German Renewable Energy Sources Act (EEG), which is also applicable for EEZ and 12 sm zone, contains a regulation that electricity from offshore wind farms will only be eligible for payment if sited outside of nature conservation areas and proposed Natura 2000 sites. This measure is designed to discourage intervention in these protected Natura 2000 areas.

In Schleswig-Holstein, the existing wind turbines in the Wadden Sea Area outside the Conservation Area are subject to property rights (*Bestandsschutz*). According to relevant regional plans, the construction of further systems is only possible on the islands of Pellworm and Nordstrand (and as restricted exception on the island of Föhr) under the condition that this is compatible with the interests of the nature protection and the landscape conservation. On the remaining islands and the Halligen, wind turbines are not approvable. Especially the development of offshore wind parks in the German North Sea EEZ outside the cooperation area and the concomitant cable lines (Kabeltrassen) to the mainland have been and are thoroughly screened with respect to the overall protection aims and legal protection framework of the Wadden Sea.

In Niedersachsen, no further permission for new wind turbines at the coastline should be given according to the opinion of the municipalities. To what extent and under which basic conditions it is possible to install offshore wind turbines outside the Wadden Sea Area is currently investigated.

There are plans to establish 2 wind energy parks within the 12 sm-zone outside the conservation area. In a special planning process a cable line from offshore the mainland via the island of Norderney was identified.

In the Netherlands, the operative key planning decision document declares that generating of wind energy is allowed in an area of 1 to 2 km outside the Dutch part of the Conservation Area if adjacent to suburban areas. Otherwise, the image of the landscape seen from the Wadden Sea should not be provoked, and ornithological values should not be hampered.

In the proposal for the new key planning decision for the Dutch Wadden Sea wind turbines are allowed outside the conservation area, but they will be judged from case to case according to the national spatial planning policy and the PKB Wadden Sea.

The Lake IJssel barrier area is considered as an unfavorable location for wind turbines. The Dutch government will investigate, whether there are ways of planning and design for wind turbines in this area that are acceptable from a landscape point of view. In this investigation both sides of the barrier dike will be studied.

1.2 Trilateral projects and actions

1.2.1 The preparation of a nomination of the Wadden Sea Area, or parts thereof, as a World Heritage Site (WHS) in close cooperation with the local and regional authorities, as well as local interest groups and local citizens, taking into account i.a. the recommendations of the 1997 workshop on cultural-historical and landscape values.

Complementary to national activities, a trilateral brochure has been produced in the national languages by the LANCEWADPLAN project in 2005 aiming at improving the support for the nomination by local inhabitants and local and regional authorities.

1.2.2 An inventory and a map of the most important cultural-historical and landscape elements of the Wadden Sea area including

- *an assessment of which elements should be maintained and developed and*
- *recommendations for the protection, taking into account the recommendations of the 1997 workshop on cultural-historical and landscape values.*

The result of the investigation will be published in a report in each of the three languages to ensure that the information is easily accessible and will be widely dispersed.

An inventory of the landscape and cultural heritage of the Wadden Sea region was made in the framework of the LANCEWAD-project co-funded by the Interreg IIC North Sea Program in 1999-2001. The report "Landscape and Cultural Heritage of the Wadden Sea Region" has been published on the occasion of the Esbjerg Conference.

In 2001, Lancewad has delivered the following products:

- an outline description of the landscape and cultural heritage of the Wadden Sea Region, depicting it as being internationally outstanding;
- a comprehensive inventory of the landscape and cultural heritage of the Wadden Sea Region including a common data base of the information (Lancewad-data base);
- a valuation of the heritage regionally as a basis for the management of the heritage;
- recommendations for criteria and guidelines for the sustainable management and use of the heritage.

Lancewad has furthermore contributed to an extensive awareness raising of the importance of the heritage in the region and has involved the stakeholders in developing and formulating the recommendations for management and use. The project has laid a firm basis for the development of conservation and sustainable management of the heritage trilaterally, nationally and regionally/locally both in terms of the input to the further process and in terms of a well functioning organizational structure.

The trilateral 3-year project LANCEWADPLAN started in 2004 with co-financing from the Interreg III program as a follow up of the above mentioned LANCEWAD project. The project aims to extend and enhance, in cooperation with the relevant governmental and non-governmental stakeholders, the development, management and sustainable use of the common transboundary landscape and cultural heritage of the Wadden Sea Region, complementing the natural and environmental facet of the region, taking into account the regional diversity.

In April 2005, a leaflet about LANCEWADPLAN was published in the three languages to get involvement of a wider audience.

1.2.3 An investigation on how the cultural and landscape features can be taken into account in Environmental Impact Assessments and an exchange of information on this.

The investigation of how the cultural and landscape features can be taken into account in environmental impact assessments will be initiated as a part of the Lancewad-project follow-up LANCEWADPLAN (2004 – 2007).

1.2.4 An investigation of the possibilities of an initiative in the field of cultural tourism, in close cooperation with local authorities and relevant organizations.

The initiatives in the field of cultural tourism have been discussed in the framework of the NetForum Project initiated by the Inter-regional Wadden Sea Cooperation. It is referred to the information entailed with regard to §85 of the Esbjerg Declaration. In Schleswig-Holstein a LEADER+ project “Nature-experience Wadden Sea as a touristic offer” also includes regional, cultural and landscape elements.

2 Water and Sediment

2.1 Trilateral policy and management

2.1.1 Trilateral policies for the reduction of inputs of nutrients and hazardous substances from all sources are congruent with those within the OSPAR and North Sea Conference frameworks.

The activities of OSPAR and the North Sea Conference support the Trilateral Wadden Sea Cooperation in achieving the nature protection targets.

Germany pursues the aims of the OSPAR Eutrophication and Hazardous Substances Strategies. Relevant OSPAR Decisions, Recommendations and Guidelines as well as the commitments of the International Conferences on the Protection of the North Sea have been implemented in national policies and regulations. In particular, Germany pursues the integration of the protection of the marine environment into all relevant sectoral policies as, for example, policies on agriculture.

In the Netherlands, OSPAR guidelines and decisions made at the North Sea Conferences with regard to the reduction of the input of nutrients and hazardous substances have been implemented in national policy and laws.

2.1.2 In order to reduce nutrient inputs to the Wadden Sea, the measures for sensitive areas under the Urban Waste Water Directive and the measures for vulnerable zones under the conditions of the Nitrate Directive will be applied to the catchment area of the Wadden Sea in line with the Esbjerg North Sea Conference decision.

The EU Agriculture Policy includes Cross Compliance and Modulation and is obligatory for all three countries since January 2005.

In Denmark, the Action Plan for the Aquatic Environment II was launched in 1998 as a follow-up of the action plan launched in 1987. The aim is to achieve the reduction objective of 100,000 t nitrogen as entailed in the 1987 action through additional measures. The action plan II is based on three principles: the input of manure and fertilizer must be reduced in general, the existing resources must be better used and financial support mechanisms must promote specific aims on local protection and environmentally friendly agriculture. The European Commission on the basis of the action plans has endorsed the Danish action program for the implementation of the Nitrate Directive. The Commission has not yet given an opinion on the Danish announcement that cattle farms are allowed to use a larger amount of manure than stipulated in the Directive.

In Germany, measures concerning “sensitive areas” according to the Urban Waste Water Treatment Directive (91/271/EEC) (i.a. installation of sewage systems in municipalities with more than 10,000 inhabitants, extensive waste water treatment) apply for the whole country

and have been implemented (Waste Water Decree). Measures concerning “vulnerable zones” according to the Nitrate Directive (91/676/EEC) (i.a. obligatory implementation good agricultural practices, execution of an action program) are implemented via the Fertilizer Ordinance which is currently under review in order to improve the implementation of the EC Nitrate Directive and the efficiency of measures.. The first German action program started in 1995/96. In August 2004, Germany submitted a third report on the status and the results of the program to the European Commission.

The German Strategy for Sustainable Development of 2002 pursues the goal of reducing the nitrogen surplus for the whole of the agricultural sector, i.e. surpluses arising on farmland and in animal housing, passing into air, soil and water, to 80 kg/ha by 2010.

According to the Urban Waste Water Treatment Directive (91/271/EEC), the Dutch surface waters, including the Wadden Sea, are considered to be sensitive to phosphorus and nitrogen pollution. Therefore, the Netherlands have chosen the option of a reduction of the overall total phosphorus and total nitrogen load leaving urban waste water treatment plants of at least 75%.

With regard to the Nitrates Directive (91/676/EEC), the Netherlands establish and apply the action programs throughout the national territory. The environment is still under considerable pressure from the high intensity of agricultural production. The Netherlands have agreed to abandon the Mineral Accounting System (MINAS) aiming at a certain phosphate and nitrogen balance at farm level between inputs and outputs. From of 1 January 2006 onwards, the implementation of the Nitrates Directive will be translated into the more stringent loss standards.

Pollution from ships

2.1.3 With the aim of eliminating operational pollution and minimizing accidental pollution, an information and guiding system for ships carrying hazardous substances will be established.

Denmark has implemented Directive 93/75/EEC of 1993 for vessels carrying dangerous or pollution goods as bulk or in package form by Statutory Order 258 of 1999. All ship owners, agents and the captain of the ship must report to the Admiralty and the information obligation encompasses all vessels departing from or with destination to an EU harbor. The reporting system is the only operative system (together with the mandatory reporting system under MARPOL 73/78) in Danish waters concerning ships carrying hazardous substances.

In Germany, all ships carrying hazardous substances are subject to the EU Directive 93/75/EEC concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods. The Directive has been incorporated into national Ordinance (*Anlaufbedingungsverordnung*). It entails a number of mandatory reporting requirements and enable the national authorities rapid access to all relevant information about the movement of ships carrying hazardous substances in their coastal areas. The following concrete mechanisms are implemented:

- a. The central information center (*ZMS-Zentrale Meldestelle*) has been installed as a common office of the Water and Navigation Authorities North and Northwest. The functions of the Central Information Center have now been integrated into the Maritime Emergency Reporting and Assessment Center (Maritimes Lagezentrum, MLZ), a part of the new Central Command for Maritime Emergencies Germany (Havariekommando, CCME), which was established on 1.1.2003. All ships carrying hazardous substances have to be announced to the Emergency Reporting and Assessment Center before leaving a German port or entering the German territorial waters. The delivered information serves primarily the management of accidents and consulted in the case of special events (e.g. accidents) in order to assess the status of risk and support decisions concerning appropriate measures.
- b. Vessel Traffic Service Centers (VkZ - Verkehrszentralen) have been established as executing authorities of the navigation and water police authorities which are

responsible for the maritime traffic safety (Wasserschiffahrtstsektionen Nord und Nordwest, Wasser- und Schiffahrtsämter).

- c. Ships carrying hazardous substances are subject to special shipping regulations and are obliged to call in when entering the district of the relevant Vessel Traffic Service Centers under specification of type and quantity of the cargo. This data compilation primarily serves the traffic regulation, but can also be used for accident management.
- d. The international general conditions for the introduction of an automatic identification system (AIS) have been developed and endorsed by the IMO. From 2002 to 2008, all vessels above 300 GRT in international traffic and above 500 GRT in domestic traffic must stepwise be equipped with AIS. The AIS will serve the identification of vessels, the support of tracking (*Zielverfolgung*), the simplification of information exchange and the delivery of additional information for the support of collision avoidance. The AIS will enable monitoring not only the coastal shipping districts but also the entire German territorial waters as well as the exclusive economic zones.

The Netherlands

In 2002, the EU Directive 2002/59/EG came into force to replace Directive 93/75/EG.

In case of accident the Coastal Guard Centre (Kustwachtcentrum) can ask for information on the ship and its load at the harbors via the European SafeSeaNet. In addition, in 1999, the measure Communication Governmental Inner Waters came into force concerning ships coming from inner waters and entering the Wadden Sea. This measure states that ships with hazardous substances and special transports and entering the Wadden Sea have to call in on time at the check-in center Wadden Sea. The call has to comprise specifics on the kind of cargo, harbor of destination and shipping route. Also there, ships with dangerous loads need to be reported.

2.1.4 Harbors bordering the Wadden Sea will have adequate facilities to handle all types of residues and wastes generated by ships to meet the requirements of the MARPOL Convention.

This agreement has been or will be implemented in the framework of the EU Directive on Port Reception Facilities for Ship Generated Waste and Cargo Residues as adopted in 2000 (2000/59/EC). The directive prescribed a set of measures to prevent the already prohibited dumping of ship residues and oily wastes (e.g. oil residues, garbage) more effectively.

Denmark and Germany are of the opinion that in order to achieve the desired effects the delivery of waste and residues must be obligatory and based on a no-special-fee system according to the aforementioned EU-Directive.

In Germany this directive has been implemented by national and federal legislation. The harbors in the Wadden Sea of Schleswig-Holstein and Niedersachsen and Hamburg harbor also meet the requirement of the MARPOL Convention concerning the requirement to handle all types of residues and wastes generated by ships. Additionally, disposal of oily waste from ships is free of charge in Niedersachsen.

In the Netherlands, the harbors bordering the Wadden Sea that have been selected on ground of the Act on Pollution by Ships have to have a shore reception facility, in compliance with the MARPOL Convention.

2.1.5 To prevent spills of oil and hazardous substances to the aquatic environment and wildlife, activities aiming at improving enforcement (surveillance and prosecution) of agreed regulations and policies to combat illegal discharges will be continued.

In Denmark, the maritime surveillance and enforcement has been transferred to the Ministry of Defense as of 2000. This includes the air surveillance, oil spill combat and collection of evidence with regard to court cases and action for damage in terms of oil pollution. The air surveillance includes 500 h of flights in the North Sea and the Baltic area. As of May 2000 administrative fines can be given to ships. On the basis of an evaluation of the current system of collaboration between the involved authorities has resulted in an improvement of the information of the authorities.

In Germany, aerial surveillances are carried out by the Federal Administration and developed into an important component of the precautionary principle for the maritime environmental protection. The activities are coordinated with the North Sea abutters in the framework of the "Bonn Agreement".

The main tasks are the

- surveillance of the North Sea
- inspection of reported pollutions
- conservation of evidence
- coordination of the missions of the pollution response vessels

The surveys are carried out by two airplanes combined with 1,600 flight hours per year. Different sensors recognize type and extent of pollutants such as oil and chemicals. The information is directly delivered to the Central Command for Maritime Emergencies (CCME) and to the pollution-response vessels (e.g. Mellum, Neuwerk, Arkona, Scharhörn). The information obtained by the sensor technology is of high quality and is sufficient for the public prosecutor's offices and for the courts as evidence.

Stricter controls and fines to combat illegal discharges have been introduced. Fines up to 25,000 € can be given if ships do not keep the oil record book properly or illegal pipes (bypasses) are found on board.

The number of ascertained water pollution declined in the last years.

In the Netherlands, operational services regularly carry out air surveillances in the Wadden Sea. The cooperation inspection Wadden Sea controls frequently for illegal discharges. In cooperation with Germany it is being investigated whether the assistance of the German fire-brigade on the Dutch part of the Ems can be improved.

Dredging and dumping of dredged material

2.1.6 The three countries will develop and apply national criteria with regard to dredging operations and disposal of dredged material. They will cooperate within the framework of existing international agreements and organizations by exchanging information about the main experiences with the implementation of these criteria.

The agreement has been implemented in the Danish part of the Wadden Sea Area.

In Germany, a procedural instruction for handling dredged material within the coastal area (HABAK 1992, updated in May 1999) has been implemented by the Federal Waterways and Navigation Authorities in compliance with the relevant international agreements. Currently, a working group with members of federal and state authorities (*BLABAK Baggergut Küste*) is developing recommendations to implement the international guidelines regarding aquatic disposal operations based on the "procedural instruction" for all German waterways. Furthermore, the working group developed a national concept for handling TBT contaminated dredged material, which is in force since 2001.

In the Netherlands, national criteria for dredging and disposal-activities are used. In the OSPAR-framework information about the main experiences in implementing these criteria is being exchanged. This applies also for the cooperation with Germany, especially regarding the Ems.

2.1.7 Dredged material from the Wadden Sea Area and Wadden Sea harbors will, in principle, be dumped back into the system unless the contamination exceeds national criteria levels.

The agreement has been implemented in the Danish part of the Wadden Sea Area. Denmark has recently developed an action plan for handling contaminated dredged material from harbors supplementing existing guidelines.

In Germany, the priority to relocate dredged material within the system has been regulated by the relevant national procedural instructions (e.g. HABAK, concepts for handling of dredged material in Schleswig-Holstein and Niedersachsen) unless the contamination exceeds national criteria levels (e.g. see national concept for handling TBT contaminated dredged material, 2001).

In the Netherlands, dredged material from the Wadden Sea and adjacent harbors is dumped back into the system unless it exceeds national criteria levels. Dredged material from outside the Wadden Sea can not be dumped into the Wadden Sea.

Discharges from oil and gas exploration and exploitation activities

2.1.8 The exploration and exploitation of the energy resources in the North Sea, as well as in the Wadden Sea Area, has to comply, at least, with the international agreements in the appropriate fora. This results i.a. in a prohibition to discharge oil-based muds and cuttings. Dumping or discharge of water based muds and/or cuttings is only allowed in line with relevant PARCOM agreements.

The OSPAR Commission has adopted several decisions and recommendations, which entered into force on 16 January 2001 and replace former PARCOM measures. This concerns the OSPAR Decision 2000/2 on a harmonized mandatory control system for the use and reduction of the discharge of offshore chemicals, OSPAR Decision 2000/3 on the use of organic-phase drilling fluids (OPF) and the discharge of OPF-contaminated cuttings, OSPAR Recommendations 2000/4 on a harmonized pre-screening scheme for offshore chemicals, OSPAR Recommendations 2000/5 on a harmonized offshore chemical notification format (HOCNF).

There is no exploration and exploitation of energy resources in the Danish Wadden Sea Area. The exploration and exploitation of energy resources in the Danish continental shelf of the North Sea comply with the agreement.

In Germany, the discharge of oil-based muds into the sea is prohibited. The discharge of cuttings requires permission, which may be given only if the deposition on land is disproportionate and the cuttings have been cleaned using the state-of-the-art technology and if it is not in contradiction to other international agreement, such as relevant OSPAR regulations. The application of oil-based muds and treatments of cuttings is regulated in the continental shelf mining regulations (*Festlandsockel-Bergverordnung* § 28, 2 and 3) which also stipulates that the oil content of waste water discharges must not exceed 30 mg/l.

In the Netherlands, the discharge of oil-based mud has been forbidden since 1993. Dumping or discharge of water-based mud and/or cuttings is in line with relevant PARCOM-agreements.

2.1.9 The leaching of toxic substances from protective coatings of pipelines and other installations will be avoided by the use of appropriate materials.

There are no pipelines located in the Danish Wadden Sea Area.

This is common practice in Germany. The existing pipelines have been constructed by applying state-of-the-art technology (*Stand der Technik*). A leaching of toxic substances from protective coatings of pipelines can be ruled out.

In the Netherlands, the relevant pipelines are made of steel covered with asphalt, which is covered by concrete coating. No leaching of toxic substances occurs in these cases. There is only one pipeline, connecting the platform Zuidwal and Harlingen.

2.1.10 In the Conservation Area, offshore activities that have an adverse impact on the Wadden Sea environment will be limited and zero-discharges will be applied. In the Wadden Sea Area outside the Conservation Area, discharges of water-based muds and cuttings will be reduced as far as possible, by applying Best Available Techniques and by prohibiting the discharge of production water from production platforms.

Since there is no exploration and exploitation of energy resources in the Danish Wadden Sea Area this agreement does not apply to the Danish Wadden Sea Area.

In Germany, zero discharge has been implemented concerning the exploitation site "Mittelplate A" in Schleswig-Holstein. In Hamburg and Niedersachsen, there are no offshore activities in the Conservation Area.

In the Netherlands, offshore activities are formally only those activities which take place outside the trilateral Wadden Sea area. In the Wadden Sea Area there is one production location in the Conservation area (Zuidwal; company Vermillion) where production water is injected and discharges are taken to the shore. In 2004 a new well was drilled at Zuidwal under zero discharge regulations. Outside the Conservation Area but inside the Cooperation area (on and around Ameland) there is one production platform, one production location and one jacket to win gas. The possible impacts of the activities around Ameland on the Conservation Area have been investigated and evaluated according to the Nature Protection Act of 1998.

The Ministry of Agriculture, Nature and Food Quality concluded that there are no adverse impacts on the Conservation Area. The discharge of production water is not prohibited. However, in cases of failure discharge of production water will be done with the Best Available Techniques and in compliance with legal obligations. Also water-based muds or cuttings can be discharged in compliance with legal obligations and regulations of the permit.

2.2 Trilateral projects and actions

2.2.1 The development of common Wadden Sea specific criteria for the differentiation between eutrophication problem and non-problem areas necessary for assessing progress in the implementation of the Targets for the reduction of nutrients and, consequently, the reduction of eutrophication. The project will be carried out in close cooperation with the work going on in OSPAR regarding the development of a strategy to combat eutrophication.

A trilateral project was carried out in the period 1998-2000 in which proposals for Wadden Sea specific eutrophication criteria were developed. By using the developed method and on the basis of recent monitoring data, a new assessment was carried out in 2004 in the framework of the QSR 2004. Based on this analysis the Wadden Sea must still be regarded as a eutrophication problem area. The results of the 2004 assessment were submitted to the relevant OSPAR groups and for further consideration by TWG.

2.2.2 An inventory and evaluation on information and guiding systems for ships carrying hazardous substances.

National information on information and guiding system for ships carrying hazardous substances has been collected. An evaluation to be carried out in conjunction with the imple-

mentation of the EC Directive 93/75/EC (Hazmat Directive) in the Wadden Sea has not yet been done.

A topical inventory and gap analysis on information and guidance system for ships carrying hazardous substances are available in the GAUSS Shipping Study (June 2004) prepared in the framework of the Wadden Sea Forum.

2.2.3 An inventory and evaluation of national practices regarding dredging and the dumping of dredge spoils with the aim of investigating whether harmonization is necessary and feasible.

National information has been collected by means of a questionnaire in 2001. A recent overview is compiled in the 2004 QSR.

2.2.4 An inventory and assessment of the availability and accessibility of shore reception facilities.

An inventory of the availability and accessibility of shore reception facilities has been prepared in 2001.

3 Salt Marshes

3.1 Trilateral policy and management

3.1.1 The general trilateral policy regarding salt marshes aims at adequately protecting salt marshes in order to allow natural processes to take place within this habitat, with special emphasis on flora and fauna. To this end, all salt marshes shall be brought under legal protection, insofar this has not yet been done, and Best Environmental Practice will be applied in salt marsh protection and development, taking account of experiences with local concepts and measures.

In Denmark, salt marshes are subject to a general protection according to the Nature Protection Act according to which no changes must be undertaken of the salt marshes. Furthermore, the salt marshes are also included in the Order on the Nature and Wildlife Reserve Wadden Sea. The Order, the general biotope protection according to Nature Protection Act, regarding the implementation of the Bird and Habitat Directives ensures a full implementation of the agreement.

In Germany, all salt marshes are under legal protection according to the State Nature Protection Acts and National Park Acts of Hamburg, Schleswig-Holstein and Niedersachsen.

In the Netherlands, all salt marshes are part of the PKB area and are protected under the National Nature Protection Act. In protecting and developing salt marshes environment friendly materials are being used.

The protection of salt marshes is seen as important on the political as well as on the policy level. The minister of Agriculture, Nature and Food Quality and the minister of Public Transport and Water management have agreements on how to manage salt marshes according to international agreements.

Salt Marsh Area

3.1.2 The trilateral policy takes as starting point that the present area of salt marshes will not be reduced and that, where possible, the area of natural salt marshes will be extended.

In Denmark, as stated in 3.1.1, salt marshes are subject to a general protection according to the Nature Protection Act according to which no changes must be undertaken of the salt

marshes. This will generally ensure a sufficient protection of this habitat. The county councils are responsible for the registration and mapping of the salt marshes. This is expected to be followed-up by the development of management plans for the salt marshes.

In Germany, this is common practice. In Schleswig-Holstein, a management plan for the foreland salt marshes of the mainland was implemented in 1995 to develop existing foreland salt marshes, to prevent erosion of edges and to establish new salt marshes in front of dikes without foreland ("Schardeiche"). The results of the foreland monitoring have shown an increase of the salt marsh areas since 1989.

In the Netherlands, the area of salt marshes has been extended by 135 hectares in the north of the province of Fryslan by opening the summer dike in September 2001. The nature development of the area which used to be a summer polder is being monitored.

In the eastern Wadden Sea a tidal area was created in the polder Breebaart. Via special constructions in the dike the polder is connected with the sea again. A passage which enables fishes to migrate between sweet and salt water was installed as well. Research is taking place on how intensive the passage is used.

3.1.3 The long-term goal is to limit human interference with the salt marshes, except for the edges of the marshes, which may need protection against erosion. In working towards this long-term goal, the interest of cultural history, coastal protection and private rights should be taken into account.

In Denmark, as indicated in 3.1.2, a mapping of the salt marsh areas is currently undertaken by the county councils as a basis of the administration of the salt marshes in terms of granting exemptions. Upon finalization of the mapping, it is expected that salt marsh management plans will be developed.

In Germany, human interferences with the salt marshes have been reduced. In Hamburg, all salt marshes are subject to restriction concerning economic use or are not any longer utilized. In Schleswig-Holstein, the agricultural use of salt marshes (grazing) in the National Park is in general prohibited and is only allowed for coastal protection purposes. Existing contracts with farmers regarding grazing on foreland salt marshes are prolonged to the previous extent as long as the farmers depend on these areas concerning their economic existence (§ 11, 1 National Park Act 1999). Meanwhile, in the Cooperation Area, 42% of the salt marshes are not grazed, 25% are moderately grazed and 33% are intensively grazed. In Niedersachsen, the human impacts on the salt marshes have been clearly reduced by reduction of agricultural use and changes in the drainage management since the establishment of the National Park in 1986, 60% of the salt marshes are not utilized and about 25 % are only moderately utilized (see also 3.1.10. and 3.1.11).

In the Netherlands, the coastal protection poses no demands to the salt marshes. The human impact on the marshes has diminished by almost stopping the maintenance of the drainage system in the marshes, especially in the Dollard and along the coast of the provinces of Fryslan and Groningen.

3.1.4 The present artificial salt marsh area can be protected against erosion because the size of the land reclamation salt marshes along the mainland is, generally, still far below the total size of the mainland salt marshes in a more natural situation without sea walls.

In Denmark, since the large majority of the salt marshes are natural salt marshes this agreement does not apply.

In Germany, the present artificial salt marshes (foreland salt marshes) are protected against erosion. In Schleswig-Holstein, the foreland management concept has the aim to maintain the present foreland and to prevent erosion of the edges and to establish salt marshes in

front of dikes without foreland (Schardeiche) (see 3.1.2). In Niedersachsen, protection of salt marsh edges is preferably carried out by brushwood groynes.

In the Netherlands, the total surface of land reclamation marshes is kept the same as partial compensation for salt marshes, which have been lost in the past by diking.

3.1.5 An increase of the salt marsh area will be aimed for through the restoration of salt marshes by opening summer dikes, provided that it is in line with the Targets for the region, socio-economic conditions and coastal protection requirements. The Halligen are protected by summer dikes for the security of the inhabitants. There is no intention to open these dikes.

In Niedersachsen, as a compensation for the Europe Pipe Project in the 1990s the summer dike on the island of Langeroog has been dismantled on a length of more than 3 km in 2003. Now the natural tides can influence a salt marsh area of 218 ha again.

Hamburg has established a project to regenerate the succession of natural salt marsh vegetation on an area of 40 ha by permanent opening the summer dike sluice with the beginning of September 2004.

For the Netherlands see 3.1.2

Coastal Protection

3.1.6 The interests of nature protection and sea defense measures will be further harmonized, taking into account that the safety of the inhabitants is essential.

This agreement is normal practice in the Danish Wadden Sea Area. This agreement has been or will be further implemented.

In Germany, the relation between nature protection interests and sea defence measures are considered in the relevant regulations. In Hamburg, the appropriate regulations in the National Park Act define the reconciliation of interests between nature protection and the different uses. The harmonization of nature protection and sea defence has been implemented in the foreland management concept in Schleswig-Holstein since 1995 and is common practice.

In Niedersachsen, the maintenance of the dike foreland has to consider the needs of nature protection. A project group with members of the nature conservation authorities and the coastal defence authorities is currently preparing general guidelines for salt marsh management plans to harmonize the interests of nature protection and sea defence. Regional salt marsh management plans will be developed based on these guidelines. As a pilot project, a management plan is elaborated for the dike district in Norden (see 3.1.8).

In the Netherlands, there are no conflicts between natural salt marsh management and coastal protection.

3.1.7 As a principle, it is prohibited to embank salt marshes and loss of biotopes through sea defense measures will be minimized. Reinforcement of existing dikes will be carried out on the location of existing dikes and, preferably, on the land-side. (Reference to 4.1.2).

In Denmark, this agreement has been and will be further implemented by the county councils in the framework of the amendment to the regional plan and in cooperation with the Danish Coastal Authority. The reinforcement will however be carried out on the seaside and not as agreed preferably on the landside. A planned reinforcement of the Rejsby dike will be implemented through a re-profiling of the current dike area without impairing the salt marshes.

In Germany, this has been implemented by the Federal Nature Conservation Act through the Nature Conservation Acts of the Federal States. In Hamburg, no major reinforcements or changes of dikes are carried out.

In Schleswig-Holstein the reinforcements of dikes in Friedrich-Wilhelm-Lübke-Koog has been finalized in 2004 and will be finalized in Neufeld in 2005 respectively.

In Niedersachsen, new embankments are in principle forbidden.

In the Netherlands, embankment and the loss of biotopes through sea defense measures is minimized.

3.1.8 The application of Best Environmental Practices for coastal protection will be enhanced.

In Denmark, this condition is included in the administration policy of the Danish Coastal Authority.

In the framework of the Schleswig-Holstein foreland management concept, the coastal protection measures are carried out nature friendly and, if possible, technical measures are avoided. The aim of the foreland management concept is to maintain the present foreland, to prevent erosion of the edges and to establish salt marshes in front of dikes without foreland (*Schardeiche*) (see 3.1.2).

In Niedersachsen, a project group with members of the nature conservation authorities and the coastal defence authorities is currently preparing general guidelines for salt marsh management plans to harmonize the interests of nature protection and sea defence. A regional salt marsh management plan will be developed based on these guidelines. As a pilot project, a management plan is elaborated for the dike district in Norden (see 3.1.6).

In the Netherlands, this condition is included in the amended key planning decision. Coastal defense is realized by sand supplementation which fits the best into the natural processes of sand transport along the Dutch coast.

3.1.9 In general, clay for sea defense will be extracted behind the dikes. In special cases, i.e. where there is urgent and sudden need and if no other deposits behind the dikes are available, or if the extraction of suitable material is ecologically balanced, the extraction of clay may be allowed in front of the dike. In this case, the extraction shall be carried out in such a way that the environmental impact is kept to a minimum and permanent or long-lasting effects are avoided and, if this is not possible, compensated.

In Denmark, this agreement has been and will be further implemented by the county councils being the responsible authorities in the framework of the amendment to the regional plan. The clay for the reinforcement of the Rejsby dike, mentioned in 3.1.8, will be extracted behind the dike and the dike will, after finalization of the reinforcement, be covered with grass.

The county councils have further elaborated a clay extraction scheme for sea defense purposes. The locations for clay extraction are located behind the dikes. The scheme has been subject to an environmental impact assessment.

In Germany, clay for sea defense is, in general, extracted behind the dikes. It is common practice in Niedersachsen. In Schleswig-Holstein, the clay for the two dike reinforcements (Neufeld 2000-2005, Friedrich-Wilhelm-Lübke Koog 1999-2004) was extracted exclusively from behind the dikes. In Hamburg, the extraction of clay in the foreland for coastal defense purposes was terminated in 2000. Only small amounts have been extracted between 1997 and 2000 resulting in a restoration of a former drainage system (Prielsystem).

In the Netherlands, no clay is being extracted in front of the dike (on the seaside).

Natural Dynamics

3.1.10 The natural drainage of salt marshes will be increased by reducing drainage works where possible and practicable and by introducing more environmentally friendly digging methods.

In Denmark, this agreement has been and will be further implemented by the county councils in the framework of the amendment to the regional plan.

The aim of the foreland management in Schleswig-Holstein and Hamburg is to enhance the natural salt marsh development and the implementation of environmental friendly coastal protection methods. No large-scale drainage works are carried out in non-grazed salt marshes (see 3.1.3). In Niedersachsen, the extent of the drainage system will successively be reduced in mutual agreement with the coastal defence safeguarding the drainage of the dike foot.

In the Netherlands, maintenance of the artificial drainage system in the land reclamation salt marshes along the coast and the salt marshes in the Dollard has been reduced to practically zero.

3.1.11 It is the aim to reduce and/or diversify grazing in order to increase the diversity of vegetation and associated animal species in salt marshes, with the exception of those areas where grazing is necessary for coastal protection measures.

In Denmark, there is, in general, a balance of the grazing pressure in relation with the diversity of flora and fauna. A reduction of the current grazing pressure will have a negative impact on the maintenance of salt marshes for, in particular, water birds.

In Hamburg, the utilized parts of the salt marshes are exclusively moderately grazed. In the Schleswig-Holstein National Park, grazing of salt marshes is, in general, prohibited and is only allowed for coastal protection purposes. Existing contracts with farmers regarding grazing on foreland salt marshes are prolonged to the previous extent as long as the farmers depend on these areas concerning their economic existence (according § 11,1 National Park Act). Of the 10,000 ha salt marshes, 42% are not grazed, 25% are moderately grazed and 33% are intensively grazed. In Niedersachsen, the human impacts on the salt marshes have been clearly reduced by reduction of agricultural use and changes in the drainage management since the establishment of the National Park in 1986, 60% of the salt marshes are not utilized and about 25 % are only moderately utilized (see also 3.1.3),

In the Netherlands, the grazing system on the island of Schiermonnikoog was extended by 19 hectares in 2003. The salt marsh management is aimed at reaching diversity by means of grazing. Intensive grazing is not necessary for reasons of coastal protection.

3.1.12 It is the aim to reduce disturbance caused by recreation and tourism by introducing and applying information systems and/or temporal and spatial zoning. (Identical with 5.1.8).

In Denmark, this agreement is implemented through, a.o., a dense net of information centers and the zoning system entailed in the Statutory Order on the Wadden Sea Nature and Wildlife Reserve respectively the nature reserve stipulations and the regional plans. Access has been prohibited to parts of the salt marshes the whole year. A visitor awareness system has been established encompassing 6 information centers equipped with professional guides, which, through offering education and information at specific locations, channels the recreational use of the salt marshes to avoid vulnerable areas.

In Germany, visitor information systems have been established in all three National Parks. In Hamburg, a visitor information system for tourists has been established on the island of Neuwerk, which contributes significantly to mitigate disturbances for nature. The information

system will be supplemented by a visitor information center and an educational path in 2001/2002.

The establishment of a visitor information system in Schleswig-Holstein has almost been finished in Nordfriesland and Dithmarschen with a co-funding by the EU (see also Chapter 2.3.1).

Niedersachsen supports the intention to promote a sustainable tourism. Measures to reduce disturbances caused by recreational activities are carried out, which are going beyond the regulations in the National Park Act. These measures are supported by a visitor information system and/or temporal and spatial zoning, for example the closure of breeding areas of threatened bird species which is carried out in close coordination with the local authorities. Since 1996, seven employees have been working in full-time positions for the "Nationalparkservice" on the islands Memmert, Borkum, Norderney, Juist, Baltrum, Langeoog and at the Wurster Küste supported by 62 voluntary landscape wardens and several game wardens which act as contact persons for visitors, control the protection regulations and contribute thereby to the reduction of disturbances. The visitor information system covers both information on zoning and general signs and information boards which have been completely revised since 1996. New information can easily be added to react more rapidly on new disturbances. The attraction of the existing path system is enhanced by the supply of experience-oriented descriptions. For recreational activities which may cause disturbances (e.g. kite, dogs) specific areas are provided in close cooperation with the municipalities.

In the Netherlands, the existing policy as embedded in section 17 of the Dutch Nature Conservation Act, is to close certain areas for human activities permanently (in some areas temporarily). The contours of these areas are revised yearly, based on monitoring data. Speed limits for ships and zoning limits for dry-falling ships outside the shipping lanes are other measures legally embedded to contribute to the reduction of disturbances.

Since 2003 the voluntary agreement "Wad I love you" between the national and regional governments and supported by organizations and stakeholders is being tested. The agreement consists of a line of conduct for recreational visitors of the Wadden Sea, especially concerning rules for falling dry with the boat. This line of conduct has been widespread to the recreational users. First results of the study and observations show that not all recreational visitors are familiar with the agreement, yet.

3.1.13 The application of natural and artificial fertilizers and pesticides and other toxic substances on the salt marshes will be stopped.

In Denmark, the application of fertilizers and pesticides have been phased out on state owned salt marshes whereas this still takes place to a limited extent on the private owned areas. The county councils call upon the owners to refrain from the use of pesticides and fertilizers. The county councils will follow the situation and intend to embark on voluntary management agreements where an appropriate grazing and a limitation of the application of fertilizers are assessed to have a significant impact on the natural quality.

The application of natural and artificial fertilizer and pesticides and other toxic substances on the salt marshes is forbidden or not carried out in Germany. It is intended to extent this to summer polders in Niedersachsen.

In the Netherlands investigations show that in about 10 % of the areas of salt marshes, including several summer polders, fertilizers (natural and chemical) are still used. The fertilizers are used on privately owned and managed land. Application of fertilizers and pesticides is not carried out in nature reserve areas. On the salt marshes of the islands the management is fully natural and no fertilizers or pesticides are used.

Infrastructural works

3.1.14 New infrastructural works, which have a permanent or long-lasting impact, should not be established in salt marshes.

In all three countries, infrastructural works, which have a permanent or long-lasting impact are in principle forbidden in salt marshes.

3.1.15 Infrastructural works which are necessary for the supply of the islands and the Hal-ligen with, amongst others, gas, water and electricity, or other utilities, shall be carried out in a way that the environmental impact on the Wadden Sea is kept to a minimum and permanent, or long lasting, impacts are avoided. (Identical with 4.1.14).

This is normal practice in the Danish Wadden Sea in conformity with the Order implementing the Habitat and Bird Directives.

In Germany, the minimization requirement for interventions is common practice and is legally prescribed. No such interventions are carried out in the Hamburg Wadden Sea. In Niedersachsen, a planning procedure (*Raumordnungsverfahren*) is presently carried out to define supply passages between the mainland and the islands balancing public interests and nature protection. The results are still pending.

In the Dutch Conservation Area, management regarding infrastructural works aim at preventing disturbance, pollution and damage to the natural environment. Construction of new pipelines and cables is kept at a minimum.

3.1.16 New licenses for the construction of pipelines in the salt marshes for the transport of gas and oil shall not be issued unless such measures are necessary for imperative reasons of overriding public interest. In that case, the method of construction and the planning of the location line shall be such that the environmental impact on the Wadden Sea ecosystem is kept to a minimum and permanent, or long-lasting, negative impacts are avoided. (Reference to 4.1.13).

Construction of pipelines for oil and gas is prohibited in the Danish Wadden Sea.

This is common practice in Germany.

In Schleswig-Holstein, the oil production installation at the artificial island Mittelplate-A in the Wadden Sea near Dieksand, is connected to the mainland with a double tube pipeline of 20 cm diameter in a depth of 10 meter below the surface in 2005. Safety standards as well as minimizing the ecological impact during the construction are guaranteed. Permanent or long-lasting negative impacts are not expected. Short-term impacts during construction work are compensated and monitored. The advantages of the pipeline are an elimination of more than 1000 ship-based oil transports through the Wadden Sea per year as well as a reduction of the overall oil exploitation of approximately 10 years.

In the Netherlands, the policy in the Conservation Area is in line with the above-mentioned agreement. In general, permits for new pipelines for gas and oil transport can only be given in case of inevitable (inter)national interests; new infrastructural works in salt marshes however are prohibited with the exemption of infrastructural works for the protection of the salt marshes (osiers for example).

3.2 Trilateral projects and actions

3.2.1 A study into the possible effects of enhanced sea level rise by a Trilateral Expert Group to be established under the coordination responsibility of the competent authorities and, on the basis of these studies, the development of proposals for future integrated coastal defence and nature protection policies (Identical with 4.2.1, 5.2.2, 7.2.1).

A trilateral working group of representatives of nature protection and coastal protection authorities has elaborated a comprehensive study into possible consequences of sea level

rise and increase of storminess for the Wadden Sea ecosystem and coastal defence. The final report was published in 2001 (CPSL, 2001).

The second work phase of trilateral working group on coastal protection and sea level rise (CPSL II) started its in 2004. The work was focusing on elaborating integrated coastal defense solutions, which stand a feasibility check on safety standards, natural assets (best environmental practice) cost-benefit, public acceptance, legal aspects and "harmony" with other interests in the Wadden Sea. The final report was published in summer 2005 (CPSL, 2005) (see also ED § 76).

3.2.2 The investigation of existing salt marsh maintenance works and methods and possibilities for enhancing more natural drainage patterns.

In the framework of the TMAP, several salt marsh expert workshops have been carried out since November 2000, which developed a draft common classification scheme regarding vegetation, drainage pattern and grazing is the basic step to carry out the projects 3.2.2 and 3.2.3.

The classification scheme allows for the preparation of an inventory concerning different types of drainage patterns and grazing of salt marshes in the Netherlands and Germany. However, no comparable data are available for the Danish salt marshes, because a salt marsh monitoring has not been established.

In the 2004 QSR, these common criteria were applied for the first time covering all Wadden Sea salt marshes.

In Schleswig-Holstein a comprehensive overview of salt marsh development since 1985 was published in 2005.

In Niedersachsen, a comparison of the salt marsh and dune areas in the conservation zone between 1966 and 1997 showed a general increase. The study was published in 2004.

3.2.3 The investigation of existing agricultural use of the salt marshes and methods for improving the quality of the salt marshes.

See 3.2.2

4 Tidal Area

4.1 Trilateral policy and management

Natural dynamics and coastal protection

4.1.1 Because the natural dynamics in the tidal area are directly related to coastal defence activities on the mainland coast, the islands and the offshore zone, future coastal protection policies will, as a principle, be based on these interrelationships.

This is normal practice in the Danish Wadden Sea Area. A collaboration has been initiated between state authorities on making the coastal protection more extensive so that land reclamation works are not established or maintained in areas where this would support the development of natural areas.

This is common practice in Germany, e.g. sand suppletion in Schleswig-Holstein.

In the Netherlands, the policy regarding coastal defenses is aimed at the dynamic maintenance of the coastal line on the islands by suppletion of sand and the maintenance of the protection against flooding on the islands and the mainland.

4.1.2 Embankments of tidal areas will, as a principle, be prohibited and the loss of biotopes through sea defence measures minimized. Reinforcement of existing dikes will be carried out on the location of existing dikes and, preferably, on the land side. (Reference to 3.1.7).

In Denmark, this agreement has been and will be further implemented by the county councils in the framework of the amendment to the regional plan and in cooperation with the Danish Coastal Authority. The reinforcement will however be carried out on the seaside and not as agreed preferably on the landside.

In Germany, embankments in the tidal area are in principle forbidden. In Schleswig-Holstein, the reinforcements of dikes in Neufeld are in line with this condition (see 3.1.7).

In the Netherlands, embankment and the loss of biotopes through sea defense measures are minimized.

4.1.3 Permission for small-scale modifications of jetties, piers and other infrastructural works along the Wadden Sea coast shall only be given after a careful review of all interests.

In Denmark, this is normal practice in the framework of the assessment of the impacts in accordance with the Order on the international protection areas implementing the Bird and Habitat Directives.

In Germany, this condition is common practice and carried out based on legal regulations.

In the Netherlands, this condition is included in the amended key planning decision. It is normal praxis in the framework of the assessment of the impacts in accordance with the Order on the international protection areas implementing the Bird and Habitat Directives.

4.1.4 Permission for new permanent structures, which may influence the natural dynamics in the tidal area of the Conservation Area, will not be granted unless for imperative reasons of overriding public interest and if no alternative can be found.

Permission for new permanent structures, which are likely to have significant effects on the natural dynamics in the tidal area outside the Conservation Area, will only be granted after having been made subject to an assessment in accordance with the EC Directive on Environmental Impact Assessment.

All construction shall be carried out in such a way that the environmental impact is kept to a minimum and permanent, or long lasting, effects are avoided and, if this is not possible, compensated.

In Denmark, this is normal practice in the framework of the assessment of the impacts in accordance with the Order on the international protection areas implementing the Bird and Habitat Directives and the Environmental Impact Assessment Directive. In the period since 1997 no new permanent structures have been established in the Danish Wadden Sea Area.

This is common practice in Germany according to federal and state laws in accordance with the relevant EU directives (Birds and Habitats Directives, EIA). Since 2001 no new permanent structures influencing the tidal area have been established except of the pipeline to the oil drilling platform Mittelplate in Schleswig-Holstein in 2005 which was subject to an assessment in accordance with the above mentioned relevant EU Directives (see 3.1.16).

In the Netherlands, this condition is included in the amended key planning decision. A study has been finalized to intensify the possibility to discharge more water (caused by climate changes) from Lake IJssel to the Wadden Sea to maintain safety in the Netherlands. The findings of the study will be published in an Environmental Impact report, in which different alternatives are described. If there are any negative effects an extensive transition zone

between salt and freshwater will be created to mitigate or to compensate for these negative effects on the Wadden Sea.

Shipping, harbors and industrial facilities

4.1.5 The extension, or major modification, of existing harbor and industrial facilities and new construction shall be carried out in such a way that the environmental impact is kept to a minimum and permanent, or long lasting, effects are avoided and, if this is not possible, compensated. In the Conservation Area, new not yet approved plans for new construction, as well as for the extension or major modification of existing harbor and industrial facilities, are not allowed unless such is necessary for imperative reasons of overriding public interest and if no alternative can be found. (Identical with 6.1.1).

In Denmark, this is normal practice in the framework of the assessment of the impacts in accordance with the Order on the international protection areas implementing the Bird and Habitat Directives and the Environmental Impact Assessment Directive. The planned extension of the Esbjerg harbor in 1999 had initially not been made subject to an (environmental impact) assessment. After the issue had been discussed in parliament, the Minister of Traffic promised to make future extensions would be subject to an assessment whereas the intended extension would continue as planned. The issue has further resulted in an amendment of laws regulating Danish harbors. The Environmental Impact Assessment Order has been amended to also include extensions of harbors.

No such facilities exist in the Hamburg Wadden Sea. No plans exist in Schleswig-Holstein. In Niedersachsen, no new plans exist for the Conservation Area and no modifications or extensions of existing harbors or industrial facilities were carried out since the Esbjerg Declaration 2001. The plans to build a new container port in Wilhelmshaven will have no impact on the Conservation Area. The extension or major modification of existing harbors are carried out by the Harbor Administrations in such a way that the environmental impact is kept to a minimum in accordance with the relevant licensing procedures to be carried out under the national water and nature protection laws and international agreement, e.g. the OSPAR Convention. Additionally, an environmental impact assessment is carried out if applicable. If necessary, compensation and mitigation measures are carried out.

This condition is included in the existing key planning decision in the Netherlands. Dutch harbors are not allowed to be extended on the sea side.

4.1.6 Shipping routes and harbors are to be managed for their intended purposes; in doing so, negative impacts should be avoided, as far as possible.

Navigation dredging operations should aim at allowing natural processes to run their course, as far as possible.

This is normal practice in the Danish Wadden Sea in conformity with the Order implementing the Habitat and Bird Directives and the Order on the Wadden Sea Nature and Wildlife Reserve.

This is common practice in Germany. Navigation dredging operations are reduced to the necessary measures to avoid negative impacts on the environment as far as possible (non-deterioration principle). The new storm surge barrage in the Ems has also a stowing function, which reduces the extent of maintenance dredging operations for the transfer of ships. The City of Hamburg and the Federal Ministry of Transport are in the process of applying for the adaptation of the management of the shipway of the river Elbe for its intended purposes in order to fulfill the demands of the actual traffic for container ships of about 350 m length, 46 m width, and 14,5 m depth in saltwater). Therefore an application ('Antrag auf Planfeststellung') is in preparation containing both an environmental impact assessment and an assessment covering the demands of relevant EU directives.

In the Netherlands, shipping routes are dredged just to maintain the depths as of 1993. Navigational dredging operations are only carried out in existing shipping routes; when for natural morphological reasons a shipping route has to change, the dredging operations will adjust to this natural morphology.

Incidental more deepening dredging of part of the main shipping routes is possible if it doesn't conflict with the natural targets of the Wadden Sea Conservation Area as outlined in the PKB and if economically feasible.

4.1.7 New shipping routes to the harbors and the Wadden Sea islands will, in principle, not be dredged unless the present routes threaten to disappear.

This agreement has been implemented in the Danish Wadden Sea in conformity with the Order implementing the Habitat and Bird Directives and the Order on the Wadden Sea Nature and Wildlife Reserve.

In Germany, the extension of existing shipping routes or new shipping routes requires a plan decision or endorsement, which entails an environmental impact assessment. This condition is common practice in the German Wadden Sea. No new shipping routes are presently planned.

In the Netherlands, the management complies with this agreement.

4.1.8 Shipping links across the water shed and other routes exist by virtue of natural dynamics. For such routes, in principle, no dredging operations will be carried out.

This agreement has been implemented and is common practice in all three countries. The shipping links across the water shed are in principle not maintained by dredging operations.

4.1.9 Speed limits within the tidal area have been, or will be, imposed where such is deemed necessary.

In Denmark, according to the Order on the Wadden Sea Nature and Wildlife Reserve a general speed limit of 10 knots exists for boats both commercial and recreational ones outside the main shipping lines west of the baseline.

The harmonized speed limits in the German Conservation Area are recently under debate in order both to simplify the regulations of the Navigation Order and to harmonize them to the requirements of shipping and conservation. Discussions with all relevant stakeholders have been conducted in Schleswig-Holstein, Hamburg and Niedersachsen. The three federal states aim at applying a unanimous amendment of the Navigation Order at the Federal Ministry of Transport.

In the Dutch Conservation Area, the speed is limited to 20 km/h (about 11 knots), mainly in the tidal area. Exemptions are made for the main shipping routes, two areas near Texel where there is no speed limit, and for special ships like rescue and salvation tugs for safety operations and for practice.

In the near future, however, the existing exemptions for the areas near Texel will be discontinued and sailing with fast boats will only be allowed in the earlier named shipping routes. The speed control only applies to mechanically moved ships.

Mineral extraction and infrastructure

4.1.10 In the Conservation Area, new exploitation installations for oil and gas will not be permitted.

Exploration activities are permitted within the Conservation Area if it is reasonably plausible that deposits can be exploited from outside the Conservation Area. Net loss of nature value must be prevented. Therefore, exploration activities will be regulated in space and time.

Associated studies, mitigation and compensation measures should be carried out where appropriate.

Gas and oil is not exploited in the Danish Wadden Sea Area. According to the Order on the Wadden Sea Nature and Wildlife Reserve any extraction of sea materials, drilling operations or explosions in the seabed is prohibited.

In Germany, oil exploitation is limited to the existing installation (Mittelplate A) in Schleswig-Holstein.

There will be no new moratorium on exploration and production within and from under the Dutch Wadden Sea. Exploration and production of natural gas from the subsoil of the Wadden Sea is in principle allowed on locations outside the Wadden Sea and under several preconditions. At the moment gas drilling and production from under the Wadden Sea is in a licensing procedure. Drilling in the Wadden Sea and other sensitive areas is subject to EIA. According to national legislation and in line with the EU directive, new production of gas above 500,000 m³ per day is always subject to EIA.

4.1.11 The extraction of sand in the Conservation Area will be limited to the dredging and maintenance of shipping lanes. This sand can be used for, inter alia, sea defence purposes. In specific cases, sand may also be extracted for sea defence purposes.

The extraction of sand in the Wadden Sea Area outside the Conservation Area should make maximum use of sand generated by the maintenance of shipping lanes. It should be carried out in such a way that the environmental impact is kept to a minimum and permanent, or long lasting, effects are avoided and, if this is not possible, compensated.

In Denmark, this agreement is implemented in the Order on the Wadden Sea Nature and Wildlife Reserve.

In Germany, this is common practice.

In the Netherlands, sand extraction in the Conservation Area is forbidden. Sand is only extracted in the course of dredging and maintenance operations.

4.1.12 Permits for small-scale extractions of sand will remain in force. Small-scale extractions of mud and sea water for medical purposes will remain permitted.

Extraction of mud and sea water for medical purposes is not applied in the Danish Wadden Sea Area.

This is common practice in Germany.

4.1.13 The construction and planning of pipelines shall be such that the environmental impact on the Wadden Sea ecosystem is kept to a minimum and permanent, or long-lasting, negative impacts are avoided, and if this is not possible, compensated. In the Conservation Area, new licenses for the construction of pipelines in the tidal area for the transport of gas and oil shall not be issued unless such measures are necessary for imperative reasons of overriding public interest and if no alternative can be found. (Reference to 3.1.16).

Construction of pipelines for oil and gas is prohibited in the Danish Wadden Sea.

This is common practice in Germany.

In Schleswig-Holstein, the oil production platform Mittelplate-A is connected to the mainland with a double tube pipeline of 20 cm diameter in a depth of 10 meter below the surface in 2005. Safety standards as well as minimizing the ecological impact during the construction

are guaranteed. Permanent or long-lasting negative impacts are not expected. Short-term impacts during construction work are compensated and monitored. The advantages of the pipeline are an elimination of more than 1000 ship-based oil transports through the Wadden Sea per year as well as a reduction of the overall oil exploitation by approximately 10 years.

The Dutch policy in the Conservation Area is in line with the above-mentioned paragraph.

4.1.14 Infrastructural works which are necessary for the supply of the islands and the Hal-ligen with, amongst others, gas, water and electricity, or other utilities, shall be carried out in a way that the environmental impact on the Wadden Sea is kept to a minimum and permanent, or long-lasting, impacts are avoided. (Identical with 3.1.15).

This is normal practice in the Danish Wadden Sea in conformity with the Order implementing the Habitat and Bird Directives.

In Germany, the minimization requirement for interventions is common practice and is legally prescribed. No such interventions are carried out in the Hamburg Wadden Sea. In Niedersachsen, a planning procedure (*Raumordnungsverfahren*) is presently carried out to define supply passages between the mainland and the islands balancing public interests and nature protection. The results are still pending.

In the Dutch Conservation Area, management regarding infrastructural works aims at preventing disturbance, pollution and damage to the natural environment. Construction of new pipelines and cables is kept at a minimum.

Dredged material

4.1.15 The impact of dumping dredged materials will be minimized. Criteria are, amongst others, appropriate dumping sites and/or dumping periods. (Identical with 6.1.3).

The agreements have been implemented in the Danish part of the Wadden Sea Area. Licenses for dumping of dredged material from harbors and shipping lanes will only be granted if it can be documented after an analysis of the material that it is not contaminated with substances beyond the background values of the Wadden Sea. Denmark has recently developed an action plan for the handling of contaminated dredged material from harbors supplementing existing guidelines.

In Germany, it is common practice that dredging operations are reduced to the necessary measures to avoid negative impacts on the environment as far as possible (non-deterioration principle).

A procedural instruction for handling dredged material within the coastal area (HABAK 1992, updated in May 1999) has been implemented by the by the Federal Ministry of Transport, Building and Housing for the federal coastal waterways in compliance with the relevant international guidelines of the marine conventions HELCOM, OSPAR and London regarding dumping operations.

Currently, a working group on the aquatic disposal of dredging material in coastal areas with members of federal and state authorities (BLABAK) is developing recommendations to implement the updated international guidelines. The new BLABAK-recommendations shall replace the HABAK-instructions. In 2001, the BLABAK already adopted a concept for handling TBT contaminated dredged material in coastal areas. This concept is expected to be reviewed in the near future in terms of orientation values and the graduated scheme of their reduction. In 1996, Schleswig-Holstein developed a local concept concerning dredging and dumping activities in the waters under the jurisdiction of this federal state. This concept is mainly based on existing national and federal legislation. It is currently under revision due to an increased number of hazardous substances and changed legislation and in accordance with the new BLABAK-recommendations.

In the Netherlands, only dredged material originating from the Wadden Sea and its adjacent harbors with an open connection (no sluices) may be dumped back into the Wadden Sea, if the national criteria for salty dredged material are not exceeded. Dumping of dredged material has to comply with the Nature Protection Act when the site is nearby or in a protected nature reserve. Dumping is prohibited at a distance of at least 1,000 meters from mussel beds, *Zostera* fields or other special natural values. It is forbidden to dump closer than 500 meters distance from bird colonies. During the breeding season of seals, it is forbidden to dump at a distance of 1500 meters or less nearby areas where mother seals nurse their pups. If possible, it is necessary to dump in the winter period to reduce the negative effects of dumping.

In general, the location of the sites has to be selected in such a way that the effects on the ecosystem will be minimal. The material must be dumped in such a way that it will spread over the system so that the dumping site can be used for a long time. The material must be dumped during ebb and flood and shipping may not be hampered. The dumping must not lead to the elevation of the sediment so that dredging must be carried out somewhere else. Human activities in or nearby the site must not be hampered.

Mussel and cockle fishery

4.1.16 The negative effects of cockle fishery are being limited by:

- *Cockle fishery is not allowed in the German part of the Conservation Area;*
- *Cockle fishery is not allowed in the Danish part of the Wadden Sea Area, with the exception of some small areas along the Esbjerg shipping lane and in the Ho Bay;*
- *Cockle fishery is allowed in the Dutch part of the Wadden Sea Area, but has been limited by the permanent closure of considerable areas; there are possibilities for additional restrictions to safeguard food for birds. A co-management scheme with the fishing industry is in operation, in which the protection and enhancement of the growth of wild mussel beds and *Zostera* fields are central elements. (Identical with 9.1.3).*

In Denmark, this agreement has been implemented. According to §8 of the Order on the Wadden Sea Nature and a Wildlife Reserve, it is prohibited to use machines to collect mussels, cockles, lugworms and other organisms on and in the seabed but non-machinery fishery (hand-digging) of mussels and cockles is not prohibited. §10 of the said Order also stipulates that collecting cockles is allowed in three defined small areas near the harbor of Esbjerg with the permission of the Ministry of Food, Agriculture and Fish. An annual quota is set by the Ministry of Food, Agriculture and Fishery in consultation with the National Forest and Nature Agency based on a biological assessment of the extent and size of the cockles. The Ministry of Food, Agriculture and Fishery has given permission for non-machinery cockle fishery for commercial purpose. Permission has been given for two new areas for cockle fishery, with a quota of 500 tons, along the shipping lane to Esbjerg Harbor; the areas however are situated in the offshore area.

In Germany, cockle fishery is not allowed in the Conservation Area.

In the Netherlands, mechanical cockle fishery was closed as of January 2005. Manual cockle fisherman of the Wadden Sea will be permitted to harvest an annual total amounting to a maximum of 5 % of the annual available cockle stock. The regime of food reservation has thus been superseded by the reservation of 95% of stocks.

*4.1.17 The negative effects of mussel fishery are limited by the permanent closure of considerable areas. In addition, the management of fishery on mussels aims at, inter alia, protecting and enhancing the growth of wild mussel beds and *Zostera* fields. (Identical with 9.1.4).*

In Denmark, this agreement has been implemented. According to §8 of the Executive Order on Nature Conservation and a Wildlife Reserve in the Wadden Sea, it is prohibited to use machines to collect mussels, lugworms and other organisms on and in the seabed. According to §9 of the Executive Order, the stipulations in §8 do not apply to the collection of blue mussels with the permission of the Ministry of Food, Agriculture and Fish outside three delimited tidal areas. The area where mussel fishing is allowed is restricted to 46% of the Tidal Area. The number of licenses has been reduced from 40 to 5 and a yearly quota of mussels is fixed on the basis of stock assessments by the Danish Fisheries Research Institute. In the last years the quota was a maximum of 10,000 tons.

There are no further specific regulations aiming at protecting and enhancing the growth of wild mussel beds and *Zostera* fields in mussel fishing areas.

In Germany, blue mussel fishery is regulated by management plans or is, in the case of the Hamburg Wadden Sea, not allowed.

In Schleswig-Holstein the management plan, called mussel fishery program, entails i.a. a reduction of the area of culture lots (from 2,800 ha to 2,000 ha until the year 2006, restricted to the subtidal), a prohibition of fishery of consumable wild mussels, allowance of fishery of seed mussels only in the subtidal generally outside the core zone, minimum residence period of one year on mussel cultures and prohibition of fishery on all kind of mussel species in the intertidal. The regulations are surveyed by a monitoring program. The evaluation of the mussel fishery program after the first 5 years of implementation proved the effectiveness of the mussel fishery management.

In Niedersachsen, the management plan for mussel fishery in the eulitoral was amended in 2004 and covers the period till 2008. The area of culture lots remains at 1300 ha. Fishery of consumable mussels in the eulitoral is forbidden. In addition to areas where mussel fishery is not allowed regarding to the national park law further mussel beds are protected from fishery by the management plan with the aim to enlarge the area of stable mussel beds.

In the Netherlands, blue mussel management aims at protecting and enhancing the growth of wild mussel beds and *Zostera* fields (see below).

4.1.18 Mussel fishery will, in principle, be limited to the subtidal area. Based on national management plans, which are documented in the Progress Report, fishery on the tidal flats may be granted. The fishery sector is called upon to exchange information on the existing practices and to investigate possibilities for minimizing impacts of mussel fishery, in general and seed mussel fishery, in particular. (Identical with 9.1.5).

For Denmark see 4.1.17

In Germany, this agreement has been implemented in principle. For details see 4.1.17.

In the Netherlands experimental seed mussel fishing can take place in the latter part of the year on the intertidal flats within the framework of the "Jan Louw" study. The EVA II experiment shows that fishing littoral seed mussel beds according to the Jan Louw principle (i.e. thinning them out in such a way that a minimum of 40% of the bed remains) offers prospects for developing seed mussel fishing on the intertidal flats without affecting the area of mussel beds ("Planet") and with benefits for the quantity of shellfish on the plots in deeper waters ("Planet" and "Profit").

If the area of mussel beds older than a year is greater than 2000 ha and if there is also unlikely to be any significant effect on the conservation objectives there, then fishing of unstable seed mussel beds on the sandbanks will be permitted under certain conditions.

The rapid expansion of the Pacific oyster may provide some opportunities for the development of new fishing activities. In line with the aim of the Dutch fisheries policy in the Wadden Sea to stimulate regional small scale fisheries room will be given for two new activities on an experimental basis. Firstly, a small-scale experiment will be carried out involving commercial manual picking of Pacific oysters; this will be in the context of developing small-scale traditional fishing and tackling the problem of the Pacific oyster. Holders of a permit

for manual cockle fishery as participants in integrated fishing enterprises can qualify for a temporary permit for manual picking of Pacific oysters on the basis of an approved fishing plan. Secondly, initiatives to cultivate species – for example scallops, Venus clams, and Pacific oysters - will be basically be positively received but of course have to be assessed in respect of their compatibility with the existing frameworks. New types of shellfish culture will initially only be permitted under experimental conditions (on a small scale and accompanied by research).

4.1.19 The current area of mussel culture lots will not be enlarged.

Mussel fishery in the Danish Wadden Sea is done exclusively on consumable mussels. Mussel cultures are prohibited.

For Germany, see 4.1.17.

The area of mussel culture lots in the Dutch Wadden Sea will not be enlarged. Relocating of mussel plots although can increase the total production capacity and this extra production will be available both to birds ("Planet") and to the industry ("Profit"). For the mussel farmers concerned, switching to new plots brings with it a great deal of uncertainty. The solution to this problem may be found in the form of test areas, i.e. sublittoral areas where the sector can sow seed mussels collectively. The gross area to be used for temporary test locations is no more than 500 hectares. The Dutch government is prepared to look for space for test areas but it is the mussel sector itself that will need to finance research into the associated benefits; the sector will also be required to make the necessary arrangements with the other users of the area. Test areas also make it possible to investigate whether management of the plots used for mussels is compatible with shrimp fishing. The fishing sector has itself referred to the fishing of mussel plots by shrimp fishermen as an option with potential.

This policy on test areas cannot be allowed to eventually lead to an expansion of the area used for mussel culture. The temporary test locations referred to can be used for a period of no more than three years. Reasons of overriding importance may lead to a one-off extension. After this period, these locations will be abandoned, or an equivalent area of existing unprofitable mussel plots in the Wadden Sea will need to be abandoned.

4.1.20 The existing permit for oyster culture will remain in force for traditional reasons. According to this permit, the imported oysters originate from hatcheries and are under veterinary control. New permits will not be granted.

There exists one license for oyster-culture in the Danish Wadden Sea, but the license is currently not in use.

The only oyster culture exists in the Schleswig Holstein Wadden Sea and has been regulated within the mussel management plan.

Tourism and recreation

4.1.21 The recreational values of the Wadden Sea will be maintained and to this end,

- *in the ecologically most sensitive areas, zones have been or will be established where no recreational activities, including excursion ships and recreational boating, is allowed;*
- *the use of jet skis, water skis and similar motorized equipment has been, or will be, prohibited, or limited, to small designated areas;*
- *within the Conservation Area, new marinas will be avoided and the extension of the existing marina capacity will only be allowed within the approved levels;*
- *wind surfing has been, or will be, limited.*

This agreement is implemented in the Danish Wadden Sea Area. The Statutory Order on the Wadden Sea Nature and Wildlife Reserve stipulates regulations for access and navigation. Access and navigation, as appropriate, is prohibited in several areas of the Wadden Sea Area the whole year. The use of jet skis and water skis and similar motorized equipment has been prohibited. Water skiing is allowed in the marked shipping lane in between Havneby and List on Danish territory. A limited area has been opened in the Ho Bay for a 3 years period. Wind surfing is confined to specifically defined areas off the beaches of the islands, Skallingen and the Ho Bay. The establishment of new and the extension of existing marinas is governed by the regional plans. The current plans implement the agreement.

In Germany, shipping including recreational boating in the Conservation Area is commonly regulated for all types of boats and motorized equipment according to the Navigation Order including the core zone of the National Parks. Strict regulations apply for the ecologically most sensitive areas (seal- and bird-protection-areas). Because of the ongoing amendment of the Navigation Order (see 4.1.9) details are not given.

Land based recreational activities in the German Wadden Sea are regulated through the National Park laws including Visitor Information Systems (see 4.1.24).

In the Netherlands, zones with no recreational activities and its annual adjustments are indicated on the hydrographical maps, according to article 17 of the Nature Conservation Act. The draft of the amended PKB contains an article forbidding jet skiing, water skiing and similar motorized activities. The same applies to marinas. Windsurfing is subject to the same regulations and guidelines for behavior as stipulated for recreational shipping.

4.1.22 Speed limits for ships have been, or will be, imposed, if this is deemed necessary, taking into account safety, environmental and recreational factors.

In Denmark, according to the Order on the Wadden Sea Nature and Wildlife Reserve a general speed limit of 10 knots exists for boats both commercial and recreational one outside the main shipping lanes west of the baseline.

In Germany, harmonized speed limits are valid in the Conservation Area according to the Navigation Order. In the core zones, the speed limit is 8 knots respectively 12 knots on navigation routes; outside the core zones, the speed limit is 12 knots, respectively 16 knots on navigation routes. The Navigation Order is currently under revision (see 4.1.9).

In the Dutch Conservation Area, speed is limited to 20 km/h (about 11 knots). Exemptions are made for the shipping routes to the islands, two lanes near Texel where there are no speed limits, and for special ships like rescue- and salvation tugs when leaving a harbor. Jet skiing, as well as, hovercraft and hydrofoil craft are forbidden in the Conservation Area.

4.1.23 The negative effects of hovercraft and hydrofoil craft and other high-speed craft are minimized by the following strategies:

- *In The Netherlands and Germany, hovercraft and hydrofoil craft are forbidden in the tidal area of the Conservation Area; new, other high speed craft are forbidden outside the designated shipping routes in the area;*
- *In Denmark, applications for new, high-speed craft can only be granted on the basis of an Environmental Impact Assessment and if it is not in conflict with the nature protection targets for the area.*

The agreement is current practice in Denmark. There are currently no hovercraft and hydrofoil craft in the Danish Wadden Sea.

In Germany, this agreement is implemented. Due to the speed limits according to the Navigation Order, hydrofoil craft cannot be used inside the Conservation Area. The use of hovercraft is forbidden.

In the Netherlands, the mentioned crafts are also forbidden in the shipping lanes.

4.1.24 It is the aim to reduce disturbance caused by recreation and tourism by introducing and applying information systems and/or temporal and spatial zoning.

In Denmark, this agreement is implemented through, a.o., a dense net of information centers and the zoning system entailed in the Statutory Order on the Wadden Sea Nature and Wildlife Reserve.

In Schleswig-Holstein, the visitor information system is nearly completed throughout the mainland coast, the islands and Halligen. Temporal and spatial zoning applies for special protected sites for breeding and roosting birds including the moulting site of the Shelduck in the Dithmarschen part of the National Park and for seal sites. Walking on near coast mud-flats within the core zone is regulated according to agreements with the local communities. This agreement has been implemented in Niedersachsen.

For Netherlands, see 3.1.12.

4.2 Trilateral projects and actions

4.2.1 A study into the possible effects of enhanced sea level rise by a Trilateral Expert Group to be established under the coordination responsibility of the competent authorities and, on the basis of these studies, the development of proposals for future integrated coastal defence and nature protection policies (Identical with 3.2.1, 5.2.2 and 7.2.1)

See 3.2.1

4.2.2 The development of strategies for the protection and enhancement of Zostera and Sabellaria on the basis of existing and new knowledge, in view of the not yet completely understood decline of these species.

The 2004 QSR has analyzed the status and recent developments of Zostera and Sabellaria and made proposals for future management, monitoring and research.

4.2.3 The investigation of possibilities and conditions for enhancing the growth of natural mussel and cockle beds, Sabellaria reefs and Zostera fields.

In the Dutch Wadden Sea research was done on the possibility of reintroducing Zostera fields. From 2002 on, Zostera fields are therefore being planted in the western part of the Wadden Sea. The research will be finished at the end of 2005.

The 2004 QSR assessed the status of mussel beds, Sabellaria and Zostera and discussed possibilities to enhance their growth.

See also 4.2.2

4.2.4 The investigation of the impact of shrimp fisheries on the bottom fauna.

A proposal for a trilateral project was declined by the EU Commission. Investigations into the possibilities for a trilateral project without EU support have not yet resulted in a concrete proposal.

In the Netherlands the impacts of shrimp fishery will be investigated in relation to the designation of a reference area in the Dutch Wadden Sea. Right now shrimp fishery is still permitted in the area to be designated. After closure for all kinds of fisheries the natural developments of bottom fauna in the reference areas will be compared to developments in the rest of the Wadden Sea.

4.2.5 A study into the shell production in the total system, up to three nautical miles seaward of the islands, to obtain information on natural recruitment of shells, on the basis of which new quota for sustainable shell extraction will be fixed.

In 2004 the Netherlands evaluated the national policy on shell extraction in the Wadden Sea. This led to a change in national policy. The two most important changes include: Some areas where yields were low were closed and a more promising area was added. Shell extraction is now limited to three locations. The new situation benefits the industry as well as nature.

The total allowable amount of shells to be extracted is based on the long-term average of natural production. New calculations have yielded new quotas. They are now fixed at 190,000 m³ per year (down from 210,00 m³). This figure is expected to go down further.

4.2.6 An invitation to the Permanent Dutch-German Trans-boundary Waters Commission to make progress, within their mandate, in elaborating a specific action plan for the Ems Dollard estuary.

An Action Plan has been made, endorsed and entered into force.

4.2.7 An inventory and evaluation of national practices regarding the dredging of shipping routes.

See 2.2.3

5 Beaches and Dunes

5.1 Trilateral policy and management

5.1.1 Dunes will be brought under protection, insofar as this has not yet been done and natural processes are allowed to take place within this habitat, with special emphasis on flora and fauna. To this end, Best Environmental Practice will be applied in dune protection and development.

All dunes are under protection in all three countries. Additionally, the large majority of the dunes are designated under the EC Birds and Habitats Directive.

In Denmark, dunes are subject to a general protection according to the Nature Protection Act according to which no changes must be undertaken. Furthermore, the large majority of the dunes on the islands and on Skallingen are designated as nature reserves. The designation as nature reserves, the general biotope protection according to the Nature Protection Act and the Order regarding the implementation of the Bird and Habitat Directives ensures a full implementation of the agreement. Best Environmental Practice is used in dune management as a rule.

In Germany, all dune areas are under legal protection. Interference with dune development is only allowed if it is necessary for coastal defence. The coastal defence measures are carried out in cooperation with the nature conservation administration.

In the Netherlands, all dune areas are under legal protection. In 2000, all Dutch dune areas were brought under the protection of the Bird Directive and are now announced as Habitat Directive Areas.

5.1.2 The interests of nature protection and sea defence measures will be further harmonized, taking into account that the safety of the inhabitants is essential.

A further harmonization of the interests of nature protection and sea defence measures is common practice in all three countries.

5.1.3 For beaches, the trilateral policy takes into account the demands of recreation and tourism, coastal protection and natural values, like high geomorphological dynamics and important breeding areas. Where possible, the natural situation should be increased by 'hands-off management'.

This is common practice in all three countries. A hands-off management is carried out unless coastal protection measures are required. In the Netherlands, in the framework of the policy of dynamic maintenance since 1990 and the execution of projects for specific areas a hands-off management for the coast has been implemented along parts of the coast of the Wadden islands with a total length of about 50 km.

5.1.4 In order to prevent a further loss of dune areas, the existing infrastructure will, in principle, not be extended and new constructions will, in principle, not be allowed.

In Denmark, this agreement is implemented in the framework of the nature protection regulations and the Statutory Order on the international protection areas implementing the Habitat and Bird Directives.

In Germany, this is common practice. All dune areas are under legal protection and all measures which may have a negative impact on the dunes are, in principle, forbidden. Generally, only coastal protection measures are allowed.

According to the amended PKB new infrastructure in the red contour areas needs to fit with the existing infrastructure (i.e. height) and infrastructure outside the red contour areas needs to fit in the landscape.

5.1.5 Coastal management should aim at a natural dynamic development taking into account the necessity to protect the security of the inhabitants on the islands and safeguarding the stability and the infrastructure of the islands.

5.1.6 The loss of biotopes by sea defence measures will be minimized.

5.1.7 In case coastal protection is carried out, Best Environmental Practice will be applied.

These agreements (5.1.5 – 5.1.7) are implemented in all three countries. It is common practice to aim at a natural development taking into account the necessity of coastal defence measures and to avoid or at least minimize the impact on biotopes.

In Denmark, these this agreements have has been and will be further implemented by the county councils also in the framework of the amendment to the regional plan and in accordance with the Nature Protection Act and the Statutory Order on the international protection areas implementing the Habitat and Bird Directives.

In Germany, reinforcement of dikes is carried out with the aim to keep the negative impact on the Wadden Sea at a minimum through an EIA procedure.

In the Netherlands, the dynamic management regarding the coast as it has been developed improves chances for the settlement of new biotopes with sand drift and pioneer vegetation. This condition is also included in the amended key planning decision The dynamic management regarding the coast as it has been developed improves chances for the settlement of new biotopes with sand drift and pioneer vegetation. Sea defense does not conflict with protection of biotopes.

5.1.8 It is the aim to reduce disturbance caused by recreation and tourism by introducing and applying information systems and/or temporal and spatial zoning. (Identical with 3.1.12).

See 3.1.12

5.1.9 It is important to restore the natural dynamics. This could be done by e.g.

- *allowing sand drift,*
- *restoring natural dune vegetation,*
- *as far as coastal protection is not affected.*

The natural dynamics of dunes and beaches has been restored by different measures. In all three countries, natural dynamics through sand drift is allowed when it does not infringe on building or infrastructure.

In Denmark, the traditional sand drift abatement has been made more extensive so that the dune protection is now only undertaken where sand drift has an impact on town areas (built up areas) and agricultural land. On the islands of Famø and Rømø, in recent years new primary dune areas have built up on the foreshore. Through the extension of car free areas a dynamic development of dune formations has been ensured.

In Germany, this is common practice in several dune areas. In Hamburg, there is no interference with the natural dune dynamics. In Schleswig-Holstein, several dune areas exist where a dynamic dune development (development of primary dune and dune valleys, movement of dunes) already takes place or can be implemented. Necessary coastal protection measures have priority. In Niedersachsen, no measures are carried out any more in selected dunes at the east ends of the islands to enable natural dune dynamics.

In the Netherlands, natural dynamics through sand drift is allowed when it does not infringe on buildings, infrastructure, special natural values and other interests.

5.1.10 Ground water extraction will be managed in such a way that no negative effects on wet dune valleys occur.

In Denmark, this agreement will be further has been implemented by the county councils in the framework of the amendment to the regional plan. The island Mandø is supplied from the mainland via water pipeline.

In Germany, the islands in Hamburg and Schleswig-Holstein are supplied from the mainland via water pipelines or take their ground water from areas outside the dunes (Geest). A negative impact on the dune valleys can therefore be easily avoided. In Niedersachsen, the islands Wangerooge and Baltrum are supplied via pipelines from the mainland reducing the negative effects on the wet dune valleys. If new wells are installed, the protection requirement of wet dune valleys will be considered specifically.

In the Netherlands, the islands of Texel, Terschelling, and Ameland the increased water demand has been met by water supplies from the mainland. On Schiermonnikoog the extraction sites have been replaced to the outer side of the dune valleys so as to minimize the effects on nature. On Vlieland this process is still ongoing.

5.2 Trilateral projects and actions

5.2.1 The selection of potential areas where dynamic dune development is possible and the elaboration of plans for stimulating and improving a dynamic development on the basis of available information.

National information has been collected and a first tentative analysis of existing and potential dynamic dune areas in the Wadden Sea has been prepared.

5.2.2 A study into the possible effects of enhanced sea level rise by a Trilateral Expert Group to be established under the coordination responsibility of the competent authorities and, on the basis of these studies, the development of proposals for future integrated coastal defence and nature protection policies (Identical with 3.2.1, 4.2.1 and 7.2.1)

See 3.2.1

5.2.3 The encouragement of experiments with offshore sand suppletion.

Included in 3.2.1

5.2.4 An inventory and assessment of existing Best Environmental Practices for coastal protection.

Included in 3.2.1

6 Estuaries

6.1 Trilateral policy and management

6.1.1 The extension, or major modification, of existing harbor and industrial facilities and new construction shall be carried out in such a way that the environmental impact is kept to a minimum and permanent, or long-lasting, effects are avoided and, if this is not possible, compensated. In the Conservation Area, new, not yet approved plans for new construction, as well as for the extension or major modification of existing harbor and industrial facilities, are not allowed unless such is necessary for imperative reasons of overriding public interest and if no alternative can be found. (Identical with 4.1.5).

There are no harbors in the Danish estuary Varde Å.

In Germany, this is common practice (see also 4.1.5)

In the Netherlands, this condition is included in the amended key planning decision.

6.1.2 The deepening of shipping lanes in the estuaries will be carried out in conjunction with an overall assessment of how to compensate and mitigate the measures.

The Varde Å, being the only estuary in the Danish Wadden Sea Area, is not a shipping lane for commercial navigation and has not and will not be dredged and deepened.

In Germany, deepening of shipping lanes or new shipping lanes requires a plan decision or endorsement including an EIA. The City of Hamburg and the Federal Ministry of Transport are in the process of applying for the adaptation of the management of the shipway of the river Elbe for its intended purposes in order to fulfill the demands of the actual traffic for container ships of about 350 m length, 46 m width, and 14.5 m depth in saltwater). Therefore an application ('Antrag auf Planfeststellung') is in preparation containing both an environmental impact assessment and an assessment covering the demands of relevant EU directives.

In the Netherlands, shipping lanes are not deepened; they keep their depth, which has been established in 1993. The only exception is the shipping lane at Harlingen.

6.1.3 The impact of dumping dredged materials will be minimized. Criteria are, amongst others, appropriate dumping sites and/or dumping periods. (Identical with 4.1.15).

In Denmark, since there are no dredging activities in the Varde Å, this agreement does not apply.

See 4.1.15

6.1.4 Valuable parts of the estuaries will be protected and river-banks will remain and be restored in their natural state, as far as possible.

In Denmark, an extensive project has been launched to restore the natural situation in the Varde Å valley and the Ho Bay in an area of 2,500 ha. The project aims at a more extensive management of the lower lying meadows by raising the water level and ceasing the application of fertilizer and pesticides. This will reduce the discharge of nutrients to the Wadden Sea and improve the conditions for the flora and fauna. The loss of income of the owners and other disadvantages will be compensated through subsidies from a particular regulation on environmentally friendly agriculture. It is up to the individual owner as to whether they wish to participate in the arrangements, however, it enjoys a large support amongst the landowners. The project will be implemented over a period of 20 years and the effects will hence be long-term.

This is common practice in Germany concerning the Ems, Weser, Elbe, Eider, and Godel. (see also 6.1.1). The Eider estuary and major parts of the Elbe, as well as some parts of the Weser and Ems estuary have been nominated as Natura 2000 areas.

6.1.5 The transition zone between fresh and saltwater should be as natural as possible.

See 6.1.1 and 6.1.2

6.2 Trilateral projects and actions

6.2.1 A joint report of existing inventories and their results to determine the valuable parts, including river banks and the legal and/or administrative protection of valuable areas in the estuaries. The results will be discussed on a trilateral level, for example, to determine possibilities for restoration projects including the restoration of transition zones.

Because not all national studies (see 6.2.2, 6.2.3, 6.2.6 and 6.2.7) have been completed, a trilateral report could not yet be drafted

6.2.2 The results of a Dutch study into the best locations for the restoration of estuarine transition zones (potential areas: Westerwoldsche Aa, IJsselmeer, Amstelmeer, Lauwersmeer and polders) where fresh/salt water exchange takes place (pumping stations) will be evaluated, after which additional measures might be taken.

In 2002, the Ministry of Agriculture, Nature and Food Quality published an assistance document on how to restore estuarine transition zones. Money out of the Wadden Sea Funds can also be used to restore estuaries.

6.2.3 In Niedersachsen, a concept is currently being worked out for the German estuaries with the aim to examine possibilities for the protection of valuable parts and maintain and, as far as possible, restore the river banks to their natural state.

As consequence of the discussion around this concept, major parts of the estuaries have been nominated as Natura 2000 areas.

6.2.4 A trilateral evaluation of the results of the above mentioned studies which will be taken into consideration in the further elaboration of the Plan.

Because all national studies have not been completed, a trilateral evaluation has not yet been started.

6.2.5 The initiation of a project, in close cooperation with responsible port authorities, with the aim of investigating how harbor developments and environmental protection can be reconciled.

National action so far has been insufficient as a basis for starting a trilateral project. Reconciliation harbor and environment was addressed in the framework of the Wadden Sea Forum (WSF Final Report 2005).

6.2.6 The evaluation of the running reintroduction project of the Houting in Denmark and Schleswig-Holstein and the consideration of further actions in other rivers of the Wadden Sea.

In Denmark, the Danish Forest and Nature Agency in cooperation with the Ribe and South Jutland counties is working on a management plan for Houting to describe possibilities and problems connected to the different river systems and to make prioritized recommendations in an action plan.

In Germany, a Houting population has settled in the river Treene which is connected via the Eider to the Wadden Sea. Furthermore, Houting have been observed in parts of the Schleswig-Holstein National Park and in the Elbe. In Niedersachsen, there is no official program for the reintroduction of the Houting at the moment. A permission for the introduction of young fish in the tributaries of the Elbe was given to fishery clubs in 1997.

6.2.7 The restoration of the Varde Å estuary through extensifying agricultural use and restoring natural hydrological conditions.

See 6.1.4

7 Offshore Area

7.1 Trilateral policy and management

7.1.1 Future coastal protection policies will, as a principle, be based on an integrated approach to coastal defence activities on the mainland coast, the islands and the offshore zone.

This is common practice in all three countries.

7.1.2 Increased attention will be given to the role of the offshore zone in the total Wadden Sea sand balance.

In all three countries, increased attention is given to the role of the offshore zone. In Denmark, no sand is extracted in the Danish offshore zone.

In Germany, the Conservation Area has been extended into the offshore zone.

In the Netherlands, as of 2001, sand losses at the coast will be compensated by under water suppletion with sand originating from below -20 m.

7.1.3 Sand extraction will only be carried out from outside the Wadden Sea Area. Exemptions for local coastal protection measures may be granted, provided it is the Best Environmental Practice for coastal protection.

Sand extraction is only carried out from outside the Wadden Sea Area in all three countries. Exemptions for local coastal protection measures can be granted, provided the Best Environmental Practice for coastal protection.

7.2 Trilateral projects and actions

7.2.1 A study into the possible effects of enhanced sea level rise by a Trilateral Expert Group to be established under the coordination responsibility of the competent authorities and, on the basis of these studies, the development of proposals for future integrated coastal defence and nature protection policies. (Identical with 3.2.1, 4.2.1, 5.2.2)

See 3.2.1

7.2.2 An investigation on shellfish stocks (e.g. Spisula) and the impact of fishery on the benthic stocks, seaward of the islands and, depending on the outcome, a discussion of the results on a trilateral basis with the aim to safeguard the food stock for birds.

Proposals for a trilateral project with EU support were declined by the EU Commission. It was investigated whether a project was possible without EU funding, but without a positive result.

In Schleswig-Holstein a literature study on Spisula and the impact of fishery was conducted. Further practical studies will be undertaken in a pilot phase if licenses for Spisula fishery will be issued. At the moment Spisula populations are too small to conduct fishing of the species.

8 Rural Area

8.1 Trilateral policy and management

Agricultural use

8.1.1 Sustainable agriculture for improving nature conservation, maintaining typical landscape elements and protection of cultural heritage will be supported, amongst others, financially.

The Agenda 2000 of the European Union has strengthened the integrated development of the rural area and established instruments to support the sustainable agriculture in the coastal area.

The EU Agriculture Policy includes Cross Compliance and Modulation and is obligatory for all three countries since January 2005.

In Denmark, the amendment to the regional plans has defined the rural area of the Danish Wadden Sea Area as areas with a large significance for nature. The rural area is also designated as an international protection area in the framework of the implementation of the Bird and Habitat Directives. The county councils intend, through environmentally friendly agriculture subventions, to provide the landowners with the possibility for compensating for voluntary agreements on a more extensive land use, taking account of, in particular, migratory breeding waterfowl. The large majority of the rural area has been designated as particularly sensitive agricultural land as a basis for implementing the above regulations.

The Varde Å project mentioned under 6.1.4 is a further example of a comprehensive scheme to improve the conditions for flora and fauna in the rural area based on voluntary agreements.

In the Hamburg Wadden Sea, sustainable agriculture is supported by a special program, aiming for conservation of the existing typical old cultural landscape on the island of Neuwerk including its specific biodiversity.

In Schleswig-Holstein, the Hallig program financially supports the effort to maintain the natural character and the sustainable agriculture on the Halligen, the main typical landscape in the Schleswig-Holstein Wadden Sea. The extension of the MaB reserve in Schleswig-Holstein including the large Halligen as transition zone (see ED § 40) also aims at the integration of sustainable agriculture with nature protection and protection of cultural heritage. The extension process and several projects in the transition zone of the biosphere reserve are supported financially by the state of Schleswig-Holstein and the federal government.

In Niedersachsen, state owned polders are managed under nature conservation aspects. A sustainable agriculture is supported, e.g. by reducing the lease costs or through financing of conservation measures.

In the Netherlands, a project "Renovation of the countryside of the Wadden Islands" (Platelandsvernieuwing op de Waddeneilanden) has resulted in increased interest for and participation in nature management and an increase in local products. As follow up of the project the Ministry of Agriculture, Nature and Food Quality provided 0.5 million Euros to stimulate agricultural projects on the islands which relate to nature, recreation and landscape. Especially Ameland made use of these subsidies.

Since 2000, the Ministry of Agriculture, Nature and Food Quality has structurally compensated agricultural nature management practices via the so called Program Management. The ministry is no longer involved in single projects. The provinces will take up this task.

8.1.2 Nature areas reclaimed for agricultural purposes should be restored, where possible, through voluntary cooperation with, and active participation of, the owners.

In Denmark, in addition to the schemes mentioned under 8.1.1, the Tønder Marsh scheme is a particular example of efforts to protect and manage a marsh area with high natural and landscape values. Monitoring the Tønder Marsh has shown that the conservation efforts have not reversed the decline in the populations of breeding water birds. The government carrying the main responsibility for the conservation measures has therefore decided to embark on a policy of voluntary agreements with the landowners providing financial incentives to a program of promoting a more extensive land use.

The voluntary cooperation of landowners in nature conservation programs has increased in Germany. The MaB reserve in Schleswig-Holstein was extended on the explicit desire of the Hallig inhabitants. Local stakeholders participate actively in all decisions on the management of the transition zone.

In the Netherlands, a number of farms are experimenting with higher water tables to improve bird conditions and to prevent dry conditions.

8.1.3 Initiatives of the agricultural sector aiming at reducing the application and unintended impacts of pesticides and other toxic substances and fertilizers in the rural area will be supported, amongst others, financially.

In Denmark, the initiatives outlined in 8.1.1 and 8.1.2, which will be implemented on a voluntary basis with the landowners, aim at reducing the use of pesticides and fertilizers.

In Germany, the aim to reduce the application of pesticides has been considered as part of the integrated plant protection according to the plant protection act. The reduction of inputs of pesticides into the Wadden Sea is regulated according to the Plant Protection Act (§ 6, (2)2) in which prohibits application of pesticides in coastal waters and the adjacent areas. Clear legal specifications concerning the application of fertilizers and pesticide exist for a minimum standard of best practice. Other measures, which are going beyond this standard

in particular concerning nature conservation, may be financially supported in the context of the EU Directive on rural areas, the joint program "improvement of the agricultural structure and coastal protection" and the appropriate programs of the Federal States.

In the Hamburg Wadden Sea, no artificial fertilizer or pesticides are applied on the rural areas. As far as legally possible, specific regulations have been implemented in Schleswig-Holstein to limit the use of fertilizers and plant protection agents to the necessary measure. In Niedersachsen, the use of pesticides is not allowed in the core and the buffer zones, in the latter exemptions are possible.

(See also 3.1.13)

In the Netherlands, entrepreneurs organized themselves in working groups, who prepared innovative ideas and plans for sustainable development. Such initiatives have been or may be subsidized by the Netherlands and/or the European Union. Activities include ice production, cheese farming, sheep rearing, tourism, nature management. In 1996 the Foundation Waddengroup was established to stimulate promotion and market development of and for sustainable Wadden products.

In North East Friesland a spin off project on techniques to reduce the amount of fertilizers to be applied is taking place. The reduction is reached by adjusting the amount of fertilizers injected in the ground to the exact amount the different kinds of soil within an area needs. To be able to do so the different kinds of soil within an area are investigated with use of GPS first. In the coastal region the possibilities of producing energy out of biomass/fertilizers produced by the agricultural sector are being investigated.

8.2 Trilateral projects and actions

8.2.1 A discussion with local farmers in the polder areas to decide on the most promising farming methods for the long and the short term with the aim of combining the Targets with sustainable agriculture.

In the Netherlands, based on the experience of some 20 years using regulations to enhance chances for nature improvement on agricultural grounds, groups of farmers have been installed with the aim of coordinating their efforts. In discussions with these groups the policy to achieve sustainable agriculture can be up-dated and fine-tuned. One remarkable initiative has taken place on Terschelling. On the island the Working Group Sustainable Agriculture was established. With more than 65 members this group represents most of the agricultural landowners of the island. In 2003 the group published a report on how agricultural income can be improved by using better environmental practices and by the development of more environmental friendly side activities and cleaner products.

On Ameland an experiment on the possibilities of growing wine on the islands is taking place at this moment.

8.2.2 An exploration of the possibilities for sustainable agriculture and for the combination of agriculture and nature management in the rural area.

A comprehensive survey into the situation of agriculture in the Wadden Sea region and running and planned activities for sustainable agriculture has been carried out. The report gives background information on sustainable agriculture in the Wadden Sea region and possibilities for the combination of agriculture and nature management. The report concludes that islands agriculture has already adapted to specific circumstances by applying agro-tourism and nature management. On the mainland, sustainable agriculture aiming also at increasing natural values, will only be possible in selected areas.

Within the Wadden Sea Forum, the possibilities for sustainable agriculture have been discussed and recommendation have been developed (WSF Final Report, 2005).

9 Birds

9.1 Trilateral policy and management

Site protection

9.1.1 *The conditions for breeding birds will be improved by appropriate management.*

In Denmark, the Ribe County Council has implemented a project on the islands of Fanø and Mandø to improve the conditions for particularly endangered breeding birds. The project encompasses fencing breeding areas with signposts. The breeding success has increased significantly and the county council therefore intends to continue the project. On the island Rømø, a project has been implemented in 1999 with a comparable objective. The project has entailed a zoning of dune, beach and heath areas in close collaboration with the local population and relevant authorities and entails the prohibition of access to the breeding areas during the breeding season. The efforts have resulted in a significant increase of the endangered species so that the current numbers are unprecedented high. The county council intends to follow up this project with the involved parties through voluntary agreements and nature restoration projects.

This is common practice in Germany. The access to breeding areas is regulated. If necessary, additional areas are closed e.g. to protect birds breeding on beaches.

In the Netherlands, beaches and dunes have been registered as area for the Birds Directive and are nominated for the Habitat Directive. The 3-mile offshore area has been registered as Birds Directive area.

As preparation for the trilateral conference in 2005 the Dutch islands investigated the situation of birds breeding on beaches. The island group consists of voluntary bird specialists and advises the regional governments on improving the protection of breeding birds on beaches. For the conference a Dutch brochure will be published.

9.1.2 *It is the aim to improve the conditions for migratory birds during roosting and feeding, as well as, for seaducks in the offshore area during moulting, through integrated management.*

In Denmark, the statutory Order regulates hunting and public access in some areas. Regarding the feeding possibilities it is the Danish policy to avoid designation of new areas for cockle fishery.

In Hamburg, the National Park has been extended up to the 3-nautical mile zone resulting in a better protection of birds in the offshore area.

In Schleswig-Holstein, agreements with the watersport, commercial and non-commercial fishermen have been made to reduce disturbances of Shelducks in Dithmarschen (roosting area of 80% of the mid-European Shelduck population). An agreement with the shrimp fishermen of Niedersachsen who also use that area has not been made yet.

In Niedersachsen, the National Park has been extended to offshore areas, which are important roosting, moulting and also feeding areas for seaducks.

In the Netherlands, this agreement has been implemented within the Birds and Habitats Directive (see 9.1.1). The trilateral report "High Tide Roosts in the Wadden Sea" shows that in the Dutch part of the Wadden Sea formal as well as actual protection of inland roosting sites is lacking.

Interference with the food conditions for birds

Mussel and cockle fishery

9.1.3 *The negative effects of cockle fishery are being limited by:*

- *Cockle fishery is not allowed in the German part of the Conservation Area;*

- *Cockle fishery is not allowed in the Danish part of the Wadden Sea Area, with the exception of some small areas along the Esbjerg shipping lane and in the Ho Bay;*
- *Cockle fishery is allowed in the Dutch part of the Wadden Sea Area, but has been limited by the permanent closure of considerable areas; there are possibilities for additional restrictions to safeguard food for birds. A co-management scheme with the fishing industry is in operation, in which the protection and enhancement of the growth of wild mussel beds and Zostera fields are central elements.*

(Identical with 9.1.3).

In Denmark, this agreement has been implemented. According to §8 of the Order on the Wadden Sea Nature and a Wildlife Reserve, it is prohibited to use machines to collect mussels, cockles, lugworms and other organisms on and in the seabed but non-machinery fishery (hand-digging) of mussels and cockles is not prohibited. §10 of the said Order also stipulates that collecting cockles is allowed in three defined small areas near the harbor of Esbjerg with the permission of the Ministry of Food, Agriculture and Fish. An annual quota is set by the Ministry of Food, Agriculture and Fishery in consultation with the National Forest and Nature Agency based on a biological assessment of the extent and size of the cockles. The Ministry of Food, Agriculture and Fishery has given permission for non-machinery cockle fishery for commercial purpose. Permission has been given for two new areas for cockle fishery, with a quota of 500 tons, along the shipping lane to Esbjerg Harbor; the areas however are situated in the offshore area.

In German, this agreement has been implemented. Cockle fishery is not allowed in the Conservation Area.

As of January 2005, mechanical cockle fishery is not longer allowed in the Dutch Wadden Sea. Manual cockle fisherman of the Wadden Sea will be permitted to harvest an annual total amounting to a maximum of 5 % of the annual available cockle stock. The regime of food reservation has thus been superseded by the reservation of 95% of stocks.

9.1.4 The negative effects of mussel fishery are limited by the permanent closure of considerable areas. In addition, the management of fishery on mussels aims, inter alia, at protecting and enhancing the growth of wild mussel beds and Zostera fields. (Identical with 4.1.17).

This agreement has been implemented in Denmark. According to §8 of the Executive Order on Nature Conservation and a Wildlife Reserve in the Wadden Sea it is prohibited to use machines to collect mussels, lugworms and other organisms on and in the seabed. According to §9 of the Executive Order the stipulations in §8 do not apply to the collection of Blue mussels with the permission of the Ministry of Food, Agriculture and Fish outside three delimited tidal areas. The area where mussel fishing is allowed is restricted to 46% of the Tidal Area. The number of licenses has been reduced from 40 to 5 and a yearly quatum of mussels is fixed on the basis of stock assessments by the Danish Fisheries Research Institute. In the last years, the quatum was maximally 10,000 tons.

(Germany see 4.1.17)

In the Netherlands, especially for the development of stable mussel beds areas are closed for mussel fishery (26%). In the additional 5% areas which were also closed before, mussel fishery is permitted again.

9.1.5 Mussel fishery will, in principle, be limited to the subtidal area. Based on national management plans, which are documented in the Progress Report, fishery on the tidal flats may be granted. The fishery sector is called upon to exchange information on the existing practices and to investigate possibilities for minimizing impacts of mussel fishery, in general, and seed mussel fishery, in particular. (Identical with 4.1.18).

See 4.1.18

Acoustic and visual disturbance

Disturbances due to recreational and other human activities

9.1.6 Disturbance in significant breeding areas will be reduced and access to these areas will be made more predictable for birds, i.e. using only certain footpaths on salt marshes, beaches and dunes (information system for visitors).

In Denmark, the measures taken to implement this agreement has been outlined in 9.1.1

In Germany this agreement has been implemented through appropriate regulations in the three National Parks. For details see 4.1.24.

In the Netherlands, this is implemented in areas that are being managed by nature conservation societies.

9.1.7 It is the aim to reduce the disturbance in significant breeding areas caused by grazing through the reduction of the grazing pressure and through postponing the beginning of the grazing period, except where a certain intensity of grazing is necessary for coastal protection measures.

In Denmark, there is an appropriate balance between the grazing pressure and the diversity of flora and fauna. A reduction of the current grazing pressure will have a negative impact on the maintenance of the salt marshes for in particular water birds.

This is common practice in Hamburg and Schleswig-Holstein. In Niedersachsen, grazing or mowing is started after the breeding period in all state-owned areas (major part of the area).

In the Netherlands the grazing pressure is adjusted to the birds breeding season. Usually grazing does not start before mid of May. Also the grazing pressure is lower because of the breeding season until mid of June. In bird colonies no grazing takes place within the breeding season. In the Netherlands grazing is seen as necessary to keep the bird's habitat. Without grazing areas would become unsuitable for a number of birds.

9.1.8 Driving cars in breeding areas on beaches and in dunes is prohibited.

In Denmark, the measures taken to implement this agreement have been outlined in 9.1.1. Further areas on the beaches of Rømø have been closed for car traffic in the past period. The county councils have stated in the framework of the regional plan that they will support the closing for public access of certain vulnerable areas for breeding birds.

This is common practice in Germany and the Netherlands.

Wind energy

9.1.9 The construction of wind turbines in the Conservation area is prohibited. (Identical with 1.1.4).

In all three countries, the construction of wind turbines in the Conservation Area is prohibited according to the Danish Statutory Order, the German National Park Acts and the Dutch PKB.

In Germany, protected areas (see Chapter 'NATURA 2000') and suitable areas for offshore wind energy were identified to reduce conflicts. Electricity from offshore wind farms (will only be eligible for payment if sited outside of protected areas in the EEZ or in the 12 nauti-

cal mile-Zone. Additionally, an extensive program of accompanying research on the impacts of offshore wind energy on the marine environment has been carried out.

In The Netherlands the so called PKB (1993; formally still in force) allows under a number of restrictions the building of wind turbines "at short distance from the Afsluitdijk"; this includes the Wadden Sea side of this dike. In 2002 the Dutch Second Chamber of Parliament adopted the view that the Wadden Sea side should be excluded. In 2004 the Dutch government announced a research project, focussing on the possible locations for wind turbines near both sides of the Afsluitdijk from a landscape conservation point of view."

9.1.10 The construction of wind turbines, in the Wadden Sea Area outside the Conservation Area, is only allowed, if important ecological and landscape values are not negatively affected. (Identical with 1.1.5).

See 1.1.5

Hunting

9.1.11 Hunting of migratory species has been, or will be, progressively phased out in the Conservation Area or in an ecologically and quantitatively corresponding area in the Wadden Sea Area.

9.1.12 Lead pellets will not be used in the Wadden Sea Area.

9.1.13 Hunting of non-migratory species is, in principle, only allowed in the Conservation Area, if migratory species are not harmed.

In Denmark, these agreements have been implemented in the Danish Wadden Sea Area. According to the Statutory Order on the Wadden Sea Nature and Wildlife Reserve, hunting of migratory birds is allowed within the Conservation Area in areas of salt marshes, along the mainland coast and on Mandø and Rømø. Hunting is hence allowed in a narrow strip along the major part of the coast. Hunting is also allowed from anchored vessels and by wading west of a line between the islands from October 1 to January 31. In compensation, hunting has been forbidden in some state-owned areas on Skallingen, Fanø, Mandø and Rømø. The latter areas, which were outside the Conservation Area before the revision of the Order in 1998 as a result of the Trilateral Wadden Sea Plan, are now included in the Reserve. An advantage of this solution is that a comprehensive area of strict protection has been created in the Ho Bay and Skallingen, which includes the main habitats of the Wadden Sea Area (offshore, dunes, natural salt marshes, tidal area, island). The use of lead pellets is generally forbidden in Denmark.

Hunting is generally forbidden in the Wadden Sea National Parks of Schleswig-Holstein and Hamburg.

In Niedersachsen, hunting in the tidal area ceased completely in 1994. Since 2001, hunting in tidal areas as well as on the uninhabited islands of Mellum, Memmert and Minsener Oog is forbidden according to the State Hunting Act. Hunting on waterfowl is forbidden by the National Park Act in the core zone on the mainland since 2001. On the inhabited islands, there is an open season for hunting on water birds in the core zone during a maximum of 10 days per year. Areas without hunting have been established on all islands, in the Leybucht area and some smaller salt marsh areas between Elbe and Weser. Additionally, restrictions concerning hunting intensity have been imposed in the majority of the (mostly state owned) hunting grounds by civil law.

In the Netherlands, hunting on migratory species is legally forbidden in the whole country. The amended Act on Flora and Wildlife got into force in 2002. This Act forbids hunting on non-migratory species in the areas falling under special conservation measures like the Birds Directive, which includes large parts of the islands. The use of lead pellets is generally forbidden

Civil air traffic

9.1.14 The impact of civil air traffic in the Wadden Sea Area will be limited.

In Denmark, there is no apparent need to reduce the impact of air traffic on land. In 2001, permission has been granted to continue training flights above the Wadden Sea.

No airports exist in the Hamburg Wadden Sea.

In Schleswig-Holstein, the cross country minimum flight altitude of 600 m has significantly reduced negative impacts. Additionally, public information and voluntary cooperation with pilots and airport administration has increased the acceptance for nature conservation. Additional voluntary agreements to reduce the impact of civil air traffic have been made with the airport Husum. The same applies to Niedersachsen.

In the Netherlands, the impact of civil air traffic is limited:

- by creating a minimum flight altitude of 450 m above the Wadden Sea, with the exception of explicit circumstances like landing and taking-off at airports on the islands;
- by creating flight routes (corridors) and;
- by controlling the noise level of civil air traffic near civil airports.

9.1.15 New civil airports will not be constructed in the Wadden Sea Area.

In Denmark, the construction of new civil airports in the Wadden Sea Area is in substance ruled out by the Statutory Order on the Wadden Sea Nature and Wildlife Reserve, the Statutory Order on the international protection areas and the regional planning.

In Germany, no plans for new civil airports exist.

In the Netherlands, it is prohibited to construct new airports in the Wadden Sea Area.

9.1.16 The expansion of existing civil airports in the Wadden Sea Area is restricted to cases where this is essential in order to increase the safety of air traffic.

This has been implemented in Germany and the Netherlands. There are no civil airports in the Danish Wadden Sea Area.

9.1.17 A minimum flight altitude of civil air traffic of 1,500 to 2,000 feet (450 - 600 m) is established in the Wadden Sea Area. Exemptions can be granted for safety reasons and will be confined to designated flight corridors situated in less vulnerable parts of the Wadden Sea Area.

In Denmark negotiations have started with the National Agency for Air Traffic with a view to amend the Order on the passing of particularly sensitive nature areas by aircraft to the effect that a minimum flight altitude for civil air traffic in the Wadden Sea Area will be introduced. The agreement has hence not yet been implemented in the Danish Wadden Sea Area

This has been implemented in Germany. The cross country minimum flight altitude is 600 m.

In the Netherlands, a minimum flight altitude for civil air traffic of 450 m is realized above the Conservation Area with the exemption that in specific circumstances (bad weather conditions) corridors from the airports Texel and Ameland to the mainland with the minimum flight altitude of 300 m may be used.

9.1.18 The use of ultra-light aircraft will be prohibited in the Wadden Sea Area pending national legislation, with the exception of scientific and enforcement purposes.

In Denmark negotiations have started with the National Agency for Air Traffic with a view to amend the Order on the passing of particularly sensitive nature areas by aircraft to the effect that a minimum flight altitude for civil air traffic in the Wadden Sea Area will be introduced. The agreement has hence not yet been implemented in the Danish Wadden Sea Area

This has been implemented in Germany. Since 2001 there has been a development of a new generation of ultra-light aircraft (so called "dreiachsgesteuerte" ultra-light aircraft, ULA), which have very similar features like other civil aircraft regarding shape, noise emission, etc. A pilot phase was conducted in 2004 for the airports of Westerland and Wyk/Föhr with these new ULA. The results show no difference of the new ULA generation and other civil aircraft.

In the Netherlands, the use of ultra-light aircraft above the Wadden Sea Area is prohibited, with the exception of the area above the coast of the mainland municipalities.

9.1.19 Advertisement flights are, in principle, prohibited in the Wadden Sea Area.

Advertisement flights are to a limited extent carried out along the beaches in the Danish Wadden Sea Area.

In Germany, advertisement flights are not carried out and are subject to major restrictions including their compatibility to environmental conservation.

In the Netherlands, advertisement flights are forbidden in the Wadden Sea area with the exception of advertisement flights from Texel directly to the mainland.

9.1.20 Helicopter flight routes and altitudes are established in such a way that the disturbance to wildlife is minimized in the Wadden Sea Area.

The stipulation of the National Agency for Air Traffic encompasses guidelines for helicopter flights in the Danish Wadden Sea Area.

In Germany, the minimum flight altitude of 600 m (see also 9.1.14 und 9.1.17) for civil air traffic also applies for helicopters.

In the Netherlands, for civil helicopter flights above the Wadden Sea Area, a minimum flight altitude of 450 m was established in 1999 with the exemption for the use of corridors in specific circumstances from the airports Texel and Ameland to the mainland where the minimum flight altitude is 150 m.

Helicopter flight routes have not been established in all three countries.

See also 9.1.17

Military activities

9.1.21 Disturbance caused by military activities has been, or will be, reduced and the possibilities for further concentrating and/or phasing out military activities will be regularly examined.

9.1.22 The negative effects of low altitude flight routes of military aircraft have been, or will be, reduced by reducing the number of flights and the maximum speed.

9.1.23 Action to minimize disturbance caused by military air traffic in the Wadden Sea area will be taken on a coordinated basis.

9.1.24 High priority will be given to the assignment of redundant shooting ranges as nature protection areas.

9. 1.21 - 9.1.24:

In Denmark, the only existing military exercise area within the Wadden Sea Area is the exercise area on Rømø. The area is used by the Danish and NATO air forces for air to ground shootings. The National Forest and Nature Agency collaborates on a continuous basis with the military authorities on the management of the area aiming at promoting the natural interests in balance with the use of the area. It is expected that the collaboration in 2002 will result in a management plan for the area, which will include the implementation of the agreements of the Wadden Sea Plan. It cannot be expected though that the military activities can be limited in the forthcoming period because of the significant military value of the area for exercise shootings for the air force from other NATO-member states.

In Germany, military activities have been reduced to a minimum. The possibilities for further reductions are investigated intensively. Low-altitude flights have not been carried out by the German air force since 1992 on the basis of voluntary agreements. Initiatives have been taken that foreign air forces also join this agreement. The former shooting range on Sylt is part of a nature conservation area.

In the Netherlands, the management of military activities has complied with the above conditions since 1995. Shooting Range Noordvaarder on Terschelling was closed in 1995. The Cavalry range on Vlieland was closed in 2004, the anti aircraft artillery range at Den Helder was closed in 2005 and the construction of a range at the Kollumerwaard has been cancelled.

The number of flights on the shooting range Vlieland is reduced from 5576 in 1994 tot 2917 in 2003. The shooting range De Vliehors is approached as much as possible over the North Sea in stead of over the Wadden Sea. The low level flying route over the Wadden Sea has been lifted in 2002. The general minimum flying level over the Wadden Sea was raised from 300 meter to 450 meter (with an exception for military helicopters and the approach routes of shooting range De Vliehors). Further reductions or reallocation of military activities are not foreseen.

9.2 Trilateral projects and actions

9.2.1 An inventory of all important and potential roosting sites along the coastline of each country, in conjunction with an evaluation of available knowledge on the necessity for undisturbed roosting sites, in order to investigate the possibilities for creating undisturbed roosting sites.

This process of investigation and evaluation was finalized in 2003 with the Netherlands as lead country. The trilateral report "High Tide Roosts in the Wadden Sea" (WSE No. 16) was published in 2003.

9.2.2 An evaluation of available knowledge on the necessity of undisturbed moulting sites for seaducks in the offshore area, in order to investigate the possibilities for creating such undisturbed moulting sites, aiming at improving the conditions during moulting.

A final report has been submitted by Schleswig Holstein as lead country in March 2001.

9.2.3 An investigation into the possibilities to come to a coordinated management for herbivorous species (e.g ducks and geese) on inland sites.

National information has been collected and submitted to the lead country Denmark. A report on the status of geese management in the Wadden Sea region was published in 2002 in the Wadden Sea Newsletter (2002, No. 2).

9.2.4 The exploration of possibilities for improving the conditions for breeding birds in dunes and on beaches in cooperation with responsible authorities, especially on the local level, and relevant groups, with the aim to discuss the results and to take appropriate measures.

The project is implemented and part of ongoing activities.

9.2.5 An inventory and assessment of the reduction of disturbance caused by military activities in the three countries.

This project could not be implemented due to a lack of data, mainly with regard to the disturbance situation before the reduction of activities.

10 Marine Mammals

10.1 Trilateral policy and management

Common and Grey Seal

Based on the TSEG-plus report and discussion in the TWG, a new Seal Management Plan (SMP) for the period 2002 – 2006 has been endorsed by TGC-9.

The TSEG prepared progress reports to the TWG on the implementation of the SMP (TWG 05-1).

Harbour Porpoise

10.1.1 It is the aim to protect important breeding/rearing areas of the Harbour Porpoise in the Wadden Sea Area and adjacent areas through appropriate measures.

Common rules for incidental catches of whale in EU waters have been laid down in Council Regulation (EC) 812/2004 of 26 April 2004 on measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) 88/98.

The Regulation provides for rules on three specific measures to protect whales in EU waters:

4. Fishermen must use pingers (acoustical deterrent devices) in gillnets, trammel nets and driftnets in specified areas and periods, preventing harbour porpoise from coming near the nets.
5. Driftnets in the Baltic Sea are to be phased out, and will be banned as from 1 January 2008.
6. Under a scheme of observers, countries must secure systematic and coordinated collection of data on by-catches of whale.

The Danish action plan for the protection of harbour porpoise has been revised with a view to integrating the rules of the EC Regulation, thus giving a specific and detailed description of efforts both in the fisheries area and for the protection of harbour porpoise in general. The primary objective of the action plan is to reduce incidental catches of harbour porpoise, and to protect it in its breeding areas. In accordance with the Regulation, the main elements of the plan are acoustical deterrent devices and regulation of certain types of fisheries.

Denmark is contributing actively and financially to the implementation of the SCANS-II project. The project aims at estimating populations of small cetaceans in the North Sea and in the European parts of the Atlantic, with a view to assessing and managing by-catches and other threats to stocks. The project was launched in April 2004, and will, according to plans, be finalised in 2006

A whale protection area has been designated off the islands of Sylt and Amrum in Schleswig-Holstein in 1999. SH: The coastal fisheries legislation ("Küstenfischereiordnung") in Schleswig-Holstein has been amended, including stricter regulations for the gillnet fisheries within the whale protection sanctuary (maximum height of gillnets 1.3 m, maximum mesh size 150 mm, obligation to report any by-catch of harbour porpoise).

10.1.2 The public will be informed about small cetaceans in the Wadden Sea Area and the North Sea on a common basis in cooperation with ASCOBANS.

Several activities have been carried out by the secretariat of the "Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas" (ASCOBANS). These concern the publication of an ASCOBANS poster in several languages, an exhibition called "Harbour Porpoise in Distress", a new website and other public information activities.

In Schleswig-Holstein, the extension of the main National Park Information Center, the “Multimar Wattforum” with a whale exhibition building including information on harbour porpoise was finalized in 2002. Meanwhile more than 230.000 visitors are counted yearly

10.2 Trilateral projects and actions

10.2.1 The consideration, on the basis of scientific evidence, of the designation of areas in the Wadden Sea Area and adjacent areas off Sylt and Amrum, as well as in the Danish part, as areas of special concern, especially as breeding/rearing area for the protection of the Harbour Porpoises.

(see 10.1.1)

10.2.2 An investigation, in consultation with responsible local governments and relevant groups into the available possibilities for closing, in a flexible way, areas where Grey Seal pups rest regularly.

In Schleswig-Holstein, the non-governmental organizations Öomrang Ferian and Schutzstation Wattenmeer have installed temporary grey seal sanctuaries especially on Amrum since 1996 with the support by the Ministry for Agriculture, the Environment and Rural Areas. The sanctuary on the Kniepsand is closed from mid of November until the end of January and is marked by signposts and guarded by members of several NGOs.

In the Netherlands, the existing policy as embedded in section 17 of the Dutch Nature Conservation Act, is to close certain areas for human activities permanently (in some areas temporarily a.o. for reasons to guarantee undisturbed environments for Grey Seal pups). The contours of these areas are revised yearly, based on monitoring data.

10.2.3 An investigation of technical solutions and improvements in consultation with responsible fishery groups, for the prevention of incidental catch of marine mammals in drift nets and set nets, with the aim of minimizing by-catch.

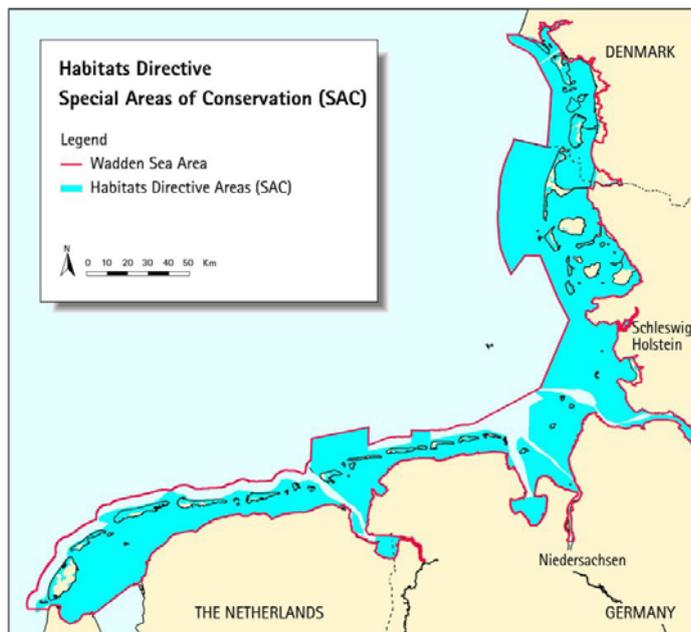
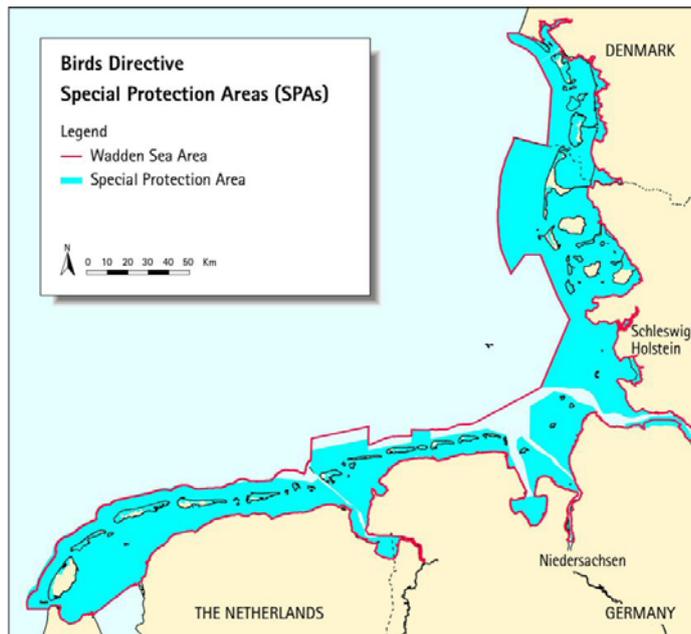
The Seal Management Plan (2002-2006) has the aim to reduce the number of seals caught as by-catch and to ensure that seals do not drown in fyke nets. The SMP considers establishing a network to collect centrally information on by-catches from outside the Wadden Sea. Furthermore, the SMP aims to avoid the number of seal by-catches in fishery activities and regulate bottom fishery if necessary.

Common rules for incidental catches of whale in EU waters have been laid down in Council Regulation (EC) 812/2004 of 26 April 2004 on measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) 88/98.

In the North Sea for ships longer than 12 m the use of acoustic deterrents (pingers) is obligatory from summer 2005 onwards in certain types of gillnet fishery, partly the whole year round (in large mesh-size gillnet fishery, e.g. turbot fishery), partly only during August to October. From 2006 onwards ships longer than 15 m have to take by-catch-observers on board.

ANNEX 1

Map of NATURA 2000 Areas in the Wadden Sea
(Status September 2004)



the Trilateral Wadden Sea region to coordinate research with monitoring and assessment, the feasibility should be explored of establishing a "Clearing House" for all relevant science. Such a Clearing House could play a role in guiding future research efforts e.g. by identifying gaps and overlaps.

Gaps in the Trilateral Monitoring and Assessment Program (TMAP)

2. Current monitoring programs insufficiently cover lower trophic levels (phytoplankton, zooplankton) and the processes that regulate primary and secondary production. Information on these parameters is vital for the understanding of the functioning of the whole ecosystem and monitoring of relevant parameters should be promoted.
3. Monitoring of bottom-living flora and fauna (benthos) is until now restricted to tidal flats. Benthic monitoring should be extended to include beaches, the supralitoral fringe of tidal flats, and subtidal habitats. Benthic monitoring should include also the species composition of meiofauna and benthic diatoms since this might act as an early-warning system.
4. The state of benthic species particularly sensitive to specific human pressures (e.g., gastropods sensitive to organotin, epifauna sensitive to demersal fishing gear, brackish-water fauna sensitive to reclamations) should be assessed.
5. Through centuries of coastal reclamations the share of muddy habitats in the Wadden Sea has strongly diminished. The consequent spatial decline of nearshore mud benthos, for example the bivalve *Scrobicularia plana*, due to this development should be assessed.
6. The areal extent of hard substrate (stones, wood, peat) habitats and their epigrowth should be assessed in order to estimate their functional role in the Wadden Sea.
7. Functional shifts in Wadden Sea ecosystems caused by introduced species such as the Pacific oyster should be explored.
8. To explain changes in populations of birds, fish and major benthic species as well as the concentrations of algae, information is needed on total stocks of shellfish in the Wadden Sea as well as on changes of these stocks.
9. To facilitate the interpretation of monitoring data, fishermen should be obliged to report their catches and the locations of their catches of shellfish and shrimps, also when they only move shellfish from one location in the Wadden Sea to another.
10. A pilot study should be implemented to unravel relationships between breeding birds and habitat features using existing data from Wadden Sea wide census areas. The established data-bases such as maps of vegetation, land use and drainage as well as maps of breeding birds should be included in this analysis. This should be coordinated by the Common Wadden Sea Secretariat and could be carried out by the Joint Monitoring group on Breeding Birds.
11. The northern and the southwestern Wadden Sea seem to differ in nutrient concentrations and organic matter cycling. Research should be initiated towards understanding these differences in order to better manage eutrophication.

New insights necessitating adaptations of the Trilateral Monitoring and Assessment Program and other actions

12. The issues of concern for the Wadden Sea are partly the same as 10 years ago when the TMAP was established. New issues came up the last decade like sea level rise, the food supply of migratory birds, introductions of exotics, the lack of dynamics of dune and salt marsh vegetation, the changing of the functioning of the mudflats by processes like coarsening of the sediment and shift of bivalve recruitment to the upper tidal zones. This leads to the recommendation to reconsider the contents of the TMAP, taking into account identified gaps such as fish, exotics, beach parameters and composition of tidal-flat sediments.
13. In the process of revising the TMAP, monitoring of new hazardous substances should get attention. Possible exclusion of some currently monitored hazardous substances, which have substantially declined, should be considered as well as optimization of the monitoring effort (frequency and locations). It is recommended to include ecological risk-based targets in monitoring of hazardous substances.
14. In view of the development of grey seal population and breeding colonies, the present monitoring scheme for grey seals is inadequate. It has to be improved and should be included in the TMAP.
15. Installing a special monitoring program to discover newly introduced exotics at an early stage will not be effective. Exotic species already present should be included – if not already done so - in running TMAP monitoring programs. Only in exceptional cases, such as the Pacific oyster, a monitoring program may be set up to follow the development of an introduced species with the aim to obtain data to document possible functional shifts within the ecosystem.
16. Reference values for benthic quality should be evaluated with respect to both the present monitoring results and the former ecological structure based on historical information.
17. To distinguish between ecosystem effects of human impacts and those of natural processes, it is recommended to establish more and larger zero-use zones (order of magnitude one tidal basin). The TMAP has to be conducted both in the human-influenced parts of the Wadden Sea and in these zero-use zones.
18. An international network of long-term ecological research (ILTER) sites should be established on the basis of the existing TMAP sites to study long-term changes in different marine and terrestrial habitats enabling the identification of common drivers. Researchers and the policy makers should have access to these ILTER-sites and the parameters should be recorded on a website under the auspices of the CWSS.
19. The observed changes in distribution and abundances of young flatfish and their underlying causes require more fundamental research into biological processes and responsible causal factors. Such research should be carried out on appropriate spatial scales, with structural funding of analyses of data on by-catch species in surveys carried out for commercial stock management.
20. When evaluating monitoring results for birds breeding in or migrating through the Wadden Sea, factors influencing the populations in their wintering or breeding areas should also be taken into account.

Methods

21. Production and remineralization are important processes in the Wadden Sea and have already been recommended to be integrated into long-term monitoring. New techniques to quantify organic matter turnover in sediments developed can be applied in the near future. It is recommended to establish time series with small-scale experiments and modeling.
22. To fill the gaps in the existing overview of salt-marsh zonation and dune vegetation, the TMAP typology key for salt-marsh and dune vegetation should be applied in all Wadden Sea countries in forthcoming regular vegetation mappings within the framework of the TMAP, thus enabling the production of a trilateral overview on the recent dune and salt-marsh vegetation in the entire Wadden Sea area.
23. As the EU Habitats Directive classification schemes for salt marshes and dunes are too rough for a proper assessment of a „favorable conservation status“ it is recommended to apply the newly developed TMAP typology vegetation key.
24. Although in some areas *Zostera* surveys are done regularly, this is not done in the entire Wadden Sea. Hence, it is recommended that every 5-10 years a complete and concerted survey of *Zostera* throughout the Wadden Sea be conducted. In addition, selected seagrass sites should be monitored annually. Monitoring seagrass beds should be combined with monitoring of macroalgae.
25. To obtain valuable information on population structure, often indispensable for good data interpretation, the ages of animal specimens monitored in TMAP should be noted whenever this can be done at relatively low costs (e.g., bivalves, fish).
26. Care should be taken that benthic species living deep in the sediment are included in benthic monitoring programs.
27. Annual population growth rate should be used as an indicative parameter for reproduction capacity of seals; for harbour porpoises population density should be used.
28. All TMAP parameters, methods and data collection regimes should be reviewed to determine the most cost-effective approaches (incl. questions of density and frequency of monitoring).
29. Remote sensing techniques (for sediment, macrophytes, mussels and phytoplankton) should be integrated into national monitoring programs and trilaterally harmonized.

Data handling and information exchange

30. Data and results from TMAP and research projects should be made faster and easier available by using an appropriate TMAP Information System.
31. The functionality of TMAP data handling should be increased to support assessments and facilitate information provision required by EU Directives, e.g. by providing data retrieval by SPA, SAC, theme, geographic area, and to handle GIS mapped data on species and habitat distribution.
32. In the interest of continuity of the monitoring and assessment of developments in the trilateral Wadden Sea Region, the data management of TMAP should be granted structural funding.

Working structure

33. Additional trilateral expert groups (e.g., on beaches and dunes, on fish and on sea-grass) should be established to support TMAP and implementation of EU directives. These expert groups should function under the TMAG and largely be run by the initiative of the scientists involved.
34. A TMAP dunes and beaches working group should be installed to exchange experience and knowledge concerning protection, restoration and management of the Wadden Sea dune areas and beaches. The main tasks of the working group should be:
- to exchange knowledge and advice on the following priority subjects: obvious differences in application of active management measures (grazing, sod-cutting etc) and differences in managing ecological effects of groundwater extractions.
 - to initiate new approaches of nature management of uninhabited dune areas by stimulating experiments in handling coastal defense elements (e.g. removing old sand dikes, stopping fixation of dunes) and investigate their ecological consequences.
 - to stimulate vegetation mapping in all dune areas, at least up to the detail of the newly developed TMAP classification.
35. The ongoing revision process of the TMAP should be a concerted action within the Wadden Sea co-operation and should include, a.o., improvement of the TMAP data base, a better tuning of the organization within the co-operation, evaluation of the Issues of Concern and the Targets, also taking into account the requirements of EU Directives and the specific Wadden Sea characteristics.

EU Directive requirements

36. All species listed in the EU Habitat Directive and occurring in the Wadden Sea should be included in the TMAP (also the rare species such as Twaité shad – *Alosa fallax*).
37. According to Art. 1 of the Habitat Directive the “structure and function” of Annex I habitats should be monitored as well as ecological functioning of the typical species living there. Additionally the processes underlying the distribution and abundance of the typical species of these habitats should be taken into account. The study of such processes may be vital for the understanding of changes in distribution and abundance of species occurring in Annex I habitats but these studies are beyond the scope of regular monitoring programs. Nevertheless they could be catalogued and studies on these processes should become part of the work of scientific institutes.
38. The EU Water Framework Directive aims at protecting the structure and the functioning of aquatic ecosystems by optimizing habitat providing conditions and optimizing water quality. Judging the effects of the actions at the ecosystem level requires:
1. An integral approach in the biological monitoring and thus extension of the current TMAP with organisms smaller than 1 mm;
 2. The integration of the results in ecosystem indices at an:
 - (a) high aggregation level,
 - (b) application of data in dynamic process-oriented models and
 - (c) application of the data in static structure- and process-oriented models like Ecological Network Analysis
39. The TMAP should be used as a platform for a closer cooperation in the implementation of the EU Directives in the Wadden Sea to enhance synergy in monitoring and management.

- 40. Many monitoring programs in the Wadden Sea are insufficiently financially safeguarded. Attention should be given to improve this situation, given the fact that reporting on the conservation status of Annex I habitats is one of the obligations set out by the Habitats Directive.

Miscellaneous

- 41. Where not already in place, seagrass beds need protection of a large buffer zone around these beds because of the high dynamics displayed by seagrass beds from year to year. Protection of so called 'high-potential zones' is also needed to allow expansion of existing seagrass populations.
- 42. According to the EU Birds and Habitat Directives nature preservation can be overruled by significant socio-economic interests. In order to conclude a decision on nature preservation versus socio-economic development a comparison of all impacts needs to be made. For that purpose the (standard) procedure of environmental impact assessment is insufficient since it merely comes down to drawing up environmental (nature) impacts. A decision support technique could be social benefit cost analysis (SBCA). SBCA draws up all the environmental (nature) impacts (e.g. by environmental impact assessment), values them and balances them against all socio-economic impacts. Some pilot SBCAs are recommended, preferably in a tri-lateral context, to gain experience with this technique.

