

European Communities

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21 May 1984

DOCUMENT 1-237/84/B

REPORT

drawn up on behalf of the Committee on the  
Environment, Public Health and Consumer Protection

on the international Wadden Sea area

Part B : Explanatory statement

Rapporteur: Mr H. MUNTINGH

PE 88.672/fin./B

Or. Ne.



# EUROPEAN PARLIAMENT

## C O R R I G E N D U M

to the report by Mr MUNTINGH  
on the international Wadden Sea area

(Doc. 1-237/84)

## ENGLISH VERSION ONLY

### Motion for a resolution

After the ninth indent of the preamble,  
insert the following indent :

"- having regard to Petitions 2/83, 3/83 and 43/83 on  
coastal protection and protection of the Wadden Sea,"



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B.

EXPLANATORY STATEMENT

I. INTRODUCTION

1. The Community's responsibility for the protection of the environment and the special attention required by nature areas administered by several Member States on account of their geographical location are the two aspects central to this own-initiative report on the conservation of the international Wadden Sea area.

2. Numerous international conferences on environment and nature management have discussed the need to protect the international Wadden Sea area. The most important result so far has been the recommendation by the International Conference of Wetlands and Waterfowl held in Ramsar, Iran in February 1971 (see Annex II).

3. This recommendation is in line with Community environment policy, as formulated in the various action programmes, directives and decisions hitherto adopted.

4. The Community itself has both the responsibility and the competence to develop an active policy towards the international Wadden Sea area, on the basis of the bird Directive, the conventions relating to the conservation of animal species and ecosystems and the various decisions and directives relating to the quality of river and sea water.

5. Furthermore, the European Parliament's resolution on the World Conservation Strategy (Doc. 1-112/80) provides a good foundation for an active Community policy towards the conservation of the international Wadden Sea area. In its resolution, Parliament called on the Commission to submit proposals for ways of improving the internal structure of the Community with respect to nature conservation policy and, in particular, to examine whether this policy is in line with the criteria governing nature conservation.

o. Compliance with this request, which is all the more relevant now that the Community has officially adopted the World Conservation Strategy in its third environment action programme, could be an important step towards improved protection of the international Wadden Sea area.

7. In view of its enormous importance and scientific value, this area could even become an excellent model for the form that policy could and should take towards nature areas in other border regions in the Community.

8. Petition No. 13/81 by the 'Werkgroep Zeehond' concerning the protection of seals in the Wadden Sea mentions, among other things, the threat posed to seals by pollutants and disturbances. In addition, the petition calls for the maintenance of the present ban on hunting. This aspect was dealt with in a wider context by the report on behalf of the Committee on the Environment, Public Health and Consumer Protection on Community trade in seal products, in particular those derived from the pups of harp and hooded seals (*Pagophilus groenlandicus* and *Cystophora cristata*) (Doc. 1-904/81) and therefore need not be discussed here in any further detail.

9. The Council and Parliament have already considered certain elements of the policy required for the conservation of the international Wadden Sea area. Major steps have been

- a) the Council Directive of 2 April 1979 on the conservation of wild birds<sup>1</sup>
- b) the Council Decision of 3 December 1981 concerning the conclusion of the Convention on the conservation of European wildlife and natural habitats<sup>2</sup>
- c) the Council Decision of 24 June 1982 and the European Parliament's corresponding resolution of 20 November 1981 on the conclusion of the Convention on the conservation of migratory species of wild animals<sup>3</sup>

These policy elements will have to be integrated into a global policy programme covering all aspects relating to the conservation of the international Wadden Sea area.

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<sup>1</sup>OJ No. L 103 of 25.4.1979, p. 1

<sup>2</sup>OJ No. L 38 of 10.2.1982, p. 1

<sup>3</sup>OJ No. C 327 of 14.12.1982, p.95

10. The international Wadden Sea area is one of the largest, most beautiful and relatively unspoiled natural areas in Europe. It is extremely difficult to convey the significance and beauty of this area in words alone. In fact only visual impressions can do this, preferably at first hand, though pictures in the form of photographs, film or slides would still be more expressive than the text of a written parliamentary report.

11. Unfortunately it is not possible to use these forms of communication here. However, to provide a visual impression of the importance of the international Wadden Sea area and the threats facing it, a set of maps has been provided as an Annex to this report, which gives a bird's eye view, as it were, of the Wadden Sea problem.

12. At the same time, your committee hopes that this set of maps can be circulated on a somewhat wider scale in order to bring the activities of the European Parliament somewhat closer to the public and also to advance the cause of international Wadden Sea conservation. For no such survey of the Wadden Sea problem, which could be particularly useful for informative and educative purposes, is obtainable as yet.

## II. IMPORTANCE OF THE INTERNATIONAL WADDEN SEA AREA

13. Before one can say anything about an area, one must know precisely what one is talking about. In accordance with the definition given by the International Union for the Conservation of Nature and Natural Resources (IUCN), the Wadden Sea area comprises all the territorial waters of the Netherlands, Germany and Denmark in the North Sea between (in the North) a line running due west from Blåvands-huk on the Danish coast and (in the South) a line running due west from Den Helder on the Dutch coast, and includes the territorial waters of the nearby coastal islands and the estuaries of the Ems, Jade, Weser, Elbe, Eider and Varde Aa (including the Dollard and the Jadebusen) as far upriver as the tide allows the formation of flats, together with the nearby coastal islands and the associated coastal area, including marshes and tidal flats extending up to their limits on the mainland or as far as natural coastal barriers such as dunes and dikes.

14. In short, therefore, the international Wadden Sea area, which covers an area of about 1,000,000 hectares, comprises the islands off the coast of the Netherlands, Germany and Denmark, together with the Wadden Sea and a strip of mainland extending (according to some) up to 10 kilometres inland. This strip is to be regarded as a buffer zone.

15. Before the coastal defences were built, the natural transition from sea to mainland, in the geomorphological conditions then prevailing at the junction between the North German plain and the North Sea, was characterized by the following features: permanent deep water; tidal channels; periodically exposed sandbanks and mudflats; salt marshes; brackish inlets or inland waters periodically inundated by seawater; and brackish swamp forests. The brackish ecosystems periodically washed by seawater used to extend some tens of kilometres inland and accommodated an extremely rich diversity of flora and fauna.

16. As all transition features with brackish characteristics and a relatively large continental impact have in fact disappeared as a result of diking operations over the centuries, the present day Wadden Sea area has to be regarded as an ecosystem that is already incomplete at the edges. Since the functions that have been lost through polderization and reclamation now have to be performed entirely by the remaining peripheral structures, further polderization must be regarded as a serious threat to the functioning of the international Wadden Sea area as a stable ecosystem.

17. The Wadden Sea area is unique in Europe on account of its size and its diversity. Wind and tides generate waves, currents and changing water levels. Twice daily the area is alternately inundated and exposed by the tide. This makes the area enormously dynamic.

18. The major landscape types in the Wadden Sea area are firstly the coastal islands, secondly the tidal mud-flat area and thirdly the salt marshes (often enclosed by dikes).

19. The Wadden Sea is inhabited by at least 1250 species of benthic fauna. The higher lying, protected tidal flats along the Wadden Sea are particularly important since many benthic animals spend their early lives here.

20. The Wadden Sea area is one of the most productive ecosystems in the world. Its output can be compared with that of a highly productive agricultural system. Only a small part of this productivity is exploited by fishing. The remaining production is consumed within the ecosystem itself in the numerous biological food chains. The proportion of animal organisms in the total biomass is extremely high owing to the rapid production of algae and diatoms and the acquisition of organic material from the North Sea. As a result of this abundance, the area has also been called the 'golden fringe of the ocean'.

21. The countless numbers of worm, crustacean and crayfish species represent the major diet of large numbers of stilt and duck varieties. The pioneer vegetation on the salt marshes provides a high-value winter diet for many kinds of ducks and geese. On account of its enormous productivity, the Wadden Sea area is the most important stage on the Western Palearctic migration route.

22. The Wadden Sea owes its productivity to a considerable extent to the fact that it functions as a sink for large quantities of dead organic matter from the North Sea. This is because tidal movements continuously refresh the water of the Wadden Sea with large quantities of North Sea water.

23. Shrimp fishing and mussel farming are an important source of revenue from the Wadden Sea. In recent years, cockle fishing has also expanded. Catches vary between 24,000 and 57,000 tonnes. Between 31,000 and 74,000 tonnes of mussels are produced annually in the Dutch part of the Wadden Sea and 4,000 to 15,000 tonnes in the Danish part.

24. The economic value of the Wadden Sea should not just be measured in terms of the direct revenue from fishing or other forms of exploitation. Its impact on fishing stocks and hence fishing in the North Sea as a whole is extremely important. Many young fish of economically important species grow up in the shallow waters of the Wadden Sea and its estuaries.

25. Over the years 25 different types of marine mammal have been encountered in the Wadden Sea. However, only the common seal (*Phoca vitulina*), the grey seal (*Halichoerus grypus*), the porpoise (*Phocoena phocoena*) and the bottle-nosed dolphin (*Tursiops truncatus*) can be regarded as permanent residents of the Wadden Sea area.

26. Of these four species, the common seal is the most numerous. Numbers have dropped sharply however, particularly in the Dutch part of the Wadden Sea (from about 3,000 in 1950 to 500-600 at present in the Dutch part; for the Wadden Sea as a whole the population fell from 5,600 in 1960 to 3,800 in 1974). Young animals from the Dutch and Danish parts of the Wadden Sea migrate to the Dutch part: around 40% of the Dutch seal population were born elsewhere.

Grey seals are encountered regularly as transients in the Wadden Sea, but do not breed there. There is a small permanent colony near Amrum, but with no young animals.

27. Porpoises used to occur fairly frequently in the Wadden Sea. Since 1960 they have practically disappeared.

28. Probably partly as a result of the disappearance of the Zuyder Zee herring, a sub-species of herring that spawned in the former Zuyder Zee, the bottle-nosed dolphin is now also rarely found in the Wadden Sea. Since 1965 the animal has virtually vanished altogether from the Wadden Sea area.

29. The Wadden Sea area is extremely rich in bird life. At the end of the summer, the area is home to about 3 million birds. The number of birds that make use of the area in some form or another in the course of the year is at least two to three times as large.

The area fulfils a variety of needs for birds: it is a breeding area, moulting ground, wintering area or a resting and feeding area for birds to regain energy before going on to breed or winter elsewhere.

The Wadden Sea area is of vital importance for about 50 species of duck, goose, seagull, stilt and tern, since a considerable number of these birds, if not the entire population, are dependent on this area for at least part of the year.

30. Because of the very attractive scenery in the Wadden Sea area, enormous numbers of tourists visit the place every year, both day trippers and longer-stay tourists. This is illustrated by the number of overnight stays by tourists in seaside resorts - 8,257,000 - compared with a population of 52,100 in the same localities in 1972/73.

### III. THREATS TO THE INTERNATIONAL WADDEN SEA AREA

31. The Wadden Sea has been affected from the mainland by land reclamation projects, port installations, oil extraction, dam construction, pipelines and tourism. In spite of the growing importance of nature conservation policy, the characteristic mud flats and salt marshes in particular continue to be damaged by these human activities. The attached survey (Annex III) shows which surfaces have totally changed in character as a result and the extent to which the Wadden Sea area is being further threatened by future plans.

32. In, around, but also outside the Wadden Sea area, an additional equally serious threat posed by human activity is the increasing chemical pollution mainly via the North Sea from the Rhine and Maas and also directly from the Ems, Weser and Elbe.

33. A lot of waste from the water polluted by these rivers is deposited in the relatively quiet waters of the Wadden Sea as particles or chemically bonded to mud or detritus (particles of organic material). The organic material containing pollutants is actively strained from the water by organisms such as crayfish species and crustaceans as their basic diet. This is why the pollution caused, for example, by mercury, PCBs and chlorinated hydrocarbons accumulate to an extraordinary extent in food chains, threatening above all the animals high up in these food chains. A tragic example of this was the mass death of eider ducks and terns, for example, around 1967-1968 as a result of the discharge of telodrin by Shell Pernis in the Netherlands.

34. Chemical pollution caused by chlorinated hydrocarbons and metals not only regularly causes considerable deaths among birds. The decline in the number of seals and porpoises is likewise due to the accumulation of PCBs and other pollutants in these animals. The breeding capability of the Dutch seal population has been seriously affected as a result.

35. Research by the Dutch Government has furthermore shown that the heavy metal content of the tidal-flat mud has increased considerably since the 50s. This applies particularly to the toxic metal cadmium. Moreover, the distressing incidents of mercury and cadmium poisoning in Japan as a result of fish consumption (amongst other things) have shown that human beings are also liable to suffer the consequences.

36. Every year, many tens of thousands of birds die as a result of oil pollution. So far, no serious oil disaster has occurred in the Wadden Sea. The impact of such a disaster would be incalculable partly because it is not possible to combat oil pollution on the periodically exposed mud flats and salt marshes. Extensive oil pollution would kill the life inhabiting the upper sand and mud levels over large areas within one tidal period.

37. A more insidious danger is the ongoing slight oil pollution caused by shipping and leakages from pipelines and oil rigs. As a result of the loss of surface tension, seawater for example can more easily penetrate the feathers of certain sea birds (with fatal effects). As yet little is known about the impact of such pollution.

38. Another extremely important threat to the Wadden Sea area is mass tourism in large parts of the Wadden Sea area, in particular the islands and, in Germany, the non-dyked areas. The harmful pressure of this recreational activity can be seen for example in the excessive withdrawal of water in dune areas, causing these to dry out, the space taken up by tourist infrastructure, the damage caused by mass intrusion upon and disturbance of rest areas, the generation of enormous quantities of waste with all the attendant pollution, and the despoiling of landscapes, etc. etc.

39. The demands imposed by the large-scale agricultural methods often employed in the agricultural area within the limits of the Wadden Sea area (for example the agricultural land enclosed by dykes on the islands and salt marshes) are scarcely compatible with the way this region should be administered on the basis of ecological criteria.

Much of the unique character of the islands and salt marshes is due to the way in which farmers looked after their land over the centuries, but as with so many things in our modern world such care for the land has turned into its opposite.

40. Military exercises and mining represent a major disturbance to the rest of animals in the Wadden Sea area. There continues to be an unacceptable increase in military activities in this region.

41. The broad vistas of the Wadden Sea area are further spoilt by industrial plants, drilling rigs, power lines, buildings, to name but a few examples, which disfigure the landscape to a considerable extent.

42. Finally, another problem of some of the human activities is the increasing mud content of the water, which blocks the functioning of (ecologically and economically important) benthic animals. The increasing turbidity as a result of the increasing mud content and organic pollution from the numerous individual discharges hinders the penetration of light and hence the primary production of algae, or the food available for higher organisms.

#### IV. INTERNATIONAL WADDEN SEA PARK

##### Introduction

43. The data supplied by the 'Landelijke Vereniging tot Behoud van de Waddenzee' (National Association for the Conservation of the Wadden Sea) has enabled your rapporteur to gain a somewhat better understanding of the legal and administrative structure of the Wadden Sea area and to develop some ideas that could secure international protection for this area.

44. In recent years, large parts of the Wadden Sea area have been placed under legal protection in Denmark, Germany and the Netherlands. The scope, content and effectiveness of all these provisions differ somewhat from country to country and from region to region (German Land) (see Annex III).

45. Since the start of the 70s attempts have been made, mainly on the basis of Dutch initiatives, to arrive at an international administrative statute or convention. This has hitherto not been politically feasible, although the three Wadden Sea countries agreed at their last meeting (9 December 1982 in Copenhagen) to examine how and in what way the individual national rules (planning systems) can be coordinated with one another.

46. Against this background, the WWF/IUCN International Coordination Team launched the concept of a Wadden Sea International Park in its Statement of Concern of November 1982. It took the view that it should be possible to restructure and supplement existing legal frameworks, with international coordination replacing national legal measures, especially given that the national legislations in question provide for the establishment of national parks.

47. The last government meeting in Copenhagen also showed that for the areas straddling the Dutch-German and Dutch-Danish borders bilateral arrangements are possible at regional level. Such arrangements require in turn coordination at national and international level.

### National parks

48. The concept of national parks is the subject of extensive discussion in all three of the countries, particularly in the Netherlands and Germany. In Germany, proposals have already been put forward to declare large parts of the Wadden Sea area in Lower Saxony and Schleswig-Holstein a national park. In the Netherlands, proposals along these lines have so far been limited to the island of Schiermonnikoog.

49. There appears to be a lot of misunderstanding as to the meaning of the concept 'national park' and views on this subject differ. Interpretations vary from the ideal definition of the IUCN in New Delhi, 1969, to a designation simply of an area under some form of legal protection (labelling) (see Annex V). A national park based on the ideal definition more or less rules out human exploitation and inhabitation of the area. The naming or labelling of an area as a national park does not exclude human exploitation and inhabitation, and indeed expands these opportunities, especially in the recreational sphere.

Both 'extremes' appear to offer few realistic opportunities for giving the area proper protection under the 'national park' concept. This means that solutions must be sought that allow human exploitation and habitation to a limited extent in the region, at the same time providing it with adequate and effective protection against such exploitation and habitation. In practice, this means a national park based on the zoning principle: zones where protection has priority, zones where limited joint use is possible, zones with a limited form of protection, and a buffer zone.

50. The 'national park' concepts evolved in the Netherlands and Germany are quite similar. Denmark has no such concept as yet. As regards implementation there are differences, which in both the Netherlands and Germany point towards a name-giving or labelling approach. In addition to zones, the idea of a national park should be accompanied by a separate system of regulation, financing, management and administration.

51. National legislation in Germany provides for such a possibility in the Bundesnaturschutzgesetz (Federal Nature Protection Law) (paragraph 14) and the legislation derived from it: the Niedersächsisches Naturschutzgesetz (Lower Saxony Nature Protection Law) (paragraph 25) and the Landschaftspflegegesetz Schleswig-Holstein (Schleswig-Holstein Preservation of the Countryside Law) (paragraph 15).

In the Netherlands, this could be done by amending the Natuurbeschermingswet (Nature Protection Law). The situation in Denmark is still unclear.

### International park

52. The first steps towards establishing national parks under national legislation have already been taken. In view of the growing inter-state contacts with the aim of reaching joint agreements on a coordinated administration of the international Wadden Sea area (see the Joint Declaration of 9 December 1982, Copenhagen), the logical approach would be to establish inter-linked national parks.

The first phase would see the establishment of national parks based on internationally defined criteria. In the second phase, infrastructure could be extended at the international level in the form of a Wadden Sea statute or convention.

53. This would involve the definition of

- a) the limits of the national parks;
- b) the zoning system and
- c) the infrastructure desired or required.

### Information and Publicity

54. In many respects, the 'national park' concept has negative associations. Those using or inhabiting the area see it as an instrument for (excessively) restricting individual freedom. Nature conservationists regard it as a way of permitting an increase in the exploitation of the area, particularly for recreational purposes, with an even further debasement of natural values as a result.

Politicians and decision-makers see it as a name or label that promises more than it achieves.

55. This means, essentially, that nature conservation requires a clear understanding of the concept of a national park within the limits of what is politically feasible. That is to say, the realization of maximum demands, or the ideal situation, should not be the immediate objective.

Experience shows that such an approach provokes negative responses from the outset. It is always possible to tighten up rules at a later stage.

56. Furthermore, the public should be properly informed from the start. Without broad public support the creation of a national or international park will remain an illusion.

#### V. THE ROLE OF THE COMMUNITY IN THE WADDEN SEA AREA

57. It will be clear from the above discussion and the annexes that the international Wadden Sea area is the subject of an extremely piecemeal policy conducted at all conceivable administrative levels.

58. The only administrative levels at which any form of policy at all has been developed so far, even after a decade of discussions and negotiations, are the international and supra-national levels. The most far-reaching step taken to date is the Copenhagen decision of 9 December 1982 by the three national governments involved (the Joint Declaration) to examine how and in what way the separate national rules can be brought into line with one another.

59. In fact, the international approach to the protection of the Wadden Sea area - an international nature area of outstanding importance - finds itself in an impasse, which the national governments are unable or unwilling to resolve.

60. The Community should therefore provide support for the coordination of the policy of the three Wadden Sea states.

61. Your committee is therefore sympathetic to the proposal by the WWF/IUCN International Coordination Team for a certain form of international arrangement in the Wadden Sea area. Whether this should be in the form of a Wadden Sea International Park, as proposed by the WWF/IUCN, or another solution, for example the creation of a European or Community international park or a series of European or Community nature reserves, should be the subject of further discussion.

62. It would namely be very useful if a solution could be found that could also be applied to other nature reserves of national importance in the Community, such as for example those in the border areas of France and Germany and of France and Italy or, after enlargement of the Community, in the Pyrenees.

63. The question as to whether the proposed arrangement should be implemented in a separate convention or in a less legally binding form such as the Joint Declaration referred to above will also have to be the subject of further examination. However, your committee believes that, whatever the form chosen, it should include the Community as a party in itself, since only the Community, in the shape of the Commission, can guarantee an independent European approach that takes proper account of the fact that nature knows no frontiers.

64. For the moment however, the most suitable solution for the Wadden Sea area would be for the Commission to become the fourth party to the Joint Declaration. The Commission will then be joining a project already under way (albeit moving extremely slowly) and can take up its work more easily.

65. The aim in joining should be for the Commission to assume a coordination role both in terms of straight organization (arranging meetings etc.) and in policy terms by formulating proposals to help secure a joint policy programme for administering the Wadden Sea area as a single nature reserve and, where necessary, for restoring the natural and scenic value of this area.

66. Once party to the Joint Declaration, the Commission should take on an independent function in addition to those already performed by the national governments. This function could involve closer monitoring by the Commission of compliance with existing Community legislation of particular relevance to the Wadden Sea area. Examples here are the legislation relating to the quality of surface waters and the standards governing authorized discharges of dangerous substances into surface waters, and also the bird Directive, the Berne Convention and the Rhine chemical pollution Convention.

67. Furthermore, the Commission could, with the instruments it already has at its disposal, tailor agriculture and fisheries projects to the desired form of administration of the Wadden Sea area.

68. The Commission could also prepare proposals laying down criteria which the Wadden Sea itself, together with other parts of the area would have to meet in order to be designated an international park, or alternatively a European or Community nature park or reserve.

69. It should also be possible to apply such proposals to other important international nature areas in the Community. The experience gained by the Commission in its work on the conservation of the Wadden Sea area can therefore be of great importance for nature conservation in the Community as a whole.

70. Another important activity that could be pursued by the Commission in this connection would be to encourage the Member States concerned to sign the Bonn Convention on the conservation of migratory species of wild animals. On the basis of the Bonn Convention (and to a lesser extent the Berne Convention) the Commission could then submit proposals for including (parts of) the international Wadden Sea area, together with other areas in the Community along the Western Palearctic migration routes (for example in Belgium, France, the United Kingdom and - later - Spain and Portugal) in the network of suitable habitats for migratory animals referred to in the Bonn Convention.

71. In the field of information and education the Commission can also act as a catalyst by, for example,

- supporting non-governmental organizations engaged in providing information and education relating to the Wadden Sea area as an international nature area;
- establishing and financing a central, politically independent coordination office to provide information and education in relation to the Wadden Sea area, with the following tasks: the promotion of international contacts and projects and the production and exchange of information material for schools and various user groups.

72. Furthermore, the Commission can also encourage research into the best form of administration for the international Wadden Sea area by for example

- examining closely the legal and planning instruments available to the Member States concerned and to the Community,
- ascertaining the combined impact of the various types of pollution on the ecosystem of the Wadden Sea area,
- studying ways of maintaining the diversity of vulnerable types of land.

73. Finally, your committee believes that the Commission would do well to organize a conference within the near future for representatives from the Commission and the Wadden Sea states to prepare for the Community's accession, as the fourth party, to the Joint Declaration.

MOTION FOR A RESOLUTION (Doc. 1-572/81)

tabled by Mr DE GUCHT and Mr DE CLERQ

on behalf of the Liberal and Democratic Group

pursuant to Rule 47 of the Rules of Procedure

on the international protection of seals on the North Sea tidal flats off the Netherlands, Denmark and the Federal Republic of Germany

The European Parliament,

- whereas the tidal flats between the Frisian Islands and the North Dutch coast, Denmark and the Federal Republic of Germany form a unique European wildlife area;
- whereas this area is particularly important for its flora and fauna;
- whereas this area is a habitat of the common seal;
- whereas the numbers of common seal in the Dutch section of the tidal flats have fallen from some 3,000 to about 500 since 1950 and this species is therefore threatened with extinction;
- whereas this decline has been caused by:
  1. industrial and urban pollution from land and sea;
  2. large-scale leisure activities, accompanied by disruption and noise;
  3. disturbances caused by shipping and aviation;
  4. human activities in the field of industry and leisure;
- whereas this pollution and disruption form a threat to the common seal and its successful breeding throughout the entire length of the three countries' tidal flats,
- whereas the seal populations of Denmark and Schleswig-Holstein are particularly important as breeding stock for all the tidal flats and, without protection, will also be endangered in the future;
- whereas, therefore, international measures must be taken immediately to prevent a further decline in the common seal population throughout these tidal flats;
  1. Considers that all human activities which could cause a further decline in the seal population must be stopped;
  2. Notes the urgent need to halt the production, use and discharge, in any form, of all contaminating substances which are harmful to seals, including persistent hydrochlorides such as PCBs;

3. Recommends the establishment of sanctuaries along the tidal flats free from disturbance caused by noise and people and supervised by the various Member States;
4. Recommends the maintenance of the present ban on hunting;
5. Stresses the need for adequate Community legislation;
6. Requests the Commission to put forward a plan for the protection of the tidal flats and their wildlife, taking account of Parliament's recommendations;
7. Recommends Member States to undertake any additional studies and initiatives which might result in the optimum protection of the tidal flats and their wildlife;
8. Instructs its President to forward this resolution to the Council and Commission of the European Communities and to the Member State Governments.

## EXPLANATORY STATEMENT

The North Sea tidal flats are the shallow waters between the Frisian Islands and the mainland of the Netherlands, the Federal Republic of Germany and Denmark.

The best known Dutch Frisian islands in this group of about 20 islands are Texel, Vlieland, Terschelling, Ameland, Schiermonnikoog and Rottumeroog.

The area is tidal and apart from the channels, is virtually dry at low tide.

It is thus one of the most important and valuable areas for wildlife in Western Europe.

The tidal flats are particularly important as a spawning ground for many species of fish and as a resting and overwintering area for migratory birds from the North.

The area enjoys international renown for its exceptional flora and fauna.

For several years it has been seriously threatened by human activities.

It has, for example, attracted large-scale leisure activities, with the attendant disturbance caused by people and noise.

The area also suffers from serious industrial and urban pollution caused by the discharge of waste water from the mainland and growing pollution of the seawater itself.

Aviation and shipping also seriously disturb the necessary natural calm in the area.

This threatened area is the habitat of the common seal.

Since 1950 the numbers of common seal in the Dutch section of the tidal flats have fallen from some 3000 to about 500.

The European Community must, as a matter of urgency, afford this area the necessary international protection and thus ensure the preservation and development of the unique flora and fauna, and in particular the seal population found on the tidal flats.

CONVENTION  
ON WETLANDS OF INTERNATIONAL IMPORTANCE  
ESPECIALLY AS WATERFOWL HABITAT (47)

Ramsar, 2 February 1971

The Contracting Parties,

Recognizing the interdependence of man and his environment;

Considering the fundamental ecological functions of wetlands as regulations of water regimes and as habitats supporting a characteristic flora and fauna, especially waterfowl;

Being convinced that wetlands constitute a resource of great economic, cultural, scientific and recreational value, the loss of which would be irreparable;

Desiring to stem the progressive encroachment on and loss of wetlands now and in the future;

Recognizing that waterfowl in their seasonal migrations may transcend frontiers and so should be regarded as an international resource;

Being confident that the conservation of wetlands and their flora and fauna can be ensured by combining far-sighted national policies with coordinated international action.

Article 1

1. For the purpose of this Convention wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brakish or salt, including areas of marine water the depth of which at low tide does not exceed six metres.

2. For the purpose of this Convention waterfowl are birds ecologically dependent on wetlands.

Article 2

1. Each Contracting Party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance,

hereinafter referred to as the "the List" which is maintained by the bureau established under Article 8. The boundaries of each wetland shall be and they may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands, especially where these have importance as waterfowl habitat.

2. Wetlands should be elected for the List on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology. In the first instance wetlands of international importance to waterfowl at any season should be included.

3. The inclusion of a wetland in the List does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated.

4. Each Contracting Party shall designate at least one wetland to be included in the List when signing this Convention or when depositing its instrument of ratification or accession, as provided in Article 9.

5. Any Contracting Party shall have the right to add to the List further wetlands situated within its territory, to extend the boundaries of those wetlands already included by it in the List, or, because of its urgent national interests, to delete or restrict the boundaries of wetlands already included by it in the List and shall, at the earliest possible time, inform the organization or government responsible for the continuing bureau duties specified in Article 8 of any such changes.

6. Each Contracting Party shall consider its international responsibilities for the conservation, management and wise use of migratory stocks of waterfowl, both when designating entries for the List and when exercising its right to change entries in the List relating to wetlands within its territory.

### Article 3

1. The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, as as far as possible the wise use of wetlands in their territory.

2. Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as a result of technological developments, pollution or other human interference. Information on such changes shall be passed without delay to the organization or government responsible for the continuing bureau duties specified in Article 8.

#### Article 4

1. Each Contracting Party shall promote the conservation of wetlands and waterfowl by establishing nature reserves in wetlands, whether they are included in the List or not, and provide adequately for their wardening.

2. Where a Contracting Party in its urgent national interest, deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for waterfowl and for the protection either in the same area or elsewhere, of an adequate portion of the original habitat.

3. The contracting Parties shall encourage research and the exchange of data and publications regarding wetlands and their flora and fauna.

4. The Contracting Parties shall endeavour through management to increase waterfowl populations on appropriate wetlands.

5. The Contracting Parties shall promote the training of personnel competent in the fields of wetland research, management and wardening.

#### Article 5

The Contracting Parties shall consult with each other about implementing obligations arising from the convention especially in the case of a wetland extending over the territories of more than one Contracting Party or where a water system is shared by Contracting Parties.

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They shall at the same time endeavour to coordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna.

#### Article 6

1. The Contracting Parties shall, as the necessity arises, convene Conferences on the Conservation of Wetlands and Waterfowl.

2. These Conferences shall have an advisory character and shall be competent inter alia:

- a) to discuss the implementation of this Convention;
- b) to discuss additions to and changes in the List;
- c) to consider information regarding changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;
- d) to make general or specific recommendations to the Contracting Parties regarding the conservation, management and wise use of wetlands and their flora and fauna;
- e) to request relevant international bodies to prepare reports and statistics on matters which are essentially international in character affecting wetlands.

3. The Contracting Parties shall ensure that those responsible at all levels for wetlands management shall be informed of, and take into consideration, recommendations of such Conferences concerning the conservation, management and wise use of wetlands and their flora and fauna.

#### Article 7

1. The representatives of the Contracting Parties at such Conferences should include persons who are experts on wetlands or waterfowl by reason of knowledge and experience gained in scientific, administrative or other appropriate capacities.

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2. Each of the Contracting Parties represented at a Conference shall have one vote, recommendations being adopted by a simple majority of the votes cast, provided that not less than half the contracting Parties cast votes.

#### Article 8

1. The International Union for the Conservation of Nature and Natural Resources shall perform the continuing bureau duties under this Convention until such time as another organization or government is appointed by a majority of twothirds of all Contracting Parties.

2. The continuing bureau duties shall be, inter alia:

- a) to assist in the convening and organizing of Conferences specified in Article 6;
- b) to maintain the List of Wetlands of International Importance and to be informed by the Contracting Parties of any additions, extensions, deletions or restrictions concerning wetlands included in the List provided in accordance with paragraph 5 of Article 2;
- c) to be informed by the Contracting Parties of any changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;
- d) to forward notification of any alterations to the List, or changes in character of wetlands included therein, to all Contracting Parties and to arrange for these matters to be discussed at the next Conference;
- e) to make known to the Contracting Party concerned, the recommendations of the Conferences in respect of such alterations to the List or of changes in the character of wetlands included therein.

#### Article 9

1. This Convention shall remain open for signature indefinitely.

2. Any member of the United Nations or of one of the Specialized Agencies or of the International Atomic Energy or Party to the Statute of the International Court of Justice may become a party to this Convention by:

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- a) signature without reservation as to ratifications;
- b) signature subject to ratification followed by ratification;
- c) accession.

3. Ratification or accession shall be effected by the deposit of an instrument of ratification or accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization, (hereinafter referred to as "the Depositary").

#### Article 10

1. This Convention shall enter into force four months after seven States have become Parties to this Convention in accordance with paragraph 2 of Article 9.

2. Thereafter this Convention shall enter into force for each Contracting Party four months after the day of its signature without reservation as to ratification, or its deposit of an instrument of ratification or accession.

#### Article 11

1. This convention shall continue in force for an indefinite period.

2. Any Contracting Party may denounce this Convention after a period of five years from the date on which it entered into force for that Party by giving written notice thereof to the Depositary. Denunciation shall take effect four months after the day on which notice thereof is received by the Depositary.

#### Article 12

1. The Depositary shall inform all States that have signed and acceded to this Convention as soon as possible of:

- a) signatures of the Convention;
- b) deposits of instruments of ratification of this Convention;
- c) deposits of instruments of accession to this Convention;

- d) the date of entry into force of this Convention;
- e) notifications of denunciation of this Convention.

2. When this Convention has entered into force, the Depositary shall have it registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter.

In Witness Whereof, the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Ramsar this 2nd day of February 1971, in a single original in the English, French, German and Russian languages, in any case of divergency the English text prevailing, which shall be deposited with the Depositary which shall send true copies thereof to all Contracting Parties.

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ADMINISTRATIVE AND JURIDICAL SITUATION  
IN DENMARK, GERMANY AND THE NETHERLANDS

**A. Situation in Denmark**

**Administrative organisation:** unknown

**Management:**

**Cabinet of instruments** - hunting regulations (law?) 1979  
- nature protection regulations (law?) 1979

**Qualifications** - Minister of Agriculture  
- Minister of Environment  
- Minister of Public Works

**Measures** - restriction of sailing speed and sailing possibilities  
- restriction of windsurfing possibilities  
- restriction c.q. prohibition hunting  
- prohibition to affect the landscape physically, chemically and visually  
- certain areas closed completely

**Means** - none

**Comments**

Both arrangements only relate to the Wadden Sea as far as 3 miles into the North Sea. With the exception of some very small parts the islands of Rómó, Mandó, Fanó and the peninsula Skallingen are beyond the scope. In consequence of this the Ministry of Public Works maintains large qualifications with regard to waterpolitical works c.q. interventions (dikes, embankments, harbours). Except with regard to the wet recreation (motor sailing and wind-surfing) nothing has been regulated (wad-walking, sportsfishing, wormdigging). Dune and marsh management are beyond the scope of the regulations. The description that the landscape may not be affected physically, chemically and visually means little or nothing as long as these concepts have not been defined further.

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The Danish Wadden area has not been marked out as wetland in the sense of the Convention of Ramsar. On account of the Nature Protection indication as well as with reference to the joint declaration of 9.12.1983 between Denmark, West-Germany and the Netherlands one is under an obligation now to do so. Much opposition is found with farmers, fishermen and with the population for still further going measures of protection. The most important threat of the area is the recreation pressure.

## **B. Situation in Germany**

- Administrative situation**
- Federal Government
  - Federal state governments
  - Districts
  - Municipalities
- Management:**
- Cabinet of instruments**
- Bundes Naturschutzgesetz 1976
  - Landschaftspflegegesetz Schleswig-Holstein 1982
  - NS Naturschutzgesetz 1981
- Qualifications**
- Minister of Agriculture Bund
  - Minister of Agriculture federal states
- Measures**
- General objectives
- Means**
- Not many. It is chiefly exercised by private organisations, receiving some financial support for it. For an important part they themselves have to collect together the necessary money. Their most important occupation consists of giving information and some education.

### **Comments**

In Germany the legal protection is very complicated and dependent on the way in which the federal states use the available cabinet of instruments. In Schleswig-Holstein holds good for almost the whole area, from the Danish border up to Eiderstedt and the Meldorfer Bucht a nature protection regulation based on the Landschaftspflegegesetz. In Niedersachsen, roughly between Ems and Elbe, several parts have been placed under a nature protection regulation.

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The arrangement for Schleswig-Holstein sums up a number of measures for the protection of the natural values (in par. 4) but introduces at the same time an equal number of exceptions (in par. 5). The most important paragraph with exceptions, however, is mentioned in par. 7 in which is laid down that no restrictions may be placed to the execution of agriculture, fishing industry and hunting. In a chiefly agricultural country as Schleswig-Holstein this means that there is intensive grazing of marshes, which resulted in an enormous impoverishment of vegetation. A similar regulation as in Schleswig-Holstein is known to the NS Naturschutzgesetz.

The biggest problems regarding management are formed by agriculture and recreation. Regarding this the regulations do know a prohibition on entering, but maintenance of it produces so many problems, that the regulation is insufficient in this respect. In 12 of the 22 in Schleswig-Holstein explicitly indicated "Nature Protection areas" there is hardly question of a positive development regarding the protected natural values. Rather the opposite. The activities which are doing damage will increase and the variety of plants and animals will diminish. In two areas there is completely nothing to be noticed of any protection.

In the indicated areas in Niedersachsen all activities can take place normally despite protecting measures. Niedersachsen has for that matter indicated large parts of the Wadden area as Wetland in the sense of the Convention of Ramsar, but Schleswig-Holstein has not done that. In Niedersachsen there are plans to indicate the area as national parc (between Cuxhaven and Wilhelmshaven), to nature parc (between Wilhelmshaven and Borkum) and national parc in formation (south of Borkum). Schleswig-Holstein has indicated a NP in Nord-Friesland.

### C. Situation in the Netherlands

Administrative organisation

- the State
- provinces
- municipalities

#### Management:

Cabinet of instruments

- nature protection law 1967

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<b>Qualifications</b>	- Minister of Agriculture
<b>Measures</b>	- prohibitions on entering - prohibitions on sailing - prohibition on hunting
<b>Means</b>	- State Forestry Service - State Water Police - private organisations

**Comments:**

The arrangement has only reference to the sea, to part of the marshes from the landside and to some nature areas on the islands. Amplifying arrangements for the rest of the areas should come from provinces and municipalities. The arrangement has been diminished by weighing various activities in the note on the Wadden Sea. A large number of measures will have to be appointed still with the help of control visions and control plans. Part of the Dutch Wadden area has been pointed out as Wetland in the sense of the Convention of Ramsar (Dollard). A notice is in preparation.

DEFINITIONS NATIONAL PARC

1. IUCN New Delhi 1969:

A NP is a relatively large area in which

- a) one or more ecosystems have not been altered fundamentally by human exploitation and habitation and/or
- b) where species of animals and plants, geomorphological circumstances and biotopes show a particular scientific, educational and recreational meaning and/or
- c) where are natural landscapes of a great beauty.

2. The Netherlands (note National Parks):

A NP is a united area of at least 1000 ha, consisting of nature grounds, water and/or woods, with a particular natural landscape character and a particular plant and animal life.

3. Germany (Bundes Naturschutzgesetz):

Nationalparke sind rechtsverbindlich festgesetzte einseitlich zu schützende Gebiete, die

- a) grossräumig und von besonderer Eigenart sind,
- b) im überwiegenden Teil ihres Gebietes die Voraussetzungen eines Naturschutzgebietes erfüllen,
- c) sich in einem vom Menschen nicht oder wenig beeinflussten Zustand befinden und
- d) vornehmlich der Erhaltung eines möglichst artenreichen heimischen Pflanzen- und Tierbestandes dienen.

4. Denmark

Still unknown.

JOINT DECLARATION  
ON THE PROTECTION OF THE WADDENSEA

The governments of the Kingdom of Denmark, the Federal Republic of Germany and the Kingdom of the Netherlands;

Considering that the Waddensea region is a unique natural area whose biological, scenic and scientific significance is of international importance;

Recognizing the special importance of the Waddensea region as a natural entity, as a vital element in the west-palaeartic flyway for migratory birds and as a nursery for marine organisms;

Recognizing their responsibilities for the conservation of the ecosystem and the biological values of this region and its components as well as of its natural beauty;

Bearing in mind the obligations resulting from international legal instruments relevant in the field of natural environment protection, in particular:

- the Convention on Wetlands of international importance especially as Waterfowl Habitat (Ramsar, 2 February 1971);
- the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 23 June 1979);
- the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 19 September 1979);
- the relevant EEC-Council Directives, especially that of 2 April 1979 on the protection of wild birds (supplemented by the Council resolution of 2 April 1979);

Declare their intention

to consult each other in order to coordinate their activities and measures to implement the above mentioned legal instruments with regard to the comprehensive

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protection of the Waddensea region as a whole including its fauna (marine, terrestrial and avian) and flora with special emphasis on:

- resting and breeding areas for seals
- areas being important as resting, feeding, breeding, or moulting grounds for waterfowl, both in themselves and in their interdependencies;

to this end to intensify and broaden the contacts between their responsible administrations. The results of these consultations will be examined and, as appropriate, decided upon at Dutch-German-Danish meeting on governmental level about the Waddensea.

DONE at Copenhagen in English this 9th day of December 1982 in three original copies each being authentic.

# EUROPEAN PARLIAMENT

## PETITIONS

pursuant to Rule 108 - 110 of the Rules of Procedure

Petition No. 2/83

by Mr Vagn von der HEIDE

Subject: Community coastal protection policy

According to press reports Commissioner NARJES of the EEC Commission promised (summer 1981) action towards an EEC coastal protection policy.

Is there any truth in this? When will we see a draft?

Kaj Nyborg has made several attempts to approach the Commission with requests for help to make good the damage to BØNNERUP harbour (November 1981) but the applications have been held up at the Danish Ministry of the Interior.

Are there any other ways I can attempt to approach the Commission?

For information, the gale caused about Dkr 600,000 - 700,000 worth of damage; Nørre Djurs local authority has contributed Dkr 200,000 while Århus district authority has given Dkr 150,000.

Luxembourg, 15 March 1983

Mr Vagn von der HEIDE  
Member of Århus County Council  
and Grenå tax assessment board

Nationality: Danish  
2nd floor, 30 Infanterivej

DK-8900 RANDERS

## EUROPEAN PARLIAMENT

PETITIONS

pursuant to Rules 108-110 of the Rules of Procedure

Petition No. 3/83

by Mr Åge KJELSTRUP, Mr Jacob JACOBSEN and Mr Hans DAMGÅRD NIELSEN

Subject: Coastal protection

The undersigned have turned to the European Community because we are not happy with present Danish coastal protection measures, while enormous sums are at stake in our area. In the county of Ringkøbing, with its North Sea coastline, there are three inner fjords, Ringkøbing fjord, Stadil fjord and Nissum fjord. About 25,000 hectares of agricultural land along these fjords have been drained and are now very fertile.

If the land is to continue to be farmed in safety, it is vital that the west coast of Jutland be properly protected against flooding from the North Sea (several feet below sea level at high water).

In the county of Ringkøbing the coastline is in such a poor state that there is a risk of a breach. The fjords are also very important staging points for many species of migrant birds, and are therefore covered by the Ramsar Convention.

As far as we know, the Commission of the European Communities has still not produced its long promised draft European coastal protection policy.

When will action be taken?

Has the damage to the west coast of Jutland by the November gales in 1981 been repaired?

Does there have to be a breach in the sea wall, with the consequent loss of life and millions of kroner's worth of material damage before anything is done?

Luxembourg, 17 March 1983

Åge KJELSTRUP

Occupation: owner-farmer

Nationality: Danish

Herningvej 95

DK-6950 RINGKØBING

Jacob JACOBSEN

Occupation: owner-farmer

Nationality: Danish

Stabyvej 19

DK-6990 ULFBORG

Hans DAMGÅRD NIELSEN

Occupation: owner-farmer

Nationality: Danish

Hvingelvej 28

DK-6950 RINGKØBING

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# EUROPEAN PARLIAMENT

## PETITIONS

pursuant to Rules 108-110 of the Rules of Procedure

### Petition No. 43/83

by the 'Landelijke Vereniging tot behoud van de Waddenzee'

(National Association for the Preservation of the Waddenzee)

Subject: Protection of the Waddenzee

The Landelijke Vereniging tot Behoud van de Waddenzee, a private nature conservation organization with offices in Harlingen, Voorstraat 18, and with 35,000 members, which has the statutory aim of protecting and conserving the Waddenzee area,

- having regard to the Dutch Government's proposal of 14 December 1982 to give permission in principle to the installation of a combined oil/gas pipeline right across the Waddenzee area and its proposal of 5 July 1983 to give permission in principle to the exploitation of gas in the 'Zuidwalveld';
- whereas it is to be feared that the decision to reject in principle the polderization of about 1500 hectares of non-dyked Waddenzee area will be reversed as a result of regional and local political pressure;
- whereas, moreover, influenced by this package of measures, the Dollard is also directly threatened by German plans for a large port and industrial complex in this area;
- recognizing that, although the above activities may serve economic interests, research has shown that the social relevance of the planned activities is without exception slight or non-existent;
- whereas each of the above activities, both in themselves and in conjunction with one another or other activities already in progress, will have extremely detrimental effects and will even cause irreparable damage to the scientific and scenic value of the Waddenzee area, both nationally and internationally;

- whereas the social relevance of these activities is vastly outweighed by the enormous value represented by the Waddenzee area;
- aware that it is primarily the responsibility of the Dutch Government to safeguard the protection and conservation of the scientific and scenic value of the Dutch Waddenzee area;
- whereas, however, pursuant to the Community Directive on the conservation of wild birds, the European Community is also concerned with the preservation and protection of the Waddenzee area and has appropriate powers and responsibilities;
- whereas the Waddenzee area is of outstanding importance for birdlife, all the species listed in Annex I of the Bird Directive being found in this area;
- whereas, under Article 18, the Netherlands should have notified the Commission of areas of European interest to be protected within 2 years following notification of the Directive (on 6 April 1981), yet has still not done so;

Calls on both the Commission of the European Communities and the European Parliament

- to investigate to what extent the Dutch Government's intentions are incompatible with European policy on nature and the environment in general and with the Bird Directive in particular;
- to urge the Dutch Government to postpone definitive decisions on the planned activities until the results of the above investigation are known;
- should such an incompatibility be established, to urge the Dutch Government to drop the planned activities and uphold the decision in principle on polderization;
- to do all they think necessary to preserve and protect the international Waddenzee area or at least prevent further deterioration.

For further information relating to our petition, please see the attached memorandum. In addition, we will be pleased to provide an oral or written explanation of our petition.

Luxembourg, 6 October 1983

LANDELIJKE VERENIGING TOT  
BEHOUD VAN DE WADDENZEE

Mrs K. NIENHUYS

Chairman

'Het Waddenhis'

Voorstraat 18, Postbus 90

NL-8860 AB HARLINGEN

The annexes attached to this petition have been forwarded to the Committee on the Rules of Procedure and Petitions.