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

MEETING OF THE WORKING GROUP ON THE ENVIRONMENTAL IMPACT OF HUMAN ACTIVITIES (EIHA)

MADRID (SPAIN): 2 – 4 OCTOBER 2007

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Summary Record

Opening of the meeting

0.1 The 2007 meeting of the OSPAR Working Group on the Environmental Impact of Human Activities (EIHA) was held at the Centro de Estudios de Técnicas Aplicadas del CEDEX (CETA) Madrid, at the kind invitation of the Government of Spain. On behalf of the Director General of Coasts within the Ministry of the Environment, Mr Jose Luis Buceta Miller welcomed delegates to Spain's capital city.

0.2 He noted Spain's most recent action of interest to EIHA 2007, namely legislation to standardise the procedure for applications for new renewable energy developments in the Territorial Sea. A strategic study, to be completed by the end of the year using OSPAR work to inform deliberations, would now determine which marine areas were most suitable, from the environmental point of view, for this use.

0.3 He also invited delegates to a technical visit, arranged during the meeting, to the Centre within CEDEX that specialises in providing technical assistance, conducting research work, technological development in matters concerning ports, coasts, navigation and the coastal environment. This included bespoke modelling including the capacity to consider different dynamic conditions affecting the beaches of Barcelona.

0.4 Finally, Mr José Buceta wished the delegates a fruitful meeting and a very pleasant stay in Madrid.

Representation at the meeting

0.5 The meeting was chaired by Ms Brigitte Lauwaert (Belgium) and was attended by representatives from the following:

a. **Contracting Parties**

Belgium, France, Germany, Ireland, the Netherlands, Norway, Spain, and the United Kingdom of Great Britain and Northern Ireland (UK).

b. **Non-Governmental Observer Organisations**

The Natural Resources Defense Council (NRDC), Birdlife International, the Central Dredging Association (CEDA), the International Association of Oil and Gas Producers (OGP) and the World Wide Fund for Nature (WWF).

A list of participants is at **Annex 1**.

Agenda Item 1 – Adoption of the agenda

EIHA 07/1/1 Rev.1; EIHA 07/1/1 Add.1; EIHA 07/1/Info.1-EIHA 07/1/Info.3

1.1 The draft agenda (EIHA 07/1/1 Rev.1) was adopted without amendment. The meeting noted that there were some substantial documents which had been submitted very late, but agreed to discuss all the documents since several of them were revised versions of drafts presented last year, and also since the meeting was held earlier this year than usual, making it difficult to meet the deadlines. A copy of the agenda

and documents submitted to the meeting is at **Annex 2**. A list of actions arising from the meeting is at **Annex 3**.

1.2 EIHA took note of those items of the 2007/2008 Programme of Work for the Biodiversity Committee (EIHA 07/1/Info.1) that required action by the meeting. EIHA noted background information for the discussions of JAMP assessments in EIHA 07/1/Info.2, and an overview by Secretariat on forthcoming inter-governmental meetings, efforts to link with the Abidjan Convention, and the range of related international meeting which OSPAR has attended or to which representation has been invited (EIHA 07/1/Info.3).

Agenda Item 2 – Assessment of human activities in the context of Annex II

EIHA 07/2/1-EIHA 07/2/7; EIHA 07/2/Info.1

Dumping of wastes

OSPAR Report on Dumping of Wastes at Sea in 2006

2.1 EIHA examined the draft OSPAR Report on Dumping of Wastes at Sea in 2006 (EIHA 07/2/1). The Secretariat stressed that the draft report for 2006 was not yet complete as only 2 Contracting Parties had submitted their 2006 data by the agreed deadline and six Contracting Parties had not yet submitted any information at all. Contracting Parties that had not yet submitted their data reported as follows:

a. Ireland aimed to submit their data by the end of October 2007;

b. the Netherlands will submit their data by the end of November 2007;

c. the Secretariat would write to Denmark and Iceland to ask them to send their contributions by the end of November at the latest.

2.2 The Secretariat mentioned that some of the maps attached to the report were out of date and requested Contracting Parties to update them and send new versions by the end of November 2007.

2.3 After discussion, EIHA agreed that:

a. **Contracting Parties should present their complete data for 2006** (including the maps of deposit sites and the information on quality assurance of analysis in section 3 of the reporting format) **and corrections or comments on the draft OSPAR Report in EIHA 07/2/1 by the end of November 2007 at the latest,** using the current agreed reporting format for the dumping of wastes at sea (see OSPAR Agreement number 2004-05, available on the OSPAR website); they would also send updated maps to the Secretariat by the same deadline;

b. **The Secretariat should contact Portugal to seek explanation on the 2 permits issued for dumping of vessels or aircrafts;**

c. **the Secretariat should update the draft OSPAR Report on Dumping of Wastes at Sea in 2006**, incorporating the new data and corrections submitted by Contracting Parties, and submit the revised report to BDC 2008 with a view to its adoption and recommendation to OSPAR 2008 for publication on the OSPAR website.

Reporting of dumping data for 2007

2.4 EIHA agreed that Contracting Parties should submit their 2007 data on dumping of wastes at sea by 1 October 2008, in accordance with the reporting format for the dumping of wastes at sea in OSPAR Agreement number 2004-05, so that EIHA 2008 could consider and adopt a complete 2007 Report. EIHA welcomed Germany's appointment of Mr Heiko Leuchs as a successor of Ms Birgit Schubert in the Expert Assessment Panel (EAP), together with Mr Adrian Judd who is replacing Mr Chris Vivian (UK).

Review of the reporting format

2.5 The leader of the EAP, Ms Rona Vink, explained that HELCOM had adopted the revised Form for Reporting on Disposal of Dredged Material at Sea and that the revised Guidelines for the Disposal of Dredged Material at Sea were expected to be adopted in 2007. Since the work in HELCOM had taken longer than expected last year, there had not been time for the EAP to consider the need for updating the OSPAR reporting format in light of the HELCOM developments.

2.6 EIHA agreed that the EAP in cooperation with Sweden (subject to confirmation) should review the reporting format and if needed update it in light of developments under OSPAR, the London Convention and HELCOM, and present the outcome of the review to EIHA 2008.

Impact of disposal of dredged material

2.7 EIHA examined a draft literature review of the current knowledge on the physical, chemical and ecological effects of the impacts of dredged sediment disposal at sea prepared by the Netherlands (EIHA 07/2/2), who explained that the literature review would feed into the JAMP BA-5 assessment of dumping of wastes and other material including dredged material and that OSPAR will conclude on any need for further action on this issue based on these two products.

2.8 The Central Dredging Association (CEDA) informed the meeting that they would send the proceedings from a relevant conference organised by them and provide references for the literature review to the Netherlands.

2.9 EIHA invited **Contracting Parties and Observers who had information to send this to the Netherlands by end of November 2007,** and agreed that the **literature review should be submitted via the meeting of the Management Group for the Quality Status Report (MAQ) in November 2007 to BDC 2008** for adoption and publication on the OSPAR website.

JAMP Assessment

2.10 The Netherlands presented a first draft assessment of impacts of dumping of wastes at sea for the purposes of the JAMP product BA-5 (EIHA 07/2/3) and explained that national action levels would be updated in line with the new information in EIHA 07/2/7. They also proposed to include a map showing the dump sites and amounts dumped.

2.11 EIHA noted that this was a good starting point and a good overview of impacts of dumping, and that it could be ready for adoption already by BDC 2008 following some further work after EIHA to address comments received from Contracting Parties before and during the meeting.

2.12 On this basis EIHA agreed:

a. that **the draft assessment should be sent to MAQ (2) 2007 and to BDC 2008** for adoption;

b. that the assessment should not be published yet, since the assessment should be updated in the 2008/09 cycle of meetings in light of the assessment of dumping of wastes at sea from 1995-2007 and the review of the guidelines for management of dredged material.

Dumped chemical weapons and munitions

JAMP Assessment of dumped conventional and chemical munitions

2.13 Ireland presented a revised draft JAMP assessment of impacts of dumped conventional and chemical munitions (EIHA 07/2/6) and explained that there had been substantial work required to revise the maps and urged Contracting Parties to send their data as soon as possible so that this work could be finalised.

2.14 Germany pointed out that the information on Germany in the last indent in paragraph 3.4 needed to be amended, and the UK commented on paragraph 5.6. Following discussion, EIHA agreed:

a. **that Contracting Parties should send any further comments and corrections to Ireland by end of November;**

b. **that the draft assessment should be sent to BDC 2008** for adoption and publication;

c. that Ireland should review and, if needed, update the assessment in the 2008/09 cycle of meetings in light of the reports of encounters with dumped conventional and chemical munitions (see Recommendation 2003/2) due for EIHA 2008;

d. the Netherlands informed Ireland and the meeting that they had sent their information on encounters with Marine Dumped Munitions in the year 2006 to the Secretariat and requested Ireland to include this information in the assessment.

Reporting on encounters

2.15 EIHA welcomed the offer of Ireland to be lead country for the review of 5 years experience with the OSPAR Framework for reporting on encounters with munitions, which will be based on the reports from Contracting Parties by 1 September 2008.

International Conference

2.16 A draft letter from the OSPAR Executive Secretary to the organisers of the First International Conference on Chemical and Conventional Munitions Dumped at Sea (Nova Scotia, 9-12 October 2007) was agreed by EIHA and the Secretariat was instructed to forward it by email.

Sand and gravel extraction

Annual ICES report for OSPAR

2.17 Belgium presented the OSPAR Annual report on sand and gravel extraction, which comprises the relevant parts of the ICES ACME report (EIHA 07/2/4), and explained that the ICES Working Group on the Effects of Extraction of Marine sediments on the Marine Ecosystem (WGEXT) had sent the draft report to the OSPAR national contact points for sand and gravel to check before it was finalised.

2.18 Germany and Spain pointed out that there was need to correct or clarify some information in the draft annual report originating from the ICES report. It was also mentioned that OSPAR should clearly specify what information they needed in order to improve the product for EIHA 2008. EIHA therefore agreed that:

a. **Contracting Parties should especially check Table 4 and send any correction to the report to Belgium before end of November;**

b. following revision, the report along with the previous annual reports, should be used by Belgium as input to the JAMP assessment of sand and gravel;

c. **that Germany, Spain, Belgium and the Secretariat should intersessionally specify what information and data OSPAR would need from the ICES WGEXT and send this to ICES** in time for it to be taken into account by WGEXT for preparation of the 2008 annual ICES report on sand and gravel extraction.

JAMP assessment

2.19 Belgium explained that publication of the 2006 update of the ICES cooperative research report, which will be the main basis for the assessment of impacts of sand and gravel for the purposes of the JAMP, was delayed and therefore it had not been possible to prepare a draft JAMP assessment. Belgium explained that they expected the ICES report to be available in time for Belgium to prepare a draft assessment of impacts of sand and gravel for BDC 2008.

2.20 EIHA invited **Belgium to prepare a short assessment following the MAQ guidance and present this together with the ICES cooperative research report to BDC 2008 and to MAQ(1) 2008** for examination.

Marine aggregate extraction in the Irish Sea

2.21 Ireland gave a presentation on objectives and results of the Interreg IIIa funded Irish Sea Marine Aggregates Initiative (IMAGIN) project, which started in February 2005 (EIHA 07/2/Info.1). Ireland explained that the background for the project was that marine aggregate (MA) extraction for commercial reasons is gaining credence and is being looked upon as a realistic option. The overall aim of the IMAGIN project is to facilitate the evolution of a strategic framework within which development and exploitation of marine aggregate resources from the Irish Sea may be sustainably managed, with minimum risk of impact on marine and coastal environments, ecosystems and other marine users.

2.22 EIHA noted the information. During the discussion some terminology was clarified (MA is the same as sand and gravel, and non-aggregate includes maerl). Spain pointed out that it was difficult to assess the total impacts of MA extraction, and said that in Spain guidelines had been established which set size limits for extraction of fine fractions.

Pollution caused by dredged material

EU directives

2.23 The UK explained that they had not been able to complete the summary of Contracting Parties' views about implementation of EU directives and the sustainable management of dredged material, mainly because the revision of the EC Waste Framework Directive, which was important for this issue, was not yet finalised.

2.24 EIHA concluded that this product should be kept on the BDC programme of work and welcomed confirmation that the UK would continue as task manager, assisted by the Netherlands. Unless the UK received new information from the EC before BDC 2008, BDC would need to conclude on how to take this work forward.

Capping of dredged material

2.25 The UK informed the meeting that there was a delay in receiving this year's monitoring report from the UK capping project off the River Tyne, but that the report was expected soon. It was noted that outputs from the Sediment Network conference to be held in Oslo in May 2008 might feed into OSPAR's conclusions on the need to develop any guidance on techniques and strategies for the management of contaminated marine sediments of dredged material.

2.26 EIHA invited:

a. **Contracting Parties who had any experience with similar projects to send this information to the UK as soon as possible;**

b. **the UK to update BDC 2008 on the results from the trial project**;

c. the UK to present to EIHA 2008 draft conclusions on need for any OSPAR guidance on techniques and strategies for the management of contaminated marine sediments, based on the trial project and material from other Contracting Parties' experiences.

JAMP assessment

2.27 The Netherlands presented a revised draft assessment of impacts of dredging for navigational purposes (EIHA 07/2/5) and explained that the assessment confirmed the conclusions from the Background Document (Publication number 208/2003) that there was no need to develop additional OSPAR measures to exercise specific control on the effects of dredging.

2.28 Germany pointed out that the figures in paragraphs 1.8 and 1.14 needed to be checked, and Spain informed the meeting that their figures in paragraph 1.11 was wrong and that they had provided the Netherlands with the corrected figures.

2.29 EIHA supported the conclusion of the draft assessment and agreed that, subject to corrections as mentioned by Germany and Spain, **the draft assessment should be sent via MAQ(2) to BDC 2008** for adoption and publication.

National action levels

2.30 Belgium presented a draft update of the overview of Contracting Parties' National Action Levels for dredged material (Publication number: 211-2004) (EIHA 07/2/7), and explained that DK, FI, NL, ES, UK, and IE had provided updates since the previous report, and that information was still outstanding from Portugal (on Annex 1 and 2) and Sweden (on Annex 2).

2.31 Contracting Parties informed EIHA as follows:

a. Spain said that they were considering revising their action levels and that a new recommendation including this might be ready in 2008/2009;

b. Germany has established a working group on implementation of OSPAR/HELCOM guidelines which will eventually lead to new action levels;

c. the Netherlands had some corrections to their data which they would send to Belgium.

2.32 EIHA agreed that:

a. **Contracting Parties should send any corrections to the document to Belgium by end of November 2007;**

b. **the final document should be sent to BDC 2008** for adoption and publication on the website;

c. Belgium should update the overview of national action levels in the future as necessary.

Review of the guidelines for the management of dredged material

2.33 EIHA agreed on the following arrangements for the review in 2008/09 of the OSPAR Guidelines for the Management of Dredged Material (Agreement 2004/8):

a. the work should be seen in context with the revision by EAP of the reporting format on dumping (see paragraph 2.6);

b. **the Secretariat should contact Sweden to ask them if they could be task manager for the work, assisted by Ireland and EAP;**

c. **the Secretariat should circulate the HELCOM guidelines and reporting format to Contracting Parties after BDC;**

d. **Contracting Parties should report on their experiences with the use of the OSPAR Guidelines to the Secretariat by end of June 2008;**

e. the report on the review of the Guidelines should be presented to EIHA 2008 for conclusion.

Agenda Item 3 – Assessment of human activities in the context of Annex V

EIHA 07/3/1; EIHA 07/3/1 Add.1-Add.5; EIHA 07/3/12-EIHA 07/3/13; EIHA 07/3/Info.1

Underwater sound / noise

3.1 The Chair of ICGN, Mr Wolfgang Dinter (Germany) introduced the draft preliminary Comprehensive Overview on the Impact of Anthropogenic Underwater Sound in the Marine Environment (EIHA 07/3/1) by explaining the 3-year history of the recognition by OSPAR that underwater sound created by human activities could be considered as a form of pollution. Germany had sought to present a draft document on a comprehensive overview of the underwater acoustic impact from all relevant activities emitting underwater sound. Elaboration of this document under the co-lead of Germany, the UK, EC and NRDC with input from Spain, Norway, the Netherlands and OGP had proceeded slowly. Written comments on version 10 of the overview, received during August 2007, were substantive and some were contradictory (EIHA 07/3/1 Add.1-Add.5). Time constraints had limited work on inclusion and harmonisation of these comments and, as a result, document EIHA 07/3/1 provided the basis for a drafting group to finalise a 'living document' during EIHA 2007.

3.2 Draft terms of reference for the ICGN drafting group during EIHA were agreed and 10 participants were involved from five Contracting Parties, NRDC and OGP. Notwithstanding detailed and constructive discussions the drafting group only managed to revise and consolidate part of the overview. It was accepted that this was a complex technical subject and some of the issues yet to be resolved highlighted by the Executive Secretary included:

a. the emphasis to be given to military activity;

b. the causes of unusual mass stranding events;

c. the emphasis to be given to impacts on fish.

3.3 Most Contracting Parties indicated that they had been largely satisfied with the original draft overview. Some compromises had already been made. The importance of the issue warranted additional effort and resources to resolve outstanding differences in time for BDC 2008. It was underlined that the overview should be a living background document for the conclusions on OSPAR action to be drawn in the JAMP assessment, and that it would be revised periodically in light of further developments and research available. A minority of the ICGN members wished for major amendments of the document. A schedule of work still to be addressed through intersessional correspondence was presented (as at **Annex 4**) and it was suggested that additional resources may be required to achieve this in time for BDC 2008. The UK advocated an alternative, modular, approach to considering the various sources of underwater sound/noise, suggesting that consensus had not been reached by other conventions dealing with this subject and that the issues were too important to be put under pressure from a deadline. The UK offered to prepare a separate module on impacts of sound from offshore wind-farms as an exemplar. OGP requested that the overview

should be as scientifically robust as possible. They felt that Germany had undertaken a very large task, credible progress had been made but a number of potential impacts had yet to be discussed. A final analysis should be fully objective given the potential implications for industry.

3.4 To take the impacts of anthropogenic underwater sound in the marine environment forward EIHA agreed that OSPAR Heads of Delegation (HOD) should consider the importance of this subject to OSPAR at their next meeting in November 2007. To that end, **in time for HOD(2) 2007:**

a. **the Chair of ICGN should provide the Secretariat with a brief summary of work to date including the summary of work yet to be addressed** (cf Annex 4);

b. **the UK should provide a proposal,** setting out a modular approach, associated timeframe and estimated effort required, for specific elements of the draft preliminary comprehensive overview, that they wished to see revised;

c. the Secretariat should invite HOD to provide direction on a preferred approach for future work, the appropriate application of QSR 2010 Special Budget funds, and timescale for completion of this work;

d. **the Secretariat should then inform EIHA HODs and ICGN of the outcome of HOD(2) 2007 with a proposal of how to proceed and an indicative timeframe** including the preparation by 2008/09 of a draft assessment of the impact of underwater sound on the marine environment (JAMP BA-5.6).

Offshore wind-farms

Current state of knowledge

3.5 EIHA noted that the UK had not updated the Current State of Knowledge on the Environmental Impacts of the Location, Operation and Removal/Disposal of Offshore Wind-Farms, Status Report April 2006 (publication number 278/2006) given the limited amount of new information received, that this information had been disseminated to Contracting Parties in the JAMP assessment (cf paragraph 3.14) and that the new information did not fundamentally change the conclusions of the 2006 Status Report (EIHA 07/3/2). EIHA agreed to keep this product in the programme of work and invited **Contracting Parties and Observers to send new/updated information to the UK by 1 July 2008** and the UK to present an updated report to EIHA 2008.

Website

3.6 The UK presented a report on the further experience on use of the website on exchange of information on environmental impacts of offshore renewable energy www.environmetalexchange.info (EIHA 07/3/3). Review of the statistics showed that whilst the site has a lot of hits and visitors the main activity of users is browsing, i.e. the taking of information. The usage statistics suggest that the message board is not an effective means of exchanging information and the UK therefore proposed to delete this part of the website.

3.7 Contracting Parties thanked the UK for hosting and maintaining the useful website, recognising that in order for the website to continue to be a useful tool, it was crucial that they updated their links on the website and provided the UK with new information.

3.8 The Secretariat informed the meeting that they could consider taking over the hosting and maintenance of the website when the OSPAR website had been updated and modernised some time in beginning of 2008. Meanwhile EIHA agreed:

a. that the message board on the website should be deleted;

b. to welcome that the UK would continue to host the website until the Secretariat could take over;

c. to invite **the Secretariat to take over the maintenance of the website as soon as the UK had updated it with the information provided so far**;

d. to invite **Contracting Parties and Observers to send new information / updated links to the Secretariat.**

Cumulative impacts

3.9 Germany provided a description of the approach taken on the issue of cumulative impacts related to offshore wind-farms by the German licensing authority, and explained that they did not think that the time was ripe to prepare OSPAR guidance on how to address cumulative impacts mainly due to gaps in knowledge about project and site specific impacts, the lack of threshold values for the quantification of impacts and the lack of common criteria for the assessment of cumulative impacts (EIHA 07/3/13). The Netherlands pointed out the problem in this approach of defining the "correct" reference population of birds (in terms of their spatial habitat) in relation to the "correct" spatial assessment of activities (including offshore windfarms). The Netherlands are of the opinion that if you are considering the north-western wintering population, you should assess cumulative impacts of activities affecting this north-western wintering population, and therefore also include windfarms in e.g. the Netherlands and the UK,

3.10 Following discussion, EIHA agreed:

a. to invite **Contracting Parties who had authorised wind-farms and/or have wind-farms in operation to forward to Germany a description of the way in which they deal with cumulative impacts involving wind-farms by end of May 2008;**

b. that in light of information received, Germany would consider whether there is sufficient basis for preparing guidance on how to address cumulative impacts, and if so prepare a proposal on how to take this work forward for EIHA 2008.

Consolidated guidance

3.11 The UK presented a draft OSPAR Guidance on Environmental Considerations for Offshore Wind Farm Development (EIHA 07/3/4), and explained that the content of the draft guidance in the most part draws on the agreed text in agreements 2005-2 (location), 2006-5 (construction), 2007-9 (removal) and 2003-16 (common approach for dealing with applications for the construction and operation) although these had been edited and re-ordered to remove duplication and to introduce a logical sequence. Some additional text had also been incorporated from the OSPAR reports Problems and Benefits Associated with the Development of Offshore Wind-Farms (Publication number 212/2004) and Review of the Current State of Knowledge on the Environmental Impacts of the Location, Operation and Removal/Disposal of Offshore Wind Farms (Publication number 278/2006). Some new text had also been introduced wherever the authors considered it necessary to lead the reader through all stages of the location, construction, operation and removal of an offshore wind farm that was lacking from the original separate documents.

3.12 Contracting Parties congratulated the UK on the good work done and said that the structure of the document was good, but agreed that there should be a separate section on monitoring and that some restructuring of the document was needed. Some had detailed comments that they would give directly to the UK.

3.13 EIHA agreed on the following procedure to finalise the guidance:

a. **specific comments to the draft should be sent to the UK by end of October;**

b. **the UK should revise the document and circulate it to EIHA HODs and the ICGN (for comments on the noise section), who should give their comments to the UK by end of 2007;**

c. **the final draft guidance should be presented to BDC 2008 for adoption.**

JAMP assessment

3.14 The UK presented a revised draft assessment of impacts of wind-farms, which had taken into account comments from BDC and MAQ (EIHA 07/3/5).

3.15 Contracting Parties identified the need for updating/correcting some information (paragraphs 20, Germany, 46, web-links, 54, figures), and suggested some restructuring so that the content matched the subtitles. BirdLife International pointed out that in their view the conclusions on collisions with birds in paragraphs 54 and 55 were wrong. It was also suggested that the EU SEA Directive should be mentioned as relevant, but others felt that this was not relevant to the assessment at hand, dealing only with current projects, not future scenarios.

3.16 EIHA agreed that:

a. **specific comments to the draft assessment should be sent to the UK by end of October;**

b. **the UK should revise the document and circulate it to EIHA HODs and the ICGN (for comments on the noise section), who should give their comments to the UK by end of 2007;**

c. **the revised draft assessment should be presented to BDC 2008 for consideration.**

3.17 The Netherlands informed the meeting about a project on monitoring in the vicinity of wind-farms. More information can be found at http://www.senternovem.nl/offshore_wind_energy/index.asp. The Netherlands will inform EIHA 2008 on progress from this project.

OSPAR Database on Wind-farms

3.18 The Secretariat presented the annual update of the OSPAR Database on Wind-farms (EIHA 07/3/6).

3.19 In discussing the updated database, Contracting Parties informed the meeting about developments of wind-farms in their countries as follows:

a. the Netherlands had 3 applications refused recently and would send their new information within the next two weeks;

b. Norway would check the missing coordinates for 2 of their wind-farms and would send them to the Secretariat as soon as possible;

c. the UK mentioned an amendment to one of their wind-farms;

d. Germany pointed out that the coordinates should now be given as WGS84 only as it made the making of the map much easier and that the explanatory notes to the database should be amended accordingly.

3.20 After discussion, EIHA agreed that:

a. **Contracting Parties should send to the Secretariat additions and corrections** (in particular to columns status and location) to the 2007 update **as soon as possible,** so that it can be adopted by BDC and recommended to OSPAR 2008 for publication;

b. The Secretariat will amend the explanatory notes of the database to reflect that only 1 set of coordinates should be used, i.e. WGS84;

c. **Germany will prepare between the meeting of BDC and of the OSPAR Commission in June the corresponding map on location of wind-farms** in the OSPAR maritime area in the light of the **corrected information to be sent by Contracting Parties,** so that it can be recommended to OSPAR 2008 for publication together with the 2007 updated database;

d. Contracting Parties should send to the Secretariat by 1 October 2008 their updated entries on the OSPAR Database on Wind-farms for preparing the next (2008) annual update.

Coastal defence structures

3.21 Belgium presented EIHA 07/3/7 and 07/3/8 comprising a draft Background Document on Environmental Impacts of Coastal Defence Structures and a draft Assessment of the Impact of Coastal Defence Structures respectively. Input had been received from all OSPAR Contracting Parties with the exception of Iceland and Portugal.

3.22 Points to note included:

a. Categories of structures considered had been taken from the EUROSION Shoreline Management Guide;

b. A shift from hard to soft defence structures;

c. High levels of coastal defence (% of shoreline) employed by the Netherlands, Belgium and Denmark as well as extensive levels in other countries;

d. Considerable variation in terms of permits and procedures including at regional and local levels, with the added complication of different policies towards initiatives by private concerns;

e. The relatively recent inclusion of coastal defence with EIA resulting in limited evidence to date concerning impacts;

f. Contracting Parties were not in favour of additional standards or criteria but there was a perceived need for a possible reference guide covering practical issues.

3.23 Some Contracting Parties noted the need for updates and inclusion of additional information. Following discussion EIHA agreed that **any further updates should be provided to Belgium by the end of October 2007.** Specifically this should include information concerning smaller structures to be supplied by Spain and additional information from EIAs from the Netherlands. **A final draft, possibly merging the two documents, should be presented for consideration at BDC and MAQ(1) 2008.**

Construction or placement of structures

3.24 The UK presented a revised draft Assessment of the Environmental Impact of the Construction or Placement of Structures other than Oil and Gas and Wind-farms and including Artificial Islands (EIHA 07/3/9). EIHA agreed that national measures were sufficient and no generic guidance was needed, particularly given the large variety of different structures considered. The UK confirmed that an extra update received from the Netherlands would be added to the document and that the **draft assessment should be sent to BDC 2008 for adoption and publication.**

Land reclamation

3.25 The Netherlands presented a second draft Assessment of the Environmental Impact of Land Reclamation (EIHA 07/3/11) with further details summarising the construction phase and information on the EIA of the Maasvlakte II Project (EIHA 07/3/Info.1). With the exception of the Netherlands, most projects were small scale. EIA is the main instrument for considering impacts and this may influence the design and shape, the extent of public consultations and the permit conditions associated with land reclamation projects. Mitigation and compensation is possible in all countries and examples have been highlighted. Existing national legislation is considered sufficient but data is not readily accessible and some aspects have not been fully studied. As a result case by case studies are considered important and the Maasvlakte II Project has been included as an example to which the results of post project monitoring will be added. The Netherlands will update EIHA on progress on the Maasvlakte project next year. The draft assessment concluded that no further guidance was needed and national regulations are sufficient.

3.26 Feedback from EIHA delegations confirmed that most land reclamations were small. Since the document had been presented late, several Contracting Parties needed more time to examine it. Following a discussion EIHA agreed that harbour works, including infilling of old docks, constituted land reclamation, meaning that some Contracting Parties who had not replied to the questionnaire, might have some information to provide. EIHA concluded that:

a. **the Netherlands should revise the assessment, including Figure 1, on the basis of further information to be forwarded by Contracting Parties by the end of October 2007;**

b. **the draft assessment as updated would be submitted via MAQ (2) 2007 to BDC 2008** for consideration and conclusions.

Placement of cables other than those for oil and gas activities

Power cables

3.27 Germany presented a draft OSPAR Background Document on potential problems associated with power cables other than those for oil and gas activities (EIHA 07/3/10). Amendments had been received from the UK and the Netherlands, and the intention was therefore to revise the document for BDC 2008 and to use this as the basis for the JAMP assessment once it was agreed as a Background Document.

3.28 Key points covered in the documents included:

a. definitions of cables connecting both country to country and offshore to the mainland;

b. different cable types;

c. impacts involved laying, such as disturbance to benthic communities (direct and indirect) and remobilisation of sediments (turbidity plumes), most of which were temporary and localised. Mitigation was to avoid environmentally sensitive areas by closely defining the route of the cable;

d. impacts involved with operation, such as electromagnetic fields that can significantly exceed background levels and to which a number of marine species are sensitive. Concerns existed in relation to migrating species. Mitigation was to choose the appropriate cable specification and combine different phases over set distances;

e. the impacts of sediment temperature raised above ambient levels were also a consideration. Various marine organisms react sensitive to an even minor temperature increase with respect to, e.g. survival rate or timing of spawning. Mitigation was to choose sufficient burial depth;

f. little field research to date also meant gaps in knowledge.

3.29 The UK, France, Ireland and the Netherlands indicated that they would forward additional information. Germany confirmed their intention for this Background Document to be a living document that could be updated. EIHA agreed:

a. **that Contracting Parties should send any further comments and information to Germany by end of October;**

b. **that Germany should present a revised draft Background Document to BDC for adoption and publication** as a living document;

c. **to invite Germany to present a draft JAMP assessment following the MAQ Guidance to BDC 2008, if possible.**

Tourism

3.30 Spain presented a revised draft Assessment of impacts of tourism and recreational activities that had taken note of comments from MAQ (EIHA 07/3/12). It had proved difficult to obtain specific detailed information (for example, overnight stays were usually recorded by region rather than being exclusive to the coastal strip). The Netherlands requested that a link should be made to the Marine Litter Assessment by Sweden, as tourism and recreational activities are a factor in generating this impact. The Executive Secretary stated that he would request any further detailed information on recreational water-based activities from the European Boating Association. EIHA agreed that **the draft assessment should be forwarded to BDC 2008 for adoption.**

Mariculture

3.31 Ireland apologised that no draft assessment of the environmental impact of mariculture had been produced. A small group, comprising representation from Ireland, Norway and the UK, had now been established and a consultant identified. It was hoped that a draft document could be produced for consideration at BDC 2008 and EIHA 2008.

Artificial reefs

3.32 The Secretariat informed EIHA that Spain had explained clearly at both BDC 2007 and OSPAR 2007 that, whilst they have a lead role on the subject of artificial reefs within the London Convention, resources are not available to produce a draft assessment of the impacts associated with construction and placement of artificial reefs for OSPAR. On this basis the Secretariat suggested that EIHA might consider using funding allocated to EIHA assessments within the QSR 2010 Special Budget. Spain indicated that they would be willing to assist by providing information. The UK stated that the number of examples of this activity within the OSPAR maritime area is relatively small and the task should be relatively simple for an external consultant. EIHA agreed to instruct **the Secretariat to investigate this option** and to take the assessment forward to EIHA 2008 on this basis if considered appropriate and cost-effective.

Agenda Item 4 – Assessment of human activities dealt with directly by BDC

EIHA 07/4/1

4.1 The Secretariat introduced EIHA 07/4/1 setting out an update on progress since OSPAR 2007 relating to activities dealt with directly by BDC.

Marine litter

4.2 The Netherlands as co-lead with Belgium for the new OSPAR Marine Beach Litter Monitoring Programme explained their intention to form a Steering Group. The co-leads now needed to know who wished to be involved and Contracting Parties were invited to confirm participation. A plan for the next 2 years, to be presented to BDC 2008, would be proposed by the Steering Group. Sweden had confirmed their willingness to maintain Marine Litter Net until the end of 2008, after which the Netherlands intention was to run this for a further year until the end of 2009. EIHA agreed **that nominees for the Steering Group should be sent to EIHA HODs of either the Netherlands or Belgium.** Ireland, Spain and the UK expressed interest.

4.3 EIHA noted that an MoU had been signed between OSPAR and UNEP to take forward a marine litter situation analysis for the North-East Atlantic. EIHA expressed support for KIMO International to undertake a Project Manager role for this task.

4.4 In response to a request from UNEP and UNESCO-IOC for OSPAR to nominate 2 national experts from the OSPAR region to participate in an international Technical Working Group, **the Netherlands confirmed that they would nominate an expert. It was suggested that a nominee from Sweden should be encouraged and, if this was not possible, Belgium agreed to consider nominating a national expert.**

4.5 Spain advised EIHA that they had started a Fishing for Litter initiative. This was linked to a campaign against jellyfish in the Spanish Mediterranean and Southern Atlantic coasts. The system also involved notification of marine litter aggregations. Spain planned to extend this procedure to the remainder of their OSPAR maritime area and a future document would be produced for BDC.

Placement of CO_2 in geological structures

4.6 The Secretariat advised EIHA that France as Depository Government to the OSPAR Convention had confirmed (24 September 2007) that notes verbales had been sent to Contracting Parties concerning the Amendments to the Annexes agreed at OSPAR 2007.

4.7 Spain expressed their gratitude to OSPAR delegations for their constructive negotiations at OSPAR 2007, built upon the hard work of the CCS Working Groups. One issue had been the level of coherence between the OSPAR initiative and that of the London Protocol. The latter had still to agree a reporting system and to conclude on the assessment of transboundary effects. Spain urged Contracting Parties to both Conventions and the OSPAR Secretariat to make the case for the reporting systems to be as close as possible and, if possible, to convince the London Protocol to adopt the same reporting system.

Maritime transportation/ballast water

4.8 Following an earlier request from the Secretariat to EIHA HODs asking Contracting Parties to confirm their acceptance or otherwise of the General Guidelines on the voluntary interim application of the D-1 Ballast Water Exchange Standard in the North-East Atlantic (based on the written procedure forwarded to BDC HODs, for which the final deadline had now expired), the Netherlands and Belgium confirmed their acceptance. France and Norway were unable to inform the meeting but would advise the Secretariat as soon as possible.[1] Those remaining Contracting Parties not present at EIHA, who had not confirmed their position, namely Denmark, Finland, Iceland and Portugal, should be contacted again by the Secretariat.

4.9 The Spanish General Directorate of the Merchant Marine raised the following concerns on the issue:

- The final version of the Guidelines have not been circulated, therefore it is not possible for our organization to express our opinion towards them. It could be interesting to include them as an annex to the Summary Record of this EIHA meeting.
- Has the letter informing IMO about the Guidelines been already sent? and if that is the case, has any reply been received?
- The sentence: "Further integration of the Strategy for North-West Europe with those planned for the Baltic and Mediterranean will be need in the future" has not been previously discussed, so therefore,

[1] Norway and France confirmed their acceptance immediately after the meeting.

although this action may be required in the future, it should not be included in the final version of the Voluntary Guidelines.

- The application of the Voluntary Guidelines, this is to inform the shipping industry about them, will be done as soon as the final version of the Voluntary Guidelines is ready and IMO has been informed and approved them.

4.10 The **Executive Secretary stated his intention to ask the UK to submit the final version of the Voluntary Guidelines to the Spanish General Directorate of the Merchant Marine** and therefore it would be inappropriate to include them as an Annex to the Summary Record of this EIHA meeting. The Executive Secretary also clarified the point raised by the Spanish General Directorate of the Merchant Navy concerning the letter informing IMO about the Guidelines, stating that this would only be sent once the Guidelines had been finalised.

4.11 Spain agreed that it was necessary to reach a common point of view between OSPAR and HELCOM, but in the same way an interim approach should also be taken within the Mediterranean. Spain urged the Secretariat to make an intervention to this effect, expounding the approach taken by OSPAR, during the January meeting of the Barcelona Convention COP.

Spatial management

4.12 The 5th OSPAR workshop on Marine Spatial Management (MASMA 2007) was held in Madrid immediately before EIHA. A keynote presentation from UNESCO-IOC explained their intention to produce a Marine Spatial Management (MSM) Manual, encapsulating a step by step approach, which would then be tested in the USA and a developing country. The Manual would be supported by a website. The WWF endorsed this approach and emphasised the need for ecosystems to continue to function as well as plans that created greater certainty for marine managers.

4.13 The Workshop was informed by a presentation from a representative of the European Commission on the EU agenda for action following the one-year consultation on the Maritime Green Paper. Consideration was being given to appropriate regional fora for marine spatial planning.

4.14 Informative presentations were received from:

a. Spain – setting out their new approach to MSM and the opportunity now created by new legislation to permit wind-farms;

b. The Danish Institute of Fisheries Research – giving results of the Nordic Workshop on Marine Spatial Planning in June 2007;

c. UK - summarising

   i. embedding policy based on clear objectives and policy.

   ii. the assessment of pressures and their spatial extent.

   iii. habitat mapping and modelling.

d. Germany – developing ICZM principles and next steps; and

e. ICES – with details of the EMPAS project investigating fishing impacts and specific conflicts between fisheries and biodiversity in the German EEZ.

4.15 Progress and future actions were then considered for specific work strands including:

a. a proposal to take forward information collation concerning national MSP initiatives (ICG-MSP);

b. trans-boundary and cumulative issues based on four sub-tasks (ICG-C);

c. High Seas initiatives underway that can inform future OSPAR work; and

d. MSM information sharing possibilities to be enhanced by a forthcoming upgrade of the OSPAR website.

4.16 Spain presented the results of an MPA Stakeholders workshop designed to inform guidelines. The WWF informed the meeting about a LIFE+ bid on stakeholder involvement. MASMA agreed that OSPAR should note and be informed by the future progress of these initiatives.

4.17 A detailed discussion took place on whether the timing is right for OSPAR to now formalise work on MSM, to raise its profile within OSPAR and to clearly link this to requirements of the emerging Marine Strategy Directive. It was agreed to propose to discontinue the MASMA workshop series and that future MSM activities should again become products in the BDC work programme. Draft recommendations to BDC on future OSPAR work on MSM were discussed by MASMA. EIHA then considered a Working Document brought forward from MASMA 2007, setting out draft recommendations to BDC on future OSPAR work on MSM. Further to a text proposal from the Netherlands and a clarification from the UK that cumulative impacts and transboundary impacts should be considered as two separate albeit related issues, EIHA agreed to recommend the revised products as at **Annex 5** to BDC 2008.

Fisheries

4.18 The Secretariat confirmed that the ICG-FISH would report to BDC 2008 and that links with the North East Atlantic Fisheries Commission (NEAFC) and the North Sea Regional Advisory Committee would inform this process.

Agenda Item 5 – Assessment and Monitoring and preparation of contributions to the QSR 2010

EIHA 07/5/1

Biodiversity monitoring

5.1 The UK introduced EIHA 07/5/1 that set out a possible framework for biodiversity monitoring and assessment in anticipation of implementation of the emerging EU Marine Framework Directive. The UK contended that, within the JAMP, biodiversity requires a strategic approach on the basis of constrained resources, significant gaps and multiple policy drivers. The strategic approach proposed, in the form of a matrix, was designed to demonstrate effective links and cost-effectiveness: together with a holistic and coherent means of identifying the biodiversity and monitoring requirements for the JAMP, taking account of impacts from human activities.

5.2 EIHA expressed support for this matrix approach and endorsed the need to take account of cumulative impacts. During the meeting an ad hoc working group set out an evaluation of impacts covered by the EIHA work programme. The UK will further amend the matrix using this information and feed this into the current cycle of OSPAR meetings. The UK also kindly offered to explain the approach to a forthcoming joint technical meeting with NEAFC.

5.3 The UK requested further input as follows:

a. any further input concerning known methodologies for judging the pressure of an impact by 12 October 2007;

b. notification of specific documents from EIHA that would help populate the framework of the assessment matrix by 30 November 2007.

5.4 EIHA agreed that **the Secretariat should inform HOD about the progress made** in considering this strategic approach and consideration could then be given to whether a similar exercise could be undertaken by other OSPAR Committees.

Preparation of JAMP assessments

5.5 In light of the progress during the meeting, EIHA summarised the status for preparation of the JAMP BA-5 assessments as follows:

a. Considerable progress has been made in preparing the various JAMP assessments of the human impacts listed in Appendix 3 of the JAMP strategy. Even though their adoption would be delayed by one or two years relative to the JAMP assessment schedule, material would still be available in time for input to the QSR.

b. Some of the assessments would still need another year to be finalised, others had already been through a revision taking into account comments from MAQ and BDC last meeting cycle and were now ready for adoption by BDC, and again some would be ready for adoption but would need to be updated in the 2008/09 meeting cycle to take into account new data to be collected by OSPAR next year.

c. Some assessments would be based on background documents, and would then only be a short summary documents addressing the questions from the MAQ Guidance.

5.6 Following discussion, EIHA agreed on the overview of progress of work as at **Annex 6** and that:

a. **task managers should, if possible, correct pure errors identified at the meeting and submit the corrected versions to the Secretariat by end of October;**

b. **the Secretariat should submit the relevant documents to MAQ(2) 2007** along with the conclusions from EIHA and invite further guidance and comments from MAQ;

c. **the task managers should present revised documents to BDC 2008,** taking into account comments from Contracting Parties and from MAQ.

5.7 EIHA consider ideas from a drafting group on how to prepare a draft trend analysis of all the different human activities listed in Appendix 3 of the JAMP and their collective impact on the OSPAR maritime area (JAMP BA-6), and noted that in addition to being based on the BA-5 assessments, the framework for biodiversity monitoring and assessment being developed by BDC (see paragraph 5.1) would also be a useful basis for the overall assessment. EIHA agreed on the arrangements for preparing the BA-6 as presented at Annex 6, which included a meeting with an intersesessional correspondence group (ICG-BA-6) the day before EIHA 2008.

Agenda Item 6 - Any Other Business

MSC Napoli

6.1 The UK informed EIHA regarding the MSC Napoli, a container vessel with a manifest of 2,300 containers, which had been beached on the south coast of England in Lyme Bay in January 2007. Recovery of the vessel was ongoing, with the stern section still in situ. A contract to remove and recycle this part of the ship was currently being negotiated. In terms of environmental impact, the accident had resulted in a minor pollution incident and it had been concluded that the condition of local beaches had not been adversely affected. Water quality and shellfish monitoring had confirmed no significant environmental impact, no food safety issues were identified and the number of oiled birds recovered was less than originally expected due to prioritising the removal of oil. The UK explained that they were mindful of their obligation not to dump vessels at sea and they were grateful for advice received from other Contracting Parties, particularly the Netherlands. The Secretariat highlighted the link between OSPAR and the Bonn Agreement concerning this subject and the UK agreed to reflect on any lessons learned from the incident and provide a report accordingly to EIHA 2008.

Future meeting arrangements

6.2 The UK kindly offered to host EIHA 2008 and France kindly offered to host EIHA 2009. Both offers are subject to confirmation at OSPAR 2008. The timing of EIHA 2008 should revert to the first half of November (dates to be confirmed) and it was suggested that a longer meeting would be required to incorporate preparatory work on BA-6 and Marine Spatial Management issues. EIHA agreed to recommend to OSPAR, via BDC, that the next meeting of EIHA is held over 4 days, preceded by the meeting of the ICG-BA-6 (see paragraph 5.7).

6.3 The Executive Secretary explained that as part of the draft Corporate Plan, to be presented to Heads of Delegation in November 2007, a review of the Strategies and Committee structure might reflect the increasing workload being taken on by both BDC Working Groups. A case could be made for EIHA to become a main Committee. Both the UK and Belgium agreed that arguments could be found to support this idea in principle and they would welcome further details.

Agenda Item 7 – Election of Chairman and Vice-Chairman

7.1 Ireland proposed the current Vice-Chair, Mr Ralf Wasserthal (Germany), as the new Chairman of EIHA, together with Mr José L. Buceta Miller (Spain) as the new Vice-Chair for the periods 2007-08 and 2008-09. Both were elected by acclamation.

7.2 On behalf of the meeting Mr Wasserthal expressed appreciation for the Chairmanship of Ms Brigitte Lauwaert who, in turn, expressed her thanks to Spain for hosting EIHA 2007, to the technical support provided for the meeting and to the Secretariat. She stated that she very much enjoyed working with the EIHA delegations and looked forward to a continuing involvement as part of the Belgian delegation.

Agenda Item 8 - Adoption of the Summary Record

8.1 The Summary Record of the meeting was adopted in a written procedure.

8.2 Mr Antonio Sanchez Trujillano, Director of the Centro de Estudios de Tecnicas Aplicadas (CETA) in the CEDEX, officially closed the meeting, explaining that he and his staff had followed the discussions at EIHA 2007 daily and that they were very interested in the assessment of impacts of human activities by OSPAR. In the past the sea had been a subject only for scientists, but he believed that EIHA was an essential forum that helped relate marine science and policy.