



FOURTH MEETING

Esbjerg, Denmark

15-16 April 2004

FINAL MINUTES

1. Opening and Adoption Agenda

Document: WSF-4-1-1. Annotated draft agenda

The chairman, Mr. Nijpels, opened the meeting on Thursday morning 09:00 hour. The agenda was **adopted** without amendments. The agenda is in **Annex 1**. A list of participants in the meeting is in **Annex 2**. A list of documents is in **Annex 3**.

2. Shipping safety

Document: WSF 4-2-1, Study about shipping safety

Mr. Gerd Knoop from GAUSS in Bremen presented the study "The Wadden Sea: Maritime Safety and Pollution Prevention of Shipping" with a focus on the resulting recommendations. The study had been distributed to the WSF members prior to the meeting.

Following Mr. Knoop's introduction the national shipping experts, Mr. Rynk van der Woude (NL), Mr. Bernhard Litmeyer (D) and Mr. Ivan Andersen (DK) commented the study and in particular the recommendations. Their statements are in **Annexes 5-7**.

In his reply to the comments Mr. Knoop referred to the very constructive cooperation with the three countries in elaborating the study. He stated that the recommendations would provide good guidance for enhancing shipping safety and improving the protection of the marine environment. He also made clear that several agreements and conventions had been signed and that these should not be made subject to new discussions, as for example with regard to the phasing out of single-hull tankers. He furthermore underlined the importance of the six priority recommendations, which should be implemented immediately.

With regard to the doubts about pilotage, expressed in the comments, he again emphasized the need for this measure, particularly in coastal waters.

In the following, the WSF members made comments to the study and expressed their point of view with regard to shipping safety.

Mr. Ahrens stated that in his view the study was a first draft and not a final analysis. It should be seen as a starting point for further elaboration. Mr. Loos pointed at the need for more manned lighthouses to increase safety standards. Mr. Liebing stated that the status of emergency management was not sufficient at all and had failed e.g. in the case of Pallas. He asked for better actions to prevent accident, the phasing out of single-hull tankers, traffic separation schemes (TSS) in Schleswig-Holstein and Denmark, more distance of shipping routes to off-shore wind parks and a better cooperation to improve the emergency management on a trilateral level.

A positive opinion about the study was expressed by Mr. Rösner, who regarded it a success that the analysis had been elaborated in a very short time and that shipping experts were available to discuss the issue. He also made clear that some of the recommendations had to be further elaborated and proposed a trilateral solution instead of praising the own national activities.

This was underlined by Ms. Ziebarth who advocated a better cooperation and management in the further work.

In order to improve safety standards, Mr. Poelmann requested more manned lighthouses and more attention for the safety of offshore wind parks. In all, he regarded the study as being of good quality. In line with Mr. Ahrens, Mr. Oswald stated that the study was still a draft. In his view more expert interviews should have been carried out, e.g. with port operators.

Before addressing the individual recommendations, the national experts made some additional remarks. With regard to emergency management, Mr. van der Woude stated that a joint coast guard would not be very sufficient because there would be too many different responsibilities within the organisation. Furthermore, he pointed at the human factor, which was the most important one in safety matters. Mr. Litmeyer addressed the issue of deep-sea pilotage. The captain would be responsible and he should have the knowledge to sail in deep-sea waters, otherwise the license would be not justifiable. Therefore, deep-sea pilotage was not necessary.

Regarding unmanned lighthouses, he stated that in Germany most of the lighthouses were remotely operated and integrated in a VTS system. Finally, he invited all members to discuss open questions and critical issues with the experts of the competent authorities.

Mr. Andersen referred to the implementation of the PSSA, which implied responsible management.

As a final step, the meeting went through the recommendations to gather remarks to be taken up by the working group on shipping safety in their future work.

A) Priority recommendations

There were no further comments. The meeting **agreed** to the recommendations.

B) Recommendations

- RN1: while some participants supported the request for additional buoys, the Dutch expert saw it superfluous because of installations of new electronic systems. This recommendation needed further elaboration
- RN1a: additional recommendation about request of more light houses as part of safety standards.
- RN2: no remarks, agreement
- RN6: no remarks, agreement
- RN7: no remarks, agreement
- RN9: The Danish expert did not endorse the recommendation, this recommendation need further discussion by WSF.
- RN11: agreement, the aerial surveillance should, however, not be limited to the 2 mentioned
- RN12: the delivery of data about damages and its value was considered as unclear, further discussion necessary.
- RN13: no remarks, agreement
- RN15: no remarks, agreement

- RT1: request for extended radar observation, further discussion necessary.
- RT2: more information was requested, further discussion necessary.
- RT3: no deep sea waters in PSSA, but bordering; recommendation to be further discussed because of competition disadvantages, benefits of deep sea pilotage was doubted, further discussion necessary. It was suggested to include a cost estimate based on different risk levels in the further discussion (to be prepared by GAUSS).
- RT4: agreement, support for 24 hour and 7 day availability and a maximum response/reaction time of 2 hours. The recommendation should also include ETV.
- RT5: no remarks, agreement
- RT6: no remarks, agreement
- RT7: no remarks, agreement
- RT8: no remarks, agreement
- RT9: no remarks, agreement
- RT10: no remarks, agreement

An additional recommendation should include the dealing with offshore wind parks.

C) Recommendable options

- ON1: no remarks, agreement
- ON2: no remarks, agreement
- ON3: no remarks, agreement
- ON4: the recommendation was not agreeable for all participants and it was requested to delete it. Others requested more places of refuges and, in particular, the necessary equipment. Further discussion necessary.
- ON5: no remarks, agreement

- OT1: the recommendation was not acceptable to harbor and industry, other requested more information, further discussion necessary
- OT2: different legislation could not be accepted (competition disadvantages), further discussion necessary
- OT3: different legislation could not be accepted (competition disadvantages), further discussion necessary

- OT4: no remarks, agreement
- OT5: no remarks, agreement
- OT6: no remarks, agreement
- OT7: no remarks, agreement
- OT8: no remarks, agreement
- OT9: no remarks, agreement
- OT10: recommendation related to RT4, further discussion necessary
- OT11: it should be considered to deploy bigger ETVs up to 250 t bollard pull, others suggested to use 2 tugs. Further discussion necessary
- OT12: no remarks, agreement
- OT13: agreement, this was commented as recognized
- OT14: no remarks, agreement
- OT15: no remarks, agreement
- OT16: no remarks, agreement
- OT17: no remarks, agreement

The chairman **concluded** that the majority of the recommendations had been adopted by the meeting. Some of the recommendations, including additional proposals made during the session, needed further discussion. He therefore suggested, and the meeting agreed, that a working be installed to discuss the outstanding issues and present solutions to WSF 5 in September 2004. The ad-hoc working group would consist of Mr. Ahrens, Mr. Rösner, Mr. Nielsen, Mr. Poelmann, Mr. Oswald and Mr. von Wecheln. The national experts Mr. van der Woude, Mr. Litmeyer and Mr. Andersen and possibly other experts would be invited to the meeting, in order to ensure the necessary technical and nautical input from the responsible authorities and other expert institutions. The meeting would be organized by secretariat in collaboration with GAUSS in May/June 2004.

The chairman thanked the consultant and the national experts for their presence and valuable contributions and the participants for an interesting and constructive discussion.

3. Adoption final draft minutes WSF-3

The final draft minutes of the WSF-3 meeting (Oldenburg, 30-31 October 2003) were adopted.

4. Announcements

A presentation was given about the outcome of the work of the ad-hoc Dutch Commission Wadden Sea Policy by the project leader Mr. Jan Paul van Soest. The Commission, consisting of three former members of parliament, had been asked by the Dutch government to provide advice on a number of difficult policy issues, in particular gas exploitation and mussel fisheries in the Dutch Wadden Sea. The Dutch government has declared that will announce its stance on the Commission's recommendations in June 2004.

5. Reports Thematic Groups

Documents: WSF-4-5-1 Reports TGs Agriculture, Fisheries, Energy, Industry/Harbour; WSF-4-5-2. Report TG Policy/Management

AGRICULTURE

Mr. Keurentjes, chairman of TG agriculture, presented the results of his Thematic Group. With regard to the strategy element 'scale enlargement' Mr. Rösner commented that this leads to less jobs, which is not in line with the social dimension of sustainability. Mr. Keurentjes replied that scale enlargement brings added value to the region and, consequently, additional jobs, although these are not necessarily in the primary sector itself. Mr. Liebing was critical about the Wadden Sea label. He informed the meeting that the region 'Uthlande' has defined standards for their labelled products. The meeting **agreed** that a label should not be proposed for all products and that the word 'all' be skipped in the text. Mr. Bastian stated that the larger the area, the less the value of a label. It was **agreed** that this would also be an issue to be investigated in a project.

With regard to the 'Obstacles' Mr. Wesemüller stressed the need for 'greening' the EU agriculture subsidies. Mr. Keurentjes replied that the CAP reform was going into this direction. Mr. Rösner wondered which Wadden Sea rules and regulations were meant, since these only applied to the Wadden Sea Area and none of them restricted the sustainability of agriculture. According to Mr. Fromsejer this was mainly a matter for the Danish marsh area. Upon suggestion of Mr. Bastian the connotations 'unnecessary' and 'redundant' were skipped under the 2nd bullet of Obstacles. Mr. Wesemüller asked what was meant by the maintenance of gullies. Mr. Fromsejer explained that there were problems with flooding of the hinterland as a result of insufficient water discharge possibilities. Mr. de Jong informed that the trilateral working group on sea level rise (CPSL) would be requested to look into this matter. With regard to the projects Mr. Rösner indicated that he could not agree to all projects. Mr. Fromsejer proposed and the meeting **agreed** that the last project proposal was actually a recommendation and should be moved to that category.

FISHERIES

The results of the TG Fisheries were presented by its chairman, Mr. Holstein. Mr. Rösner proposed to refer to the protection of the Wadden Sea ecosystem as an aim of integrated resource management, not only the "dynamics" as expressed in the text. The meeting was of the opinion that protection is a given fact. With a view to the issue of user conflicts Mr. Loos pictured a potential situation in which safety zones would be designated around offshore wind farms, in which the energy companies would start fishing. He also underlined safety and insurance problems for fishing in or around wind parks. In all, this implied that fisheries ground would get lost and therefore fisheries organisations should be involved in the planning of offshore wind parks. Mr. Poelmann asked what was meant by insufficient support by local and regional authorities. Mr. Holstein answered that in some parts of the Wadden Sea harbour facilities were not being maintained and that there was a fear for concentration of fisheries in a few harbours. Mr. Liebing would like to know at what level the recommended harmonisation and optimisation of rules and regulations was aiming at. Mr. Holstein regarded the harmonised implementation of the Habitat Directive a good possibility for tuning fisheries and nature protection.

ENERGY

The TG Energy chairman Mr. Schuhbauer presented the results of the TG Energy. With a view to the discussions at the shipping safety session, Mr. Poelmann commented that costs for safety would also have to be included in the exploitation costs of wind energy installations. He furthermore missed tidal energy as a potential regenerative energy source. With regard to oil and gas exploitation he questioned whether the Dutch provinces would be in favour of more gas exploitation in the Wadden Sea. Mr. Bastian was sceptical about the 20% energy saving goal. Mr. Loos stressed that authorities also have an important task in energy saving. Mr. Nielsen questioned the regional interest in wind energy generation. Mr. Bastian asked where the limits of the use of wind energy were. He criticised the lack of a cost-benefit calculation for wind energy generation. In this respect Mr. Liebing mentioned the impacts on tourism and shipping safety.

Mr. Rösner could not agree to the statement in the 2nd bullet of 'Obstacles' that wind energy was subsidised and referred to the fact that CO₂ pollution effects were not included in the costs of fossil fuel energy generation.

Mr. Schuhbauer remarked that the price for wind energy is not regulated by the free market.

Mr. Rösner had trouble to understand that the continued use of hydrocarbons could be regarded as sustainable, as it is expressed e.g. in strategy 4 and 5. In his view it had to be made clear in the text that this could only be the case if used as a transition towards regenerative energy use.

With regard to the Recommendations Mr. Ahrens proposed to add to the recommendation on on-shore drilling 'whenever technically and *economically* possible'.

With regard to the recommendation on taxation it was stressed that the venues would not be used to fill gaps in the general state household.

Mr. Rösner indicated that he could not agree to the 5th recommendation on page 5 (the oil and gas drilling should....) with the view that it should be carried out "only" from on-shore.

As regards the project proposals Mr. Liebing stated that he could not agree to the first one. On the last proposal he commented that tourists should not be educated.

Mr. Bastian would like to see the planning of solar energy installations included in the 2nd project.

Mr. Loos asked about his proposal for a 'Darkness cleansing' project. Mr. Ahrens informed that this was included in the TG Industry/harbour submission. With regard to LNG he stated that Wilhelmshaven was the only location with permission for the installation of LNG terminals.

INDUSTRY/HARBOR

The results of the TG Industry/Harbour were presented by its chairman, Mr. Ahrens. He emphasized that the proposed visions and recommendations were based on common agreements. There had been controversial discussions in the TG, but consensus had been achieved.

With regard to initiatives for stimulating the industry business and new investments, Mr. Rösner pointed out that the limits of growth had to be considered e.g. "clusters" meaning only existing industrial areas. An unlimited growth and development was contrary to sustainability aims. Mr. Hinrichs stated that full employment, which was undoubtedly a sustainable aim of society, required further development.

Mr. Ahrens replied that the region had to react to the generally growing market. A sustainable way would be e.g. building clusters of industries. This was a competitive measure by using common facilities and by products, as well as sustainable development option by concentrating impacts. With regard to the proposal of Mr. Loos to aim at more darkness and silence in the region, Mr. Ahrens emphasized that cluster building was also a contribution to this aim.

Regarding the strategy about a harbour concept, Mr. Rösner requested to consider this concept as a binding strategy. Mr. Ahrens stated that the WSF could only recommend the development of a harbour concept. Politics were responsible for the implementation.

Mr. Wesemüller proposed to change the order of the listed obstacles to make clear that the use of farmhouses was not of highest priority. Mr. Ahrens replied that the order had no ranking function and was related to the order of the strategies.

POLICY/MANAGEMENT

Mr. Verheij, chairman of the TG Policy/Management, presented the outcome of the work of his Thematic Group.

In a round of general comments it became clear that there was confusion about the delimitation of the proposed Nature-2000 area. Mr. Verheij explained that there had not been time to prepare a map but that, in principle, Natura-2000 was identical with the current Wadden Sea Area.

Mr. Keurentjes felt the proposals had too much a top down character. Mr. Liebing stressed that he was against a new discussion about designation, that he did not want a new authority and that it was unclear at what level the proposed harmonisation should be done. To this Mr. Bastian added that he did not agree to the general line of the document because the responsibility was with the regional level. In his view regional variety was a chance for development.

Mr. Verheij replied that the opposite, a bottom-up approach, was proposed in the paper. Moreover, it was not the intention to create a new authority. He furthermore stressed that harmonisation was not the same as equalisation.

In the discussion on the recommendations proposed by TG PM, Mr. Theuerkauf and Mr. Hinrichs wondered which authority would be responsible for the proposed ICZM strategy of Recommendation 1, taking into consideration that the trilateral cooperation was a responsibility of environment ministers.

Mr. Verheij stated that the environment ministers represented their governments. Moreover, he would be in favour if also other responsible ministers would be involved, for example the ministers of economic and social affairs.

Mr. Ahrens informed the meeting that he could not accept Recommendation no. 3 and referred to the remarks made during the general discussion. As a consequence he had also objections against Recommendations 4 to 9, which were related to number 3.

The meeting had no principal objections against Recommendation no. 10.

Mr. Liebing did not agree to Recommendation no.14, because this would make things more complicated. What he could imagine was the collection of relevant information.

Mr. Verheij explained that this was probably a misunderstanding. What was meant was to consult the CWSS and make use of their knowledge.

The chairman summarised the discussion by stating that a lot of additional explanation and discussion was still necessary with regard to the proposals. He referred in this respect to agenda item 8 in which a procedure for the follow-up of the TG work would be discussed and suggested to include a representative of the local governments in the follow-up work.

6. Topical issues

Documents: WSF-4-6-1. Planning offshore wind parks. WSF-4-6-2. Transport of seed mussels

Some technical comments were made to information document WSF-4-6-1, the planning of offshore wind parks.

Mr. Rösner noted that there was a contradiction between the recommendation of TG Energy not to construct windmill parks inside the 12-sm zone and the actual planning in Lower Saxony.

With regard to the shrimp cartel case Mr. Breckling informed the meeting that Germany had proposed to refer the matter to the Council of Ministers, probably in May 2004.

Mr. Holstein briefly introduced document WSF-4-6-2. According to a Dutch law of 1964 it is not allowed to unload mussels in The Netherlands with a vessel under German flag. With a bilateral agreement this could be solved.

Mr. Rösner stressed that this should not concern seed mussel export from one Wadden Sea country to another.

Mr. Holstein replied that seed mussel export was not relevant in this case.

The meeting agreed that letters would be sent to the responsible ministers with such a request, under the condition, that this does not imply any positive statement for seed mussel export from one Wadden Sea country to another.

7. Sustainability aims

Documents: WSF-4-7-1. Sustainability aims. WSF-4-7-2; COWI report Wadden Sea region sustainability strategy

The meeting adopted the sustainability aims as in document WSF-4-7-1 as a basis for the further work of the WSF. It was **agreed** that the aims would be taken into consideration in the follow-up work according to the procedure to be discussed under agenda item 8.

The meeting furthermore took note of document WSF-4-7-2, the COWI sustainability study. This report would be considered in the follow-up (see agenda item 8).

8. Procedure final phase and outline final product WSF

Documents: WSF-4-8-1. Outline final report; WSF-4-8-2 Procedure final phase Wadden Sea Forum.

The meeting adopted a proposal by the chairman and the TG chairmen (document WSF-4-8-2) to install an ad-hoc technical Steering Group consisting of the chairs of the TGs and one additional member of each TG. The task of the Steering Group is to prepare a first draft of the WSF Final Report, according to the outline of document WSF-4-8-1, to be submitted to the WSF-5 meeting, 16-17 September 2004.

In drafting the proposal the Steering Group will make use of the outcome of the TG work, the comments to the TG proposals raised at the meeting, additional information such as the Prognosis perspectives study, and relevant material about tourism and recreation, coastal protection and infrastructure. With regard to tourism and recreation the outcome of the Netforum study was mentioned. With regard to infrastructure reference was made to a study of the IRWC, which would be made available to the secretariat.

It was furthermore **agreed** that the Steering Group will also develop a discussion paper for use in the regional conferences (see below), in line with the draft Final Report.

The meeting also **agreed** to postpone the regional conferences to October/November 2004. Such was necessary because the WSF-5 meeting (16-17 September 2004) first has to discuss the results of the work of the Steering Group.

The postponement of the regional conferences makes it necessary to postpone the final WSF meeting as well. It was **agreed** to schedule this meeting between the first half of December 2004 and the first half of February 2005.

An amended time schedule is in **Annex 4**.

9. Any other business

There was no any other business.

10. Closing

The chairman thanked the county of Ribe for hosting the Wadden Sea Forum. He closed the meeting on Friday 16 March, 12:00 hours.

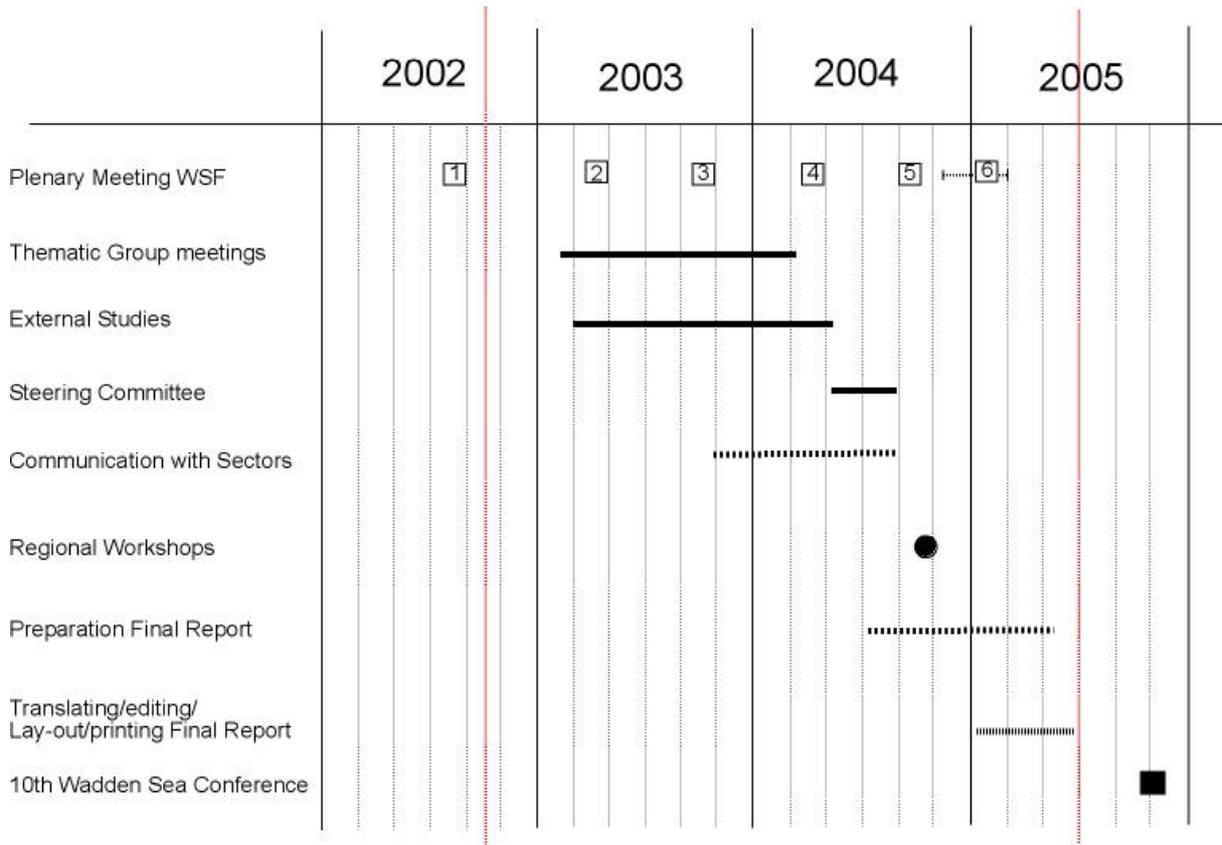
ANNEX 1. AGENDA

0. Welcome
1. Adoption of the agenda
2. Shipping Safety
3. Adoption of the minutes of WSF3
4. Announcements
5. Reports Thematic Goups
6. Topical issues
7. Sustainability aims
8. Procedure final phase and outline final product WSF
9. Any other business
10. Closing

ANNEX 3. LIST OF DOCUMENTS

Document No.	Contents	Delivered		
		by	date	how
Agenda item 1: Opening of the meeting and adoption of the agenda				
WSF4-1-1	Draft agenda WSF-4	Secretariat	17/03/04	e-mail
WSF4	Draft program WSF-4	Secretariat	17/03/04	e-mail
Agenda item 2: Shipping safety				
WSF4-2-1	Shipping Safety	Secretariat	25/03/04	e-mail: cover letter
		IRWC	29/03/04	regular mail: study
Agenda item 3: Adoption final draft minutes WSF-3				
WSF3	Final Draft minutes WSF-3	Secretariat	28/11/03	e-mail
Agenda item 4: Announcements				
Agenda item 5: Report Thematic Groups				
WSF4-5-1	Final Reports TGs Agriculture, Energy, Fisheries, Industry/Harbor	Secretariat	25/03/04	e-mail
WSF4-5-2	Final Report TG Policy/Management	Secretariat	25/03/04	e-mail
Agenda item 6: Topical Issues				
WSF4-6-1	Off-shore wind parks	Secretariat	01/04/04	e-mail
WSF4-6-2	Transport mussels	Mussel producers	06/04/04	e-mail
Agenda item 7: Sustainability aims				
WSF4-7-1	Sustainability matrix	Secretariat	25/03/04	e-mail
WSF4-7-2	COWI Sustainability study	Secretariat	25/03/04	e-mail: cover letter
		IRWC	29/03/04	regular mail: study
Agenda item 8: Procedure final phase and outline final product WSF				
WSF4-8-1	Draft outline final report WSF	Secretariat	25/03/04	e-mail
WSF4-8-2	Proposal for procedure	Secretariat	16/04/04	hand out

ANNEX 4. AMENDED WSF TIME SCHEDULE



ANNEX 5

Presentation by the Netherlands' "Shipping Expert", Director NL Coastguard, Captain Rijn Navy R van der Woude

Introduction

Ladies and gentlemen, I am Rynk van der Woude, Director NL coastguard and full Captain in the RNL Navy. The NL coastguard organization is not an independent governmental organization with own ships /aircraft and people but a permanent cooperation between 6 ministries and 9 governmental organizations.

The coastguard organization was founded in 1987 and since 1995 the RNL Navy has operational control for the execution of coastguard tasks at sea and provides the Coastguard Coordination Centre at Den Helder.

40 people, many of them civilian employees of the navy, work in that coast guard centre and in fact we are the only 40 people who work for the NL coastguard continuously. As said the NLCG has not its own ship and aircraft including crew and inspectors/observers but we make use of those existing assets owned for instance by the customs or fishery department. We do the coordination, programming, planning & reporting/accounting etc.

13 governmental tasks at sea are identified as coastguard tasks they vary from SAR, incident & emergency handling at sea, aids to navigation like buoyage systems etc. to upholding the environmental laws, carrying out fishery inspections and supervising sea traffic rules and routing systems.

So the NL Coastguard center is also our national RCC for maritime & aeronautical SAR operations. My area of responsibility is the NL EEZ, TTW and the larger inland waters like the Wadden Sea and Jsselmeer. The latter two for SAR only so not for incidents & emergencies other than the SAR part of it.

Today we are assembled to discuss shipping safety and pollution prevention from ships. Let us remember that more than 99,99 % of transports oversea, including oil, are happening without any incidents. To put it furthermore in the right perspective more than 90 % of all goods come from over the waters and about ¾ of the world is water. Impeding the free trade and limiting shipping will have a devastating effect on the world and our economy and if it comes to an halt there won't be an aircraft flying, a train or car driving nor heating for our homes.

As said my area of responsibility is the NL EEZ and TTW's an area 1,5 times as big as the homeland, relatively small but very busy. Around 250.000 ships pass through the area every year.

That figure is including fishery & recreation. There are approx 200 offshore installations and by the year 2015 also 1000 super large windmills in that sea area.

A snap shot shows us that at any moment of the year there are 340 ships in my area of which half is route bounded and the other half is not route bounded like fishermen, workships like tugs and suppliers etc and recreational craft.

Notwithstanding the high amount of traffic flow the Southern North Sea is extremely safe.

In 2002 there were for instance 8 collisions between 2 ships, in 5 of those incidents were fishermen involved, and two minor collisions with offshore platforms.

In the year 2003 there were only 3 collisions, including 2 fisherman in one incident. furthermore one collision with an offshore platform and in the same year there were 7 incidents with lost cargo.

Ladies and gentlemen this concludes my introduction. I brought some brochures with me and some paper copies of the text in my following power point presentation.

If we have some spare time left this morning I am most willing to show you a self explaining multi media presentation of the NL coast guard. It takes less than 10 minutes to do it.

Priority Recommendations

RN3 (Erika II package)

By the end of the year the necessary infrastructure and legislation will be ready

RN4 (AFS convention)

Preparations for ratification of the AFS Convention are in progress

RN5 (HNS convention)

N/A. for NL

RN8 (notification of PoR's)

There is no obligation for notification of PoR's. PoR's will be added to CP -NS

RN10 (Port reception facilities)

Implementation of the Directive (legislation) is in progress

RN14 (Port state control)

Implemented in December 2003

Conclusion: The listed deficiencies are recognized and noted. Preparations for implementation are under way or recently completed. There is not such as: immediate implementation.

Recommendations**RN1** (lateral buoyage system)

Negative. Good experience in DW route. There are still 4 buoys marking the ITZ.

RN2 (VTS near Vlieland TSS)

Negative. Outside TTW's. Not cost effective. Very limited contribution to safety

RN6 (enlarge oil combating capacity to more than 10.000 cums a day)

NL is working on a new capacity plan based on a new risk analysis study(2005)

RN7 N/A. for NL**RN9** N/A. for NL**RN11** (LFS/MWR equipment on Surveill. Aircraft)

A promising evolution. Not yet fully operational. Option for the future

RN13 (ratification of bunker convention)

Implementation is in progress

RN15 (PSCO conflict of interest)

There is no conflict of interest. Delegation to classification bureaux concerns flag state inspections only. PSC is done by the governmental Shipping Inspection (IVW-DS)

Conclusion: No further actions required

RT1 (Land based AIS-stations in WS area)

Land-based AIS stations along the NS coast will be established before the end of 2004.

NL Coastguard Centre Den Helder will spider in the web.

Note that shipping monitoring does not automatically increase the "shipping safety"

RT2 (supra regional VTMS)

Implementation of Directive 2002/59 (Monitoring and information exchange) AIS network and Safeseanet suffices. VTS outside TTW's is illegal. See RN2

RT3 (compulsory "Deep Sea Pilotage")

NL does not see the necessity at this moment.

RT4 (24 hrs availability of pollution response vessel)

Response capacity is 24-h-available. Apart from state owned assets there is a "pilot flame" contract with civilian dredging companies.

RT5 (HNS protocol)

Ratification is in progress

RT6 (sanctions on ship-source pollution within the EEZ)

Discussions in EU are still going. National legislation in EEZ not yet implemented.

RT7 (harmonization of PSC procedures)

Is already intensified

RT8 (exchange of PSCO)

Is already intensified

RT9 (joint PSCO training)

Is already intensified

RT10 (25% inspection target for PSC)

Is already the case in NL

Conclusion: Apart from the remark that the "EU monitoring system for shipping" does not automatically result in an increase of shipping safety and the notification of the lack of environmental legislation in the NL-EEZ ("in progress") no further actions required.

Recommendable Options**ON1** (wind farms and VTS)

N/A. for NL. Note that before 2015 there will be approx. 1000 offshore windmills (6000 Megawatt) in the NL-EEZ. Clear ways system. More ETV's required?

ON2 (ballast water areas)

Treaty is still not ratified

ON3 (Port reception facilities for ballast water)

NL only for sediments in ballast water

ON4 (public information of PoR's)

No need for. All NL seaports are in principle PoR's. Places for shelter at sea are very limited.

ON5 (expansion of PSC human resources)

Depending financial possibility and political decisions

Conclusion: NL confirms the need for a “ballast water” convention. NL confirms the need for an integrated spatial planning process in its EEZ

OT1 (compulsory pilotage in PSSA area for limited number of ships)

Is already the case in the NL

OT2 (earlier phasing out of National single-hull tankers)

Negative. NL will comply with international agreement i.o.t. maintain a “level playing field”

OT3 (tri-lateral initiative to ban single hull tankers in their EEZ)

NL not in favor

OT4 (award scheme)

Is already operational (Green Award)

OT5 (refresher courses)

Is already partly the case in the NL

OT6 (enhancement of training standards)

Present level of education and training in the NL sufficient

OT7 (IMO/EU initiative regarding OT5 and 6)

Initiatives in IMO **will be supported**. EMSA has this subject on its agenda

OT8 (support to MSC 75/21-ETS on ships down to 300 GT)

NL is not against a GE submission

OT9 (improve pollution combat technology)

NL is continuously working on improvement of the combating technology

OT10 (ensure 24hr availability of ETV)

In NL 24 hrs/day during the whole year available. MS Waker is SOL at Bft 5 and higher.

Note: for the WS area an **extra ETV with less draught** could be advisable

OT11 (future ETV with minimal 120 tons BP)

Yes. See previous note on OT10

OT12 (Joint Coast Guard Working group)

NL supports an investigation of the possibilities for further trilateral cooperation

OT13 (harmonization on Port reception facilities)

Will be done through the EU

OT14 (EC maritime pollution database)

NL supports an investigation on the possible benefits of such a database

OT15 (in depth analysis to optimize Aerial Surveillance) See **OT 14**

OT16 (temporary COPE-fund within the EU)

NL supports the idea

OT17 (make use of information from pilots w.r.t. PSC)

Is common practice in the NL; however not based on legislation

Conclusion: NL does **not** support OT2 & OT3. The other options are either supported or already in some stage of implementation.

Private thoughts on improving the Shipping safety, reducing the risk of pollution and strengthening the pollution combating operations.

COLREGS(IMO).

The rules of the road (maritime) for safe navigation are world wide accepted and therefore possibly not explicate any more for extremely busy areas like the Southern North Sea. It could be advisable to accept the following suggestions.

Small ships (including fisherman and recreational craft) give way to larger ships.

Give TSS a priority route status. Modify DW routes completely to TSS routes (suggestion nr. 2 applicable). Prohibit fishery activities within TSS routes and separation zones.

Spatial planning

Enlarge the safety radius around offshore installations from 500 meters to 1000 yds.

Adopt the NL “ clear ways” system.

AIS equipment on board

Stimulate the use of AIS equipment on board ships less than 300 GT(fisherman, recreation craft etc.).

Pollution Prevention

Enlarge the ETV capacity near the shallow waters of the NS adjacent to the WS by contracting a civilian company operating from West Terschelling or Vlieland made available to Dir. NL CG. Stimulate the erection of an "Air Mobile" Fire brigade made available to Dir. NL CG for quick response purposes.

Intensify Aerial Surveillance to at least one flight per day/night . Note that the NL (political) intention to close NAS Valkenburg and to sell the Maritime Patrol Aircraft Wing implicates that the surveillance capacity of the Netherlands is limited to approx. 0,5 aircraft for 2004/2005.

Pollution Combating Procedures

It is of the utmost importance that the Emergency Handling Coordination Plan for the NL Wadden Sea area is made workable. Too many regional and local governments as well as fire brigades etc are involved. Clear command and control (one person or authority) is required regardless of any local borders. The operational leadership should be executed from a standing ,maritime experienced , organisation enhanced by experts when needed and with good C&C facilities.

ANNEX 6

Presentation of the German “Shipping Expert “,Bernhard Litmeyer, WSD Nordwest, Aurich.

Ladies and gentlemen,

please let me introduce myself.

My name is Bernhard Litmeyer, I am working in the shipping department of the waterways and shipping directorate Northwest in Aurich, Germany. The German waterways and shipping authority is an administration in the jurisdiction of the federal ministry of traffic, building and housing.

In 1972 I started as a deck boy on sea going vessels and received my master’s license in 1981. Since 1985 I’m working in the authority and my main fields of business are the following:

- Shipping police
- Emergency response (as far our competency is touched)
- All matters concerning VTS
- Emergency towing
- Off-shore matters (e.g. wind turbines, gas-pipes, cables)

Before I take the opportunity to talk about my point of view concerning the different items of the GAUSS study please let me explain the following:

Due to the fact that I was very shortly asked to present my viewpoints on the conclusions and recommendations of the GAUSS-study during this meeting, I had a very short time for briefing.

So I beg your pardon, that I will not be able to satisfy all your expectations as well in quality as in quantity. What I can do is to address some aspects of the study, which – from my personal point of view – are important or where there have to be done some more investigations. My explanations will only focus on those items, where the waterways and shipping authority has a competence.

Chapter 3.1 „Shipping (traffic) safety and ships safety“

Presently there are several risk analyses and safety assessments in Germany carried out by different consultants to answer the question, if offshore wind turbines do have an significant effect on shipping safety. It is not only the wind turbine itself, which has to be taken into account but also the maintenance of the plant and all necessary operations for the power supply– for instance all cable laying- an maintenance operations.

From a navigational point of view, such offshore structures may have an significant effect on shipping safety, at least in sea areas, where there is dense merchant traffic. On one hand the risk of collisions may grow, on the other hand the emergency response might be impeded in one or the other case by offshore structures.

I think, even the problem, where the cables for the power supply preferably should be laid hasn’t still been solved. The question is whether to cross a waterway with dense traffic (including the risk, that a ships anchor can damage the cable, which causes further risks) or to lay the cable in areas where the is no or very little traffic.

In this matter there may arise a conflict with the Wadden Sea area which still has to be discussed.

The more applications we get from the potential applicants in the future, the quicker we have to find solutions to satisfy all expectation of the involved parties, which are for example:

- the shipping and seafarers concerns
- fishery and recreational claims
- the interests of the wind turbine industry and last but not least
- the entitled demands of the environment

Chapter 3.1.2 Reduction of light buoys in shipping lanes

Even when the study addresses this item to the Dutch government it has to be considered, that a traffic separation scheme in the open sea - which divides the opposing traffic in two lanes - is a most safe shipping route.

A clearly distinction has to be made between Traffic Separation schemes (established by the IMO) on one hand and restricted estuaries and fairways on the other hand.

The question, if a new technical tool - for instance GPS; ECDIS and AIS - can replace traditional aids to navigation in a particular case, is at least admissible and has to be verified on the basis of a safety assessment. In this context one of the main questions is, whether the equipment on board is sufficiently used and maintained by the crews.

That means, that the reduction of buoys in a Traffic Separation Scheme in the open sea, must not necessarily lead to a lack of safety.

Chapter 3.1.4 AIS-based traffic monitoring system

On behalf of the German government the waterways and shipping authority, which is the competent authority for this matter, is undertaking all efforts to implement the AIS land-based infrastructure into the existing VTS-System as soon as possible.

This means that we try to cover wide areas of the German north sea and Baltic sea coast (where there is dense traffic) with AIS at the end of this year. In the north sea region we will have AIS-stations particular on the islands of Borkum, Norderney and Helgoland (4 sectors) with a range of 40 nm each. In the Baltic sea we will have also 4 AIS-stations which cover the main shipping routes.

We try to reach a complete coverage until 2007.

The worldwide implementation of the ISPS-Code (international ships safety and port facility code) will - from my point of view - accelerate this tendency.

Chapter 3.1.5 VTS (and radar surveillance)

Due to the fact, that a lot of wind generators respectively offshore wind farms are planned in the territorial waters of Germany as well as in the German EEC (exclusive economy zone), the waterways and shipping administration has established a working group to find out how the safety of traffic in the vicinity of offshore-wind farms can be improved.

In principle we want to implement the traffic surveillance of offshore structures in the existing VTS-System. That means, that a 24 hour surveillance by radar and/or other means (e.g. AIS) is deemed to be necessary. This includes an information service (broadcast), a navigational assistance service and in case of danger a traffic organization service system.

When the working group has produced a first draft paper, it is intended that the parties involved – like the hydrographic office and the applicants – will participate.

Chapter 3.1.6.1 Deep Sea Pilotage

Before the necessity of a compulsory deep sea-pilot for identified ships (outside the territorial waters of a coastal state) can be affirmed, from my point of view a safety assessment has to be carried out. The following assumptions have to be clarified:

- Which are the general aspects to take a pilot on board (e.g. strange or restricted waters, poor visibility, technical deficiencies)?
- Is a compulsory pilotage outside the territorial waters for certain vessels still in accordance with the international law of the seas (e.g. intervention convention)?
- How can a true whiteness be gained, that a vessel at a certain time is at a certain risk level?
- May there arise a risk to discriminate vessels flying a certain flag?
- Are there any other measures that may prevent, that sub-standard vessels are entering the territorial waters of a coastal state?

Ladies and gentlemen, answers on these questions have to be found on an international basis. Otherwise there will be no legal authorization to force a vessel in the open sea to take a pilot on board.

Chapter 3.1.6.2 Coastal and harbor pilotage

Coastal and harbor pilotage is in Germany already compulsory for vessels of a certain size (all vessels exceeding 90 m in length, 13 m breadth or carrying certain dangerous good in bulk – independent of their dimensions-). This includes most all of the German waterways and ports. Exceptions are only possible for masters of vessels of a certain size while fulfilling some special assumptions.

From the legal and practical view I can hardly see any reason, why the coastal and harbor pilotage in Germany should be insufficient. If there are any reasons from your point of view, please let me know.

Chapter 3.1.7.2 Additional measures (emergency towing equipment)

The recommendation, that all vessels up from a certain size should be equipped with an emergency towing system, is - from my point of view - appropriate. The problems which have to be solved are:

- the competent platform is the IMO.
- the size and type of the vessels which should be equipped has to be evaluated by a formal safety assessment.

Chapter 3.2.2 Places of refuge

In divergence to the explanations of the GAUSS-study, Germany (fulfilling its obligations due to EC guideline 2002/59/EG) noticed to EC-Commission already in July 2003 possible locations of Places Of

Refuge and corresponding processes. Thus EC-Commission did not commence a „process of violation“ against Germany. Germany shares the view of the Netherlands and other European-countries, that it is not appropriate to determine separate Places Of Refuge, but to consider every protected water-area as to be one.

Suitability of such places depends on the kind of accident. Considering suitability of a Place Of Refuge to be altered in the short term, EC guideline 2002/59EG does **not** contain any obligation of the member countries to publish any Places Of Refuge.

Particular sensibility of the PSSA Wadden Sea will be taken sufficiently into account while selecting appropriate Places Of Refuge.

Germany is just busy to create an additional agreement between federal government and coastal states to hand over the final decision of allocation of a Place Of Refuge to the Head of the Central Command for Maritime Emergencies.

Chapter 3.2.3 Emergency towing capacity

The study suggests, that there is only one German emergency tug operating in the German sector of the North Sea.

The fact is, that Germany owns 3 multi-purpose vessels which are equipped with emergency towing gear. Another one is just going to be build. Additional to the governmental owned tugs, 4 private ones are chartered for both the North- and the Baltic Sea.

In the North Sea two of those governmental-owned multi-purpose vessels, the „MELLUM“ an the „NEUWERK“ are positioned in the German Bight. Both vessels have a bollard pull of approximately 110 tons. Additional the „Oceanic“, a salvage tug with more than 180 tons bollard pull is full time chartered. This charter party includes a boarding team, which is 24 hours a day and 365 days a year available.

The „Oceanic“ is on its sea position (which is north of the island of Norderney) during all the year. The „Mellum“ and „Neuwerk“ are on sea position (South of the island of Helgoland respectively southwest of the island Süderoogsand), as soon the wind is reaching gale force (8 Bft.).

In order to improve the practice and skills of the crews, a certain number of exercises - for instance with large Tankers or ferries which are chartered only for this purpose – is carried out each year.

In addition to that, we refer to:

- an agreement between the tug-boat companies (pool) and the waterways and shipping authority concerning the immediate support of (about 60) tugs in case of need.
- an agreement of mutual assistance in the field of emergency towing capacity between the Kingdom of the Netherlands an the Federal Republic of Germany. In annual meetings, where the ships crews are involved, the experiences gained are exchanged.

According to the new German emergency towing concept, the chartered tug in the north sea will have a bollard pull of at least 160 t. which has to be reached with a draught of no more than 6 m.

I have some further remarks concerning emergency towing capacity:

The multi-purpose vessels are a good solution either for an overall emergency towing concept and a good cost/benefit result.

Not only the bollard pull, but the following requests have to be met in order to reach a successful emergency towing in the vicinity of the Wadden Sea area:

- excellent maneuverability
- minimum draught
- sufficient speed in bad weather
- In case of need, a high bollard-pull can even be reached by two tugs handling a damaged ship

Chapter 3.2.5 (Common) Coast guard

In Germany we have a national coast guard, which already cooperates with the Dutch coast guard, the so called „Kustwachtzentrum“ and with the Danish marine. Before a joint working group should be established to investigate the option for a trilateral common coast guard, a clear evidence about the possible benefits - in relation to the existing system - has to be made.

At the end of my address I would rather thank you for your attention!

I wish, that all your efforts - which should of course be our common efforts - to protect the environment and especially the trilateral Wadden Sea region, may succeed.

ANNEX 7

Presentation of the Danish “Shipping Expert “,Ivan Andersen, Danish Environmental Protection Agency,

Ladies and gentlemen, please let me introduce myself

My name is Ivan Andersen; I am working in the Danish Environmental Protection Agency. The Agency is among other things responsible for the Danish legislation on marine pollution and all other aspects concerning pollution of the sea by ships.

I am educated as master in the merchant marine and was employed in the Navy for 12 years in which 7 years was as master on a pollution response vessel. In 1991 I began my work in the Agency and my main field of business is marine pollution and aspects related to marine pollution.

The study gives a number of recommendations on different items which can be implemented in order to improve ship safety and by that the possibility to minimise pollution in the area, but as many of you may know the number of ships in the Danish part of the Wadden Sea are low compared to the German and Dutch areas. Therefore, my comments will therefor mainly be on the different item of the Gauss study of interest for the Danish part. At the end I will try to give a more overall view of what are going on in Denmark on this field.

3.1.3 Traffic Separation Schemes:

There are no such schemes in the Danish area and at the moment there are no intention to set up such traffic separation schemes in the Danish area.

3.1.4 AIS land based traffic monitoring system:

Denmark has since the Baltic Carrier accident (2001) in the Baltic (near the coastline of Møn) been very much involved in this work in the Baltic through the HELCOM (co-operation among the states in the Baltic Sea). At the moment we are so far ahead that I think we will finalise before the deadline this summer and I think that we without problem will meet the deadline for the Wadden Sea before summer next year.

We think AIS will give Denmark a better opportunity to monitor ship movements in our waters and the national contact point SOK in Aarhus is at the moment trying to set up a system in order to receive maximum information from the AIS system. The system is as much as possible incorporated in the normal operations (SAR oil pollution etc.).

Although, we know that the shipmaster can switch of the AIS, or there can be malfunctions we still think that the responsible authorities can benefit from this system. We have decided that ship without AIS in our waters will be subject to a PSC.

3.1.5. Vessel traffic services and radar surveillance

At the moment we do not consider any VTS systems in the Wadden Sea but if there will be a development of wind farms I think the question will be raise and further discussed, if necessary.

3.1.6 Pilotage

Deep sea pilotage and coastal and harbour pilotage

There are no deep sea pilotage in the Danish part of the Wadden Sea and in accordance with the Danish regulation all tankers above 500 tonnes coming or leaving Esbjerg Port are to have pilot on board.

3.1.7 Accelerated phase-out for single hull oil tankers

Denmark have together with many other countries in IMO worked hard to formulate the phase-out scheme we have at the moment. At the moment, I think that it will be unwise to try to negotiate further restrictions for single hull tankers. We have already banned all single hull tankers carrying heavy fuel in our port and to my knowledge the three countries do not have that many tankers sailing in the Wadden Sea flying our flag.

As mentioned above I do not think that the three countries shall try not to ban single hull ships in our EEZ. As you may remember the countries behind the proposal to appoint Western European Waters as PSSA had to redraw their proposals to ban single hull tankers in their EEZ.

3.1.7.2. Additional items and measures

Designs and construction

Manning

Equipment

We do not have anything against an award scheme to improve safety of shipping but it should not be the only options. All ship owners and other dealing with ship-operations should by themselves be interested to invest in new and better constructions of tankers and I think that many ship owners will if they can see the benefit, try to find new solutions and improve the design and the construction of these ships.

Furthermore you can build a new ship and man it with a crew, who do not maintain her and then such a ship will be very dangerous in the future. So I agree that we have to keep our crewmembers well educated and their knowledge up to date.

But it is important that those involved in the operation of a ship are aware of their responsibility and try to keep the ship in a good shape.

3.2 Emergency Management

At the moment DK do not want to change the already existing contingency arrangements.

When we appointed the places of refuges in accordance with the EU directive it was stated that the places of refuges would not change the contingency arrangement. We are at the moment in a process to develop contingency plan/s for all places of refuges and of course we will have a discussion on the contingency arrangements but there are no intentions to change it at the moment.

We have booms and skimmers available in Esbjerg Port and more can easily be brought to the area in case of an emergency. The equipment is maintained and we always try to use the best available technique etc.

Concerning the ratification of the HNS-OPRC Convention we are still considering the ratification.

3.2.2 Places of Refuges

DK have appointed 22 places of refuges (can be found at www.mst.dk under press release and news - 2004).

The public have been involved through the process and both harbours and areas offshore are appointed.

3.2.3 Emergency towing

Denmark has no ETV in the Wadden Sea area and so far there are no intentions to change that position. We rely on private enterprise and we still consider that the government shall not compete with private enterprise. There are two tugs in Esbjerg Port and most of the time the off-shore industry have ships in the area which can be used.

3.2.4 Mutual assistance in emergencies

Denmark and Germany have a well-established co-operation in the Wadden Sea (DENGER plan) and the people in both Cuxhaven and Aarhus know each other very well through exercises, meetings etc.

3.2.5 Coast guard

DK have no Coast Guard and we think the well-established co-operation we already have between DK and G (and in the future also Netherlands (DENGERNETH-plan)) are enough.

We exchange information, have regular meetings and exercises between the responsible authorities and it works without problems. So we are not in favour of creating a joint Coast Guard group to investigate the option for a trilateral common Coast Guard.

3.3 Illegal discharge

Some years ago we had many small pollution on our coastlines (and a few big ones) but as I see it this have changed.

We have a directive on port reception facilities and DK are together with other EU countries trying to solve the problems discovered in order to get a harmonised interpretation of the EU-directive.

DK has for many years use the no special fee system in the Baltic and that applies also for the Danish North Sea ports.

3.3.2 Aerial Surveillance

DK and G have an agreement to carry out aerial surveillance in each other's areas and in the next years DK will have 3 new planes equip with new sensors etc.

All our pollution reports are collected in the Bonn Agreement secretary and the data can easily be obtained by anybody who wants the information.

Ballast water and Anti fouling paints.

DK are participating in the work in IMO in order to create the necessary guidelines.

I do not know exactly who the Ballast Convention will be implemented in the North Sea area and by that the Wadden Sea. The Convention are new and the different group dealing with the environment in the North Sea have not yet taken any firm decision, but I think that all the groups during there meeting this year will solve that problem and make the suggestion to the responsible authority.

Denmark ratified the Anti-fouling Convention when we signed it and at the moment only 3 countries more have to ratify before the Convention can be in force (probably by summer next year or by the end of 2005)