

MEETING DOCUMENT

Wadden Sea Board (WSB 35)

10 March 2022
Online Meeting



Agenda Item:	7/1 Wadden Sea Board Advisors
Subject:	Shipping and PSSA
Document No.:	WSB 35/7/1
Date:	17 February 2021
Submitted by:	Dutch Nature NGO's and Harbours

The Dutch Nature NGO's and Harbours submit a short advisory report to the WSB on the shipping issue in the Wadden Sea as Particular Sensitive Sea Area (PSSA).

The Dutch Nature NGO's and harbours are members of the so-called 'Omgevingsberaad Waddengebied' (OBW), the advisory council on Wadden Sea issues who reports to the Ministerial Wadden Sea Council in the Netherlands. This advisory report is supported by the OBW.

In the report it is stated that based on positive experiences in the past, ports, shipping companies and nature organizations who all have a common interest in preventing accidents with ships and cargo, could progress and come up with proposals for internationally applicable measures. The proposal is to request the WSB to organise such an international round table discussion with stakeholders with the aim to arrive at a recommendation for the Governmental Conference.

Proposal: The meeting is invited to take note and comment on this advice.

The Omgevingsberaad Waddengebied (OBW) has decided to issue an advisory report on shipping in the Wadden Sea as the Wadden Sea is a Particularly Sensitive Sea Area (PSSA).

Context

In her response to the Dutch Safety Board (OVV's) advisory report on the disaster involving the MSC Zoë, the Dutch Minister of IenW indicated to the House of Representatives of The Netherlands what the trilateral discussions on closing the southern shipping lane during bad weather had produced:

The minister states in her letter that discussions with neighboring countries show there is a lack of support for closing the southern shipping lane during bad weather among the neighboring countries Germany and Denmark. Such a proposal would also have little chance in IMO as a poll at IMO has shown. Together with Germany and Denmark, a non-mandatory proposal for adapting the routes is being prepared, whereby the advising of container ships will be included in the description of the routes."

She also stated in her letter that proposals are made for influencing through, for example, information and voluntary advice. But the basic principle remains that instructions should not be mandatory because of possible liability. If the measures on the route to be followed in the event of severe weather are linked to the PSSA via the IMO, the question of liability needs no longer be asked.

The past has shown that the stakeholders (ports, shipowners and nature protection) often have much more support for measures linked to the PSSA than the regular shipping authorities.

Proposal

A first version of the Wilhelmshaven Declaration will be discussed at the Wadden Sea Board (WSB) meeting on 10 March 2022. Given the choice of whether PSSA will be addressed on the agenda of the 2022 Trilateral Governmental Conference, it is desirable to request the WSF to arrive at a recommendation for the Governmental Conference through a round table discussion with stakeholders.

Ports, shipping companies and nature organizations all have a common interest in preventing accidents with ships and cargo in the PSSA area the Wadden Sea. Since its designation in 2002, no internationally applicable measures have been taken, to protect the Wadden Sea. In the meantime, it appears that very threatening situations occur at intervals of several years, or sometimes worse, there is major nature and environmental damage, as in the disaster with the MSC Zoë.

There seems to be support for working with stakeholders to come up with proposals for internationally applicable measures. This is about more than just the routes; in fact it is about the broad context.

The purpose of our recommendation is to include a passage in the Wilhelmshaven Declaration in which the relationship between the World Heritage Site, PSSA and shipping is elaborated so that there are points of departure at the international level for entering into discussions and reaching agreements in the future. An international consultation of non-governmental organizations can be a catalyst in this.

The joint starting point of this consultation /round table could be:

We want to minimize the risk of degradation due to shipping accidents.