

MEETING DOCUMENT

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This is an interim description of two projects dealing with sustainable shipping and ports at the Wadden Sea. It is only aiming at informing the Wadden Sea Board on their progress. Very recently, these projects started with the overall aim to enable better communication and cooperation between involved project partners.

Although, the lead authors strived for highest degree of consensus this interim description might not necessarily reflecting the views of all project partners properly.

Proposal: The WSB is invited to note the information

Content

1	Background and Rationale.....	2
2	Recent Developments (2018 - 2021).....	3
3	Status of Shipping and Harbour Projects (2022).....	3
4	Prospects	4
5	Annex.....	5
5.1	List of Activities in the Wadden Sea Region	5
5.2	Overview international conventions and laws of the sea.....	6
5.3	Project Partners - Sustainable shipping and ports at the Wadden Sea	6

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Supported by the partners of the WSB and the DBU project:



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1 Background and Rationale

The sectors of shipping and ports are important businesses along the Wadden Sea coast, which contribute to socio-economic welfare of the Wadden Sea Region and beyond. For a healthy future, these sectors are facing the necessity of improvements in their sustainability and environmental footprint, also to reach wide acceptance as (still) growing economic sector². Selected Wadden Sea Ports contribute to taking on their responsibility by taking part in the Ecoports and further sustainability certifications, and implementing the associated duties. There are also improvements of shipping safety in order to reduce the risk of marine pollution. The question is, how we can build upon these developments and what adaptation is possible? Shipping continues to be a source of risk for the Wadden Sea area. There are recent incidents like accidents, near collisions and the loss of cargo³ as well as future offshore developments associated with the need for energy transition and increasing vessel traffic. Ports have effects on the ecological system, for instance by dredging and dumping. At the same time, the inscription of the Wadden Sea area as World Heritage site and as PSSA in 2002 requires new attention and awareness⁴.

National and regional governments, the green NGO's in the Wadden Sea area ("Wadden Sea Team", WST) as well as the Forum for the trilateral Wadden Sea Region ("Wadden Sea Forum", WSF) with its stakeholders perceive rising concerns of the society in the Wadden Sea Region about potential negative impacts and risks. For example, the National Park Advisory Board in Lower Saxony experienced in their membership an increasing concern and requested to take action on improvements within the shipping business. This was seconded by the resolution of the National Park curatorships of Nordfriesland and Dithmarschen in Schleswig-Holstein⁵.

Over the past 100 years many activities for the improvement of shipping safety and the reduction of pollution caused by ship traffic, for example, have been developed and implemented on European and international level. In Annex 5.2 a timeline of existing conventions and agreements as parts of law of the sea (mainly encouraged by major accidents, e.g. EU Erika-Packages) is shown. Thus, the development of the law of the sea integrates general aspects for shipping as well as specific environmental aspects, and installs different communication and discussion platforms as well as decision-making bodies on European and international level (e.g. IMO).

In order to address the topic of shipping adequately in the Trilateral Wadden Sea Cooperation (TWSC), the DENGERNETH Admin group was established in 2016⁶. After a decision of the TWSC

² More than 5,000 participants at the DNV online conference on "Fuel of the Future" in January 2022 indicated that the notion of climate change and the shared responsibility of the shipping sector (including the entire supply chain) to reduce and minimise e.g. GHG emissions is high on their agenda

³ Recent example was the loss of more than 330 containers by the MSC Zoe in January 2019

⁴ For example: By signing a **Letter of Intent** in 2018 the Wadden Seaports show the willingness to reduce the impact they have on the environment

⁵ An overview of selected activities in the Wadden Sea Region is listed in Annex 5.1

⁶ Two bilateral agreements were existing as NETHGER in 1991 and DENER in 1993/2000, which were replaced by the trilateral agreement for the DENGERNETH in 2010

not to continue the Working Group Shipping at WSB18⁷, the DENGERNETH-MARAD group (the function of which is/was partly covered by the meetings of members of the Bonn Agreement) was requested for advise on shipping issues, i.e. overview of the implementation of the relevant provisions of the Tønder Declaration, incl. its Annex 5, and to foster the transboundary dialogue between the relevant shipping authorities. Since 2018, the DENGERNETH-MARAD group has not (fully) met, and has now seemingly ceased to exist, thus leaving no designated trilateral body commissioned to shipping issues.

2 Recent Developments (2018 - 2021)

In 2019, the WSF proposed to the TWSC to organise a Trilateral Round Table "Shipping safety". Hence, the WSF was working on this issue in close cooperation with the Common Wadden Sea Secretariat (CWSS) and the Task Group Management (TG-M) of the TWSC⁸.

In 2020, two attempts of organising a kick-off meeting of the Trilateral Round Table "Shipping safety" as a physical event were cancelled due to the Covid situation. In mid-2020, based on the stakeholder analysis of the WSF, which was conducted under the auspices of the Lower Saxon National Park Wadden Sea authority, the approach of organising the Trilateral Round Table was adapted.

Based on the stakeholder analysis, bilateral interviews with relevant stakeholders and actors from the member countries and from different sectors were held by the WSF secretariat. A majority of the interviewees signalled their appreciation of this revised approach and clearly indicated the willingness of stepping into a new dialogue between shipping and ports sectors and nature and environmental conservation. Also the results of an online survey conducted during the stakeholder analysis clearly indicated that a dialogue was requested by stakeholders of different sectors and branches in the trilateral Wadden Sea Region.

Regarding these promising signals and indications, the WSF supported by the CWSS and the TG-M began to plan the first Trilateral Round Table "Shipping"⁹ in spring 2021. Once again, originally planned as a physical meeting to enable personal contacts between the stakeholders, it had to be changed to an online meeting. More than 30 participants registered, displaying a broad spectrum of stakeholders from the trilateral Wadden Sea Region according to the respective issue. Finally, the kick-off meeting was postponed on very short notice. Postponement was necessary because of the cancellation through relevant representatives from the member countries.

3 Status of Shipping and Harbour Projects (2022)

In order to work on specific declaration points of the Leeuwarden Declaration (2018), the WST proposed to conduct a project on shipping and ports in the Wadden Sea area. In 2020, the WST submitted the first draft to the WSB31 and, finally, after a long journey two shipping

⁷ Meetings of the Wadden Sea Board (WSB) are abbreviated as WSB18, 18th meeting of the WSB

⁸ WSB29/5.5/1 Shipping Safety, WSB30/5.8./2 WSF proposal on joint shipping group, WSB30/5.8/3 TG-M proposal on WSF proposal on joint shipping group

⁹ The focus of the Trilateral Round Table changed due to the outcomes of the interviews and the online survey

projects were approved. The original WST proposal was split into two parts with different funding sources.

The smaller project part entitled "Sharing and developing knowledge to strengthen the contribution of shipping to a well-protected Wadden Sea World Heritage" funded by the WSB is dealing with: a) the compilation of best practises and existing information on the recent activities with regard to sustainable development of the ports and Wadden Sea island ferries, b) the development of scenarios for evaluating existing and recommending new Associated Protective Measures for the Wadden Sea PSSA, c) facilitating dialogue amongst ferry operators and other relevant stakeholders regarding nature-friendly ferries in the Wadden Sea and d) safeguarding and discussing progress from the lessons learnt of the MSC Zoe incident. This project started in August 2021. First interim results have been reported to the WSB recently.

The larger project part on shipping and ports¹⁰ is funded by the DBU (Deutsche Bundesstiftung Umwelt) and is mainly working on the establishment of a long lasting and sustainable dialogue platform integrating the shipping sector as well as the Wadden Sea ports. In order to achieve the main goals of this project, it is divided into four work packages: WP1 – shipping, WP2 – harbours, WP3 – dialogue, WP 4 – scientific assessment and advice. The main part of the investigations concentrate on the questions, e.g. which dialogue formats are already in place, what are the lessons learnt and what is missing as well as what are open issues to be discussed. This project started in November 2021 and had its kick-off meeting in January 2022.

In total more than fifteen organisations are working together in both projects, in different roles. Joint meetings of both project teams and partners ensure good cooperation and synergies. The partnership of both projects ranges from the nature and environmental NGO's in the Wadden Sea Region to representatives of the Wadden Sea ports (NL, D and DK) and further port authorities (e.g. Wilhelmshaven, Bremen) as well as the Maritime Police Inspection of Lower Saxony and the Wadden Sea Forum as an organisation.

4 Prospects

The envisaged aims and goals of both projects could be summarised as follows:

- Assess the status quo regarding nature-friendly and sustainable shipping and port operation in the Wadden Sea together with the industry
- Establish a sustainable and long lasting dialogue platform concerning the issues of shipping and ports in and around the World Heritage site Wadden Sea
- Create a trustful, resilient, constructive and productive working environment between the sectors of nature and environmental conservation and shipping as well as ports

And more concrete:

- Develop an agreement (such as a Memorandum of Understanding) using the Pact of Marrum¹¹ as inspiration

¹⁰ The abbreviated German project name: "Zukunftsfähige Schifffahrt im trilateralen Wattenmeer"

¹¹ Joint agreement between the Dutch green NGO's and the Dutch Wadden Sea Ports, also to be considered the **Letter of Intent** from 2018 of the Wadden Sea Ports

- Jointly develop adequate dialogue formats
- Jointly develop a side event at the Trilateral Governmental Conference in 2022 in Wilhelmshaven
- Compile and provide data bases for best-practise in the sectors of shipping and ports and jointly develop recommendations on how to implement these in the Wadden Sea Region
- Encourage the development of incentives for adaptations towards environmentally-friendly shipping and ports (e.g. to encourage the electrification of ferries in the Wadden Sea)

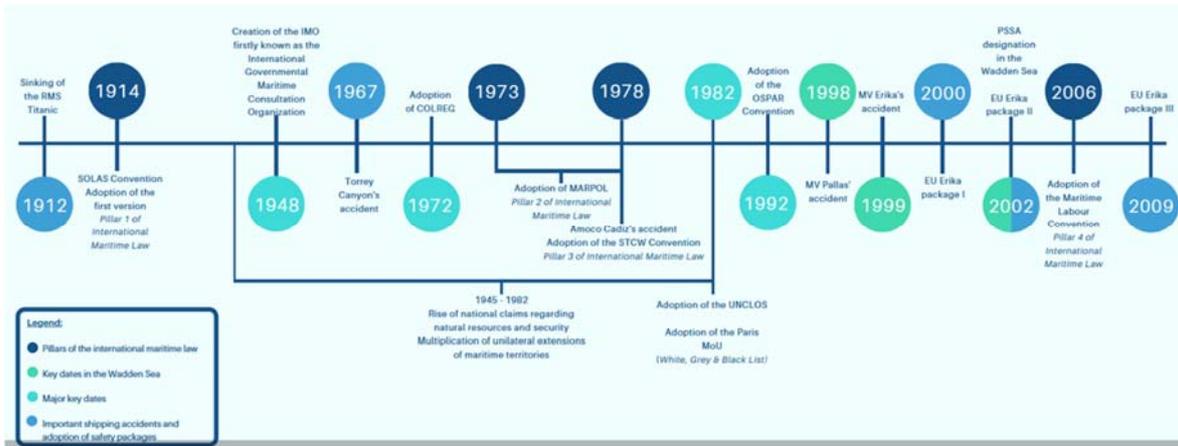
5 Annex

5.1 List of Activities in the Wadden Sea Region

The following list of recent activities and policy developments in the Wadden Sea Region illustrates the necessity of re-starting a joint dialogue; which is mainly based on societal concerns (excerpt):

- ✓ Esbjerg Declaration on activities toward IMO, i.e. designation of Wadden Sea area as PSSA – October 2001
- ✓ KIMO Resolution 1/08 (updated 2019): Lost Containers from Shipping – October 2019
- ✓ Resolution of the WSF working group "Shipping & Harbour": Resolution on Shipping Safety Measures in the wider Wadden Sea Area – April 2013
- ✓ TWSC Tønder Declaration incl. Annex 5 on Operational Plan for PSSA – February 2014
- ✓ TWSC Leeuwarden Declaration – May 2018
- ✓ "The 2018 Call for Action for the Wadden Sea" by the Nature NGOs, asking for a more sustainable shipping – September 2018
- ✓ Letter of 12 nature and environmental NGO from The Netherlands to the ship-owner MSC as consequence of the MSC Zoe accident in January 2019 – September 2019
- ✓ Resolution of the Advisory Board Lower Saxon National Park Wadden Sea – October 2019
- ✓ Resolution of the National Park curatorships Nordfriesland and Dithmarschen: Resolution on offshore risks posed by container shipping – September 2020
- ✓ Position paper of three Dutch green NGO's: Lessons learnt and recommended actions based on the container loss of the MSC Zoe – October 2020
- ✓ Renewal – Resolution of the Advisory Board Lower Saxon National Park Wadden Sea: Improvement of the offshore protection of the UNESCO World Heritage site Wadden Sea – March 2021
- ✓ Petition of the Waddenvereniging – spring 2021
- ✓ Report by The North Sea Foundation: "Scenarios and potential APM for the Wadden Sea PSSA" – December 2021
- ✓ „The 2022 Call for Action for the Wadden Sea" by the Nature NGOs, asking for a more sustainable shipping – February 2022

5.2 Overview international conventions and laws of the sea



Overview on existing international and European agreements and conventions as law of the sea, the Bonn Agreement (1969) is missing. Source: CWSS, unpublished.

5.3 Project Partners - Sustainable shipping and ports at the Wadden Sea

WSB Shipping project partners

