

Ministerial Meeting of the OSPAR Commission, Bergen: 23-24 September 2010

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## Bergen Statement

WE, THE MINISTERS AND THE MEMBER OF THE EUROPEAN COMMISSION, meeting within the framework of the OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic, adopt this statement to set out the ensuing work from the Third Ministerial Meeting of the Commission:

1. We *recall* our successful meetings in Sintra in 1998 and also jointly with the Helsinki Commission in Bremen in 2003, which identified some critical challenges for the protection of the marine environment of the OSPAR maritime area and set ambitious goals for our work.
2. In Bergen in 2010, we were able to look back on a number of solid achievements. We *renew* and *strengthen* our commitments, *recognising* that some of our goals are still to be fully met. We *respond* to new challenges and priorities, such as facilitating the implementation of the EU Marine Strategy Framework Directive<sup>1</sup> by those Contracting Parties that are bound by it and addressing the challenges of climate change and ocean acidification.

***We share the vision of a clean, healthy and biologically diverse North-East Atlantic ocean, used sustainably***

3. In sharing this vision, we also *acknowledge* the intrinsic value of the North-East Atlantic and its role as a natural asset that contributes to our well being far beyond material benefits. We *stress* the economic and social value of marine ecosystem goods and services provided by the North-East Atlantic. We *recognise* that the cost of taking no action is high, and may be substantially higher than the cost of remedial action, where the integrity of the marine ecosystem is at risk from damage. Further, we *are committed* to developing a common understanding of associated values and costs.
4. We *emphasise* that shared scientific knowledge and understanding of the state of the marine environment is crucial for policy making at all levels. Hence, we strongly *welcome* the Quality Status Report (QSR) 2010 and its underpinning thematic assessments and reports which provide a holistic and science based evaluation of the environmental status of the North-East Atlantic and the pressures that adversely affect it.
5. We *reaffirm* that the United Nations Convention on the Law of the Seas (UNCLOS) sets out the legal framework within which all activities in the oceans and seas must be carried out and is the legal basis for national, regional and global action and cooperation. We *support* the ongoing process launched by the UN General Assembly in 2009 of the Regular Process for Global Reporting and Assessment of the State of the

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<sup>1</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy.

Marine Environment, including Socio-Economic Aspects (Regular Process). We *welcome* the outcome of the third preparatory Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) meeting, aiming among other issues at establishing a mechanism for assessment of biodiversity and *emphasise* the importance of agreeing at the UN General Assembly by the end of 2010 a resolution for establishing an IPBES. We *emphasise* that the QSR 2010 will constitute a valuable contribution to these processes.

6. The QSR 2010 addresses existing and new challenges ahead and highlights the need for further research. It also brings to light some welcome accomplishments, which include reductions in inputs and discharges of nutrients and hazardous substances from land-based sources, radioactive substances from the nuclear sector and oil and chemicals from the offshore oil and gas industry.

7. With the assessments of the QSR 2010 as our new point of departure, we *adopt* the North-East Atlantic Environment Strategy which contains objectives and targets with a view to complete unfinished tasks and meet the new challenges that we need to address in order to achieve our common goals.

### ***We apply the ecosystem approach***

8. We *reaffirm* that the ecosystem approach<sup>2</sup> is the overarching concept and basis for OSPAR's work, for which we are continuously gaining experience and still developing tools and methods. We *welcome* the development of integrated ecological quality objectives for the North Sea, some of which may serve as a model for other regions, and *emphasise* that we will continue to further develop tools that support the ecosystem approach, such as integrated assessments, socio-economic analysis and area-based management tools, including marine spatial planning.

9. We *are committed* to strengthen the integration of different strands of OSPAR activities dealing with different aspects of and pressures on the marine environment. *Recognising* that monitoring and assessment tools and cooperation play a crucial role in supporting the ecosystem approach, we *adopt* the Joint Assessment and Monitoring Programme (JAMP) for 2010-2014. We *will continue* to extend and improve the JAMP, in particular with regard to cause/effect relationships and cumulative impacts on the marine environment. We *recognise* also that large data and information gaps exist in the OSPAR area, in particular concerning spatial data and sea-bed mapping. In order to carry out holistic assessments of the status of the marine environment, we *emphasise* that more work on such gaps is needed and should be linked with other ongoing data and information acquisition efforts in the OSPAR area.

10. We *emphasise* the need to work more closely with stakeholders and international organisations managing human activities such as fisheries and shipping<sup>3</sup> and to enhance the cooperation within the frameworks dealing with joint prevention, preparedness and response to combat accidental marine pollution from the maritime sector.<sup>4</sup> We *stress* that OSPAR's observers from a wide range of intergovernmental and non-governmental organisations provide valuable contributions to our work. We *are also committed* to further strengthen and extend our cooperation with relevant intergovernmental organisations (IGOs), on the basis of memoranda of understanding and agreements of cooperation<sup>5</sup>.

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<sup>2</sup> In the Bremen Statement on the Ecosystem Approach to the Management of Human Activities, the ecosystem approach is defined as "the comprehensive integrated management of human activities based on the best available scientific knowledge about the ecosystem and its dynamics, in order to identify and take action on influences which are critical to the health of marine ecosystems, thereby achieving sustainable use of ecosystem goods and services and maintenance of ecosystem integrity."

<sup>3</sup> Such as the North-East Atlantic Fisheries Commission (NEAFC) and the International Maritime Organization (IMO).

<sup>4</sup> Such as the Bonn Agreement and the Lisbon Agreement.

<sup>5</sup> OSPAR has to date concluded memoranda of understanding or agreements of cooperation with the International Maritime Organization, the North-East Atlantic Fisheries Commission, the International Council for the Exploration of the Sea, the UN Economic Commission for Europe, the International Seabed Authority, the International Atomic Energy Agency and the European Environment Agency.

### ***We facilitate the coordinated implementation of the EU Marine Strategy Framework Directive***

11. We *welcome* the EU Marine Strategy Framework Directive, *emphasising* that the Directive's objective to achieve or maintain good environmental status in the marine environment by 2020 concurs with and supports our aims.

12. We *affirm* that the OSPAR Commission will facilitate the coordinated and coherent implementation of this Directive.<sup>6</sup> To this end, we *welcome* the Road Map as an OSPAR Regional Implementation Framework for the EU Marine Strategy Framework Directive, as a living document to be updated as appropriate. In particular, we *consider* the QSR 2010 and its underpinning assessments and reports to provide solid building blocks for the development of the national initial assessments due in 2012. We *will continue* to cooperate on further steps that need to be taken by the relevant Contracting Parties to establish their marine strategies under the Directive, using our shared expertise and the mechanisms and structure of the OSPAR Commission as a strong regional platform. For this purpose, we have revised our working structure and have identified in our North-East Atlantic Environment Strategy those issues for which coordination is needed.

13. With a view to achieving our common goals, we also *commit ourselves* to strengthen our cooperation with other Regional Sea Conventions involved in facilitating the implementation of the Directive, in particular the Helsinki and the Barcelona Conventions, to which some OSPAR Contracting Parties are also parties. Furthermore, considering that concentrations of nutrients and hazardous substances are related to atmospheric depositions and loads from rivers in the catchment area, we *will reinforce* our cooperation with landlocked States, using established cooperation structures, such as International River Basin Commissions.

### ***We protect our ocean from pollution and other adverse impacts of human activities***

14. *Recognising* that the objective of no eutrophication will only be partly achieved by 2010, we *renew* our commitment to combat eutrophication, with the ultimate aim of achieving and maintaining a healthy marine environment where anthropogenic eutrophication does not occur.

15. *Concerned* about the rising contribution of NO<sub>x</sub> emissions from the shipping sector, we will carry out an assessment of the contribution of shipping on the eutrophication status of the North Sea and, if decided by the OSPAR Commission, elaborate a proposal, in line with Appendix III to Annex VI to the MARPOL 73/78 Convention for a joint submission to the International Maritime Organisation justifying the case for designating the North Sea as a NO<sub>x</sub> Emission Control Area. We take note of similar concerns in the framework of the Helsinki Commission and support the efforts in other regional seas to reduce NO<sub>x</sub> emissions and eutrophication.

16. We further *recognise* that most chemicals for priority action are still being released to the marine environment and that additional work is needed to move towards the target of the cessation of these releases by 2020. Hence, we will continue to identify and reduce inputs of hazardous substances of concern at source, with the ultimate aim of achieving concentrations in the marine environment near background values for naturally occurring substances and close to zero for man-made synthetic substances. To this end, we *will promote* the banning of the production, use and trade of Persistent Organic Pollutants (POPs) through the Stockholm Convention and *will strive* to achieve major reductions in discharges, emissions and losses of mercury and other substances of concern within the UN framework. We *will also strive* to enhance the knowledge base on endocrine disruptors and cumulative effects of hazardous substances with the aim of limiting the negative impacts on the marine environment.

17. We *reaffirm* our commitment to ensure that discharges, emissions and losses of radioactive substances are reduced by 2020 to levels where the additional concentrations in the marine environment above historic levels are close to zero. We *will* continue to improve the evidence base and assessment tools for indicator radionuclides from the nuclear and non-nuclear sectors.

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<sup>6</sup> Iceland, Norway and Switzerland are not members of the European Union. As members of the European Economic Area (EEA), Iceland and Norway are bound by certain EU legislation, while Switzerland has not committed itself to apply any EU legislation in the scope of the OSPAR Convention. These three countries contribute on the basis of relevant OSPAR programmes and measures, equivalent national legislation and EU legislation by which they are bound.

18. Deeply concerned by the accident on the Deepwater Horizon in the Gulf of Mexico earlier this year, we *reaffirm* our commitment to take all possible steps to prevent and eliminate pollution from offshore oil and gas activities. Contracting Parties are therefore as a precaution reviewing existing frameworks, including the permitting of drilling activities in extreme conditions, taking extra care to implement all relevant learning from the Deepwater Horizon accident, and continuing to evaluate activities on a case by case basis. We *are looking forward* to the reports from the ongoing investigations in the USA, and *welcome* the initiatives established within the North Sea Offshore Authorities Forum (NSOAF) and International Regulators Forum (IRF) to assess lessons learned. We also welcome the European Commission's initiatives such as the establishment of a dialogue with national regulators and the offshore oil and gas industry. Contracting Parties will also cooperate with the Bonn Agreement as to preparedness and response.

19. Therefore we *adopt* Recommendation 2010/xx on the prevention of significant acute oil pollution from offshore drilling activities and *decide* that by 2011 we will assess the relevance to OSPAR of the results of all these initiatives with a view to taking additional action by the OSPAR Commission if needed.

20. We further *adopt* measures that harmonise OSPAR's control system for offshore chemicals with relevant EU legislation.<sup>7</sup> We *note* with pleasure the considerable reduction in discharges to the sea of oil in produced water that has been achieved. We *remain committed* to the achievement by 2020 of reductions of oil in produced water discharged to the sea to a level which will adequately ensure that each of those discharges will present no harm to the marine environment. In line with our reaffirmed commitment, we *will focus* our efforts and *are committed* to develop by 2011 a "risk-based approach to management of produced water" to ensure that priority is given to actions related to the prevention and elimination of possible impacts of the most harmful substances discharged by the offshore oil and gas industry.

21. We *will strengthen* our efforts to combat adverse impacts on the marine environment that originate from various human activities, such as those resulting from the introduction of marine litter, non-indigenous species and of energy, including underwater noise. We *note* that quantities of litter in many areas of the North-East Atlantic are unacceptable, and therefore we *will continue* to develop reduction measures and targets, taking into consideration an ambitious target resulting in a reduction in 2020. As a first step, to address both land-based and sea-based sources, we adopt the "Recommendation on the reduction of marine litter through the implementation of fishing for litter initiatives". We *will continue* and *strengthen* our cooperation with other international organisations such as the International Maritime Organization (IMO) and other relevant stakeholders in order to address these issues. Further, we *will promote* "the clean ship approach"<sup>8</sup> and *support* concerted action to revise and strengthen Annex V on Prevention of Pollution by Garbage from Ships to the MARPOL 73/78 Convention<sup>9</sup>.

### ***We protect marine areas, species and habitats***

22. The goal of significantly reducing the loss of biodiversity by 2010, agreed at the World Summit on Sustainable Development in 2002, has not been achieved. Acknowledging the international year of biodiversity, we *commit* to halt such loss.

23. We *recognise* the efforts made by competent authorities to improve sustainable fisheries based on the ecosystem approach. However, we *note* with concern that overfishing and, in some areas, destructive fishing practices continue to have significant adverse impacts on marine biodiversity and that by-catch and discard related problems still need to be resolved. We *call* on competent authorities to continue to progress towards long-term sustainable fisheries management in the deep sea in accordance with UNGA resolution 64/72 and the FAO international guidelines for the management of deep-sea fisheries in the high seas.

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<sup>7</sup> Cf. in particular Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (REACH).

<sup>8</sup> A concept whereby vessels are designed, constructed and operated in a way that aims to eliminate harmful discharges and emissions in their working life.

<sup>9</sup> International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL)

24. We are committed to halt the decline of species and habitats. We are also committed to restore threatened and/or declining species and habitats by establishing before 2013 measures to protect such declining species and habitats from the pressures of human activities. We welcome the progress made with regard to the identification and conservation of species and habitats on the OSPAR List and adopt a set of new measures to advance the protection and restoration of threatened and/or declining species and habitats.<sup>10</sup> We will continue and strengthen our cooperation with other international organisations, in particular regional fisheries management organisations such as the North-East Atlantic Fisheries Commission, as well as other relevant stakeholders in order to effectively address these issues. We highlight the Recommendation we have adopted on assessments of environmental impact in relation to threatened and/or declining species and habitats.

25. We reaffirm the need for Contracting Parties to continue and to intensify their efforts to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, and protecting the biodiversity. This includes the establishment of marine protected areas (MPAs) and representative MPA-networks by 2012, in accordance with the Plan of Implementation of the World Summit on Sustainable Development, consistent with the United Nations Convention on the Law of the Sea (UNCLOS) and based on the precautionary principle and the best scientific information available.

26. We emphasise that MPAs provide an essential contribution to the protection of species, habitats and ecological processes of the marine environment. We recall that in 2003 we agreed to work with the Helsinki Commission and the European Community to complete by 2010 a joint, well-managed and ecologically coherent network of MPAs.

27. Noting our commitment to establish an ecologically coherent network of MPAs by 2012, we recall that in 2008 a comprehensive scientific case was accepted and in 2009 conservation objectives were endorsed for the protection of the originally proposed Charlie-Gibbs Fracture Zone MPA, of which the seabed in the northern part has, since 2009, been subject to a submission to the Commission of the Limits of the Continental Shelf (CLCS). We reaffirm the value of the ecological features of the northern part of the area and, therefore, we are committed to continue working together within the framework of the OSPAR Commission to resolve by 2012 any outstanding issues with regard to the waters of the high seas of the northern part of the originally proposed Charlie-Gibbs Fracture Zone MPA. It is with great satisfaction that we adopt, at this meeting, significant and innovative measures to establish and manage the southern part of the originally proposed Charlie-Gibbs Fracture Zone MPA – “Charlie-Gibbs South MPA”-, for which the seabed and superjacent waters are situated in areas beyond national jurisdiction.

28. We further take the significant step of adopting measures to establish and manage the Milne Seamount Complex as an OSPAR MPA in areas beyond national jurisdiction. We also adopt measures to establish and manage as OSPAR MPA in areas beyond national jurisdiction the high seas superjacent to the seabed of the Altair, of the Antialtair and of the Josephine Seamounts, as well as of an area of the Mid-Atlantic Ridge North of the Azores. Since the seabed of these areas is subject to a submission by Portugal to the Commission on the Limits of the Continental Shelf (CLCS), these measures complement the management measures for MPAs reported by Portugal to the OSPAR Commission as components of the OSPAR network of MPAs.

29. We especially welcome this significant progress made during our meeting which has extended the OSPAR network of marine protected areas to about 433.000 km<sup>2</sup>, which represents 3.1% of the OSPAR maritime area. Furthermore, we endeavour to promote the designation of marine protected areas beyond national jurisdiction in other fora and regional seas conventions.

30. We welcome the progress achieved, in collaboration with other international organisations and stakeholders, to identify and protect ecologically significant and/or vulnerable deep-sea and high seas ecosystems in the Wider Atlantic, making progress in the development of a standard model of regional

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<sup>10</sup> The common skate species complex, the white skate, the angel shark and the basking shark; *Lophelia pertusa* reefs; coral gardens; deep-sea sponge aggregations; sea-pen and burrowing megafauna communities; Orange Roughy (*Hoplostethus atlanticus*).

cooperation, with other relevant international organisations and competent authorities. We *welcome* the decision by the North East Atlantic Fisheries Commission to close until 31 December 2015 an area almost identical to Charlie-Gibbs Fracture Zone, as well as areas coinciding with the Mid-Atlantic Ridge North of the Azores, Altair Seamount and Antialtair Seamount and other areas beyond national jurisdiction of the North-East Atlantic, to bottom fisheries in order to protect the vulnerable marine ecosystems in these areas from significant adverse impacts.

***We respond to the challenges of a changing climate***

31. We *note* with deep concern the impacts of climate change and ocean acidification, which are predicted to profoundly affect the productivity, biodiversity and socio-economic value of marine ecosystems. We *emphasise* that research into and considerations of these effects, as well as the need for adaptation and mitigation, will have to be integrated in all aspects of our work. We *affirm* that there is a role for the OSPAR Commission, in collaboration with other international organisations, in investigating, monitoring and assessing the rate and extent of these effects and considering appropriate responses.

32. We *express* our readiness to regulate new activities at sea as appropriate and *welcome* the measures and guidance already agreed in relation to the storage of carbon dioxide in sub-seabed geological formations and offshore wind farms. *Recalling* that amendments to Annex II and Annex III to our Convention to allow for, and at the same time provide sound regulation of, the geological storage of carbon dioxide were adopted by consensus in 2007, we *encourage* Contracting Parties to ratify, accept or approve these amendments in order to facilitate their entry into force.

***We will achieve our aims***

33. Committed to protecting and conserving the marine environment of the North-East Atlantic and its resources and services, we *regard* the OSPAR Commission as a visible and viable force that actively contributes to setting the agenda on marine environmental issues, both in Europe and beyond. We *emphasise* that we will continue to deliver our dedicated efforts to achieve our aims, with a view to meeting again, if possible, jointly with the Helsinki Commission, to evaluate progress and, if needed, to revise our agenda in the light of developments and progress achieved.