



Overlegorgaan
Fysieke Leefomgeving

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The North Sea Agreement



Going those extra miles for a healthy North Sea



The North Sea Agreement

Agreements between national government and stakeholders through to 2030 with a future vision on the development of wind energy in the long term.

An accord was reached on this Agreement between the following participants in the North Sea Consultation (NZO):

On behalf of national government:

Cora van Nieuwenhuizen, Minister of Infrastructure and Water Management

Carola Schouten, Minister of Agriculture, Nature and Food Quality

Eric Wiebes, Minister of Economic Affairs and Climate Policy

On behalf of the energy organisations on the North Sea:

Hans Timmers, chairman NWEA

Jo Peters, Secretary-General NOGEPA

Jan Willem van Hoogstraten, director EBN

Marco Kuijpers, director offshore projects TenneT

On behalf of the fishery organisations:

Johan K. Nooitgedagt, chairman Nederlandse Visserijbond (Dutch Fishermen's Association) approved the consultation agreement but following the agreed period of grassroots consultation informed the consultative body that the Dutch Fishermen's Association could not support the agreement.

Pim Visser, director of VisNed¹ (facilitating) indicated that the producers organisations Delta Zuid, Rousant, Redersvereniging voor de Zeevisserij (operators' association for sea fishing), Texel, West and Wieringen and the Association of NetVISwerk support the Agreement. However, given the divisions in the sector, they cannot sign on their own.

On behalf of the NGOs:

Floris van Hest, director North Sea Foundation

Kirsten Schuijt, director WWF Netherlands

Joris Thijssen, director Greenpeace

Rob van Tilburg, director of Programmes, Natuur en Milieu (Nature & Environment)

Fred Wouters, director Vogelbescherming Nederland (Dutch Society for the Protection of Birds)

Marc van den Tweel, Managing Director Natuurmonumenten (Dutch Society for the Preservation of Nature)²

On behalf of the Sector Organisations for Seaports:

Ronald Paul, chairman and COO port authority Havenbedrijf Rotterdam N.V.

¹ PO Urk is member of VisNed, but has indicated that it does not support the Agreement.

²Natuurmonumenten is not part of the North Sea Consultation, but does approve the Agreement.



The partners to the Agreement emphasise their wish that organisations express their approval of the Agreement so that support is further extended.

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The establishment of the North Sea Consultation

The Minister of Infrastructure and Water Management is responsible for the coordination of North Sea matters. Numerous civil society organisations feel close ties with the North Sea. These stakeholders have called upon national government to sign a joint North Sea Agreement. With their request to arrive at a North Sea Agreement, these stakeholders have joined forces on a number of guiding principles. In addition, they have formulated an assignment for themselves, for national government and for the independent chairman.

At the request of the Minister of Infrastructure and Water Management, the Consultative Body for the Living Environment (OFL) examined the opportunities for arriving at a North Sea Agreement between stakeholders and national government, and issued recommendations on those possibilities. Based on the recommendation, Minister van Nieuwenhuizen, jointly on behalf of the Minister of Agriculture, Nature and Food Quality, the Minister of Economic Affairs and Climate Policy and the Minister of the Interior and Kingdom Relations called upon the OFL to launch the North Sea Consultation and to act as an independent chairman for that body (see Appendix 1²).

National government recognises the vital importance of broad-based support for the North Sea policy. The undertakings in this agreement therefore form the basis for the North Sea 2030 Strategic Agenda and the North Sea 2022-2027 Programme, and for the relevant policy documents from the Ministry of Economic Affairs and Climate Policy including the roadmap for offshore wind energy beyond 2030. Government and the various stakeholders have undertaken in respect of one another to work together loyally to implement the undertakings from this Agreement.

2 OFL (2018) Advisory Report Initial Investigation North Sea Strategy 2030. OFL: The Hague.
<https://www.rijksoverheid.nl/documenten/rapporten/2019/01/14/adviesrapport-verkenning-noordzeestrategie-2030>
The appendices form an integral part of the Agreement.

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Introduction

Within the North Sea Consultation, we started by examining the facts. Both the representative departments and the stakeholders made an active contribution to that process. This not only revealed fundamental differences in attitudes and interests, but also understanding for one another's positions. A common vision gradually grew, together with the realisation that the various parties could mutually support one another.

The North Sea is one of the most heavily used seas in the world, and already the scene of considerable tension between nature, energy and food supply (in particular fishery). Over the coming decades the Climate Agreement will result in massive expansion of wind farms on the North Sea. Finding the space will prove a complex task. In the conflict between the various interests, we have identified our task as finding a new equilibrium. National government has set aside funds to the tune of € 200 million³ to support cohesive nature, food and energy transitions ('Transition fund'⁴, see below 9).

We recognised that it is our task to achieve a new equilibrium. This calls for all parties to demonstrate a willingness to not only consider the possibilities from their own viewpoint but also to take account of the health of the North Sea as a whole. Specifically given the increasing pressure on the North Sea, additional efforts will be demanded in preserving and improving the quality of the ecosystem (including biodiversity). For that reason, we speak of going those extra miles for a healthy North Sea, both in area protection and in the protecting of species and supplementary measures for mitigating the negative effects on nature.

We have intensively focused attention on the futureproofness of fishery. The nature and scale of the fleet will in the future have to tie in with the perspective of a healthy North Sea. All parties understand that the funds that will be made available for the transitions on the North Sea will to a large extent have to be spent on restructuring the fishing industry. Support for this approach was above all achieved by reaching agreements on exempting ecologically important areas from seabed-disturbing fishery methods.

The Paris Climate Agreement calls for a fundamental shift in our way of life and production. In that shift, we have jointly considered the role of the North Sea. We were able to reach a series of practical agreements on the growth and integration of the number of wind farms. Private investments demand respect for public values; the investors in wind energy, it turned out, were open to those needs. In the future, before new wind farms are tendered, a transparent balancing of interests will take place, so that a tailor-made approach can be followed, for each wind farm.

In this Agreement, the various parties laid down undertakings for the next ten years. They have also shown their willingness to consider the situation beyond 2030. The result is an agreement to carefully investigate whether the space intended to be set aside for wind farms in the southern

³ Of these funds, € 119 million is intended for implementing the vision on beam trawling, restructuring and making the beam trawler fleet sustainable. € 12 million has been earmarked for safe passage through the wind farms to be installed, € 14 million for strengthening supervision of the North Sea in implementation of this Agreement and € 55 million for additional monitoring and scientific research and nature recovery.

⁴ In this Agreement, the word 'Transition fund' has been placed between quotation marks. Although agreement has been reached between the various parties on the intentions and methodology of the fund, national government has imposed a specific condition in respect of the legal structure, above all in relation to regular processes within the national budget (see also 9 'Transition fund'). The parties expect to be able to draw definitive conclusions with regard to the governance of the North Sea Consultation, which will be integrated in the recommendations from the OFL on governance, still to be published.



part of the North Sea could not in fact be kept open, while bringing forward the date for making a start on construction of wind farms in the northern part of the North Sea. This will not be without problems but it could reduce the pressure on the ecological space in the south, and keep important fishing grounds open.

The continued production of gas on the North Sea has been emphatically placed in the perspective of the Paris Agreement and the consequences of ending gas production in the Groningen field. The yield from gas production in new fields is set to grow on the basis of this Agreement. Halfway through the intended period for the 'Transition fund' (in other words in 2023), the parties in the North Sea Consultation will come together to assess whether the funds made available are sufficient to achieve the objectives of this Agreement. Should it emerge that further reinforcement of the 'Transition fund' is necessary, the parties in the North Sea Consultation will hold open and realistic discussions. Assuming the implementation of what is known as the Small Fields Letter from the Cabinet⁵, the suppliers of wind energy, oil and gas have expressed a positive opinion on a contribution from the energy sector towards any investments that then prove necessary for a healthy North Sea.

In our joint assessment of the future for the North Sea, time and again it became clear that with regard to certain matters, we are still lacking knowledge about the functioning of the ecosystem and the possible effects of the transitions that are set to take place. With that in mind, the parties have reached agreements on the large-scale intensification of monitoring and scientific research on the North Sea. This could form the basis for future choices and further agreements.

National government and stakeholders have agreed that the North Sea Consultation, the consultative body within which this Agreement emerged, will be continued in the future. In collaboration with the parties to the Agreement, a separate set of 'recommendations on governance' will be published regarding the composition of the consultation and the (legal) framework in which the cooperation can be placed. This will also include regulation of the involvement of the parties in spending the transition funds. These recommendations will be published by the Consultative Body for the Living Environment (OFL), as previously requested by the Minister of Infrastructure and Water Management. Before these recommendations are published, the North Sea Consultation in its current form will be continued by the OFL, with an independent chairman.

This North Sea Agreement means: a better balance between all relevant interests, and permanent involvement by the various stakeholders in North Sea policy. The undertakings in this Agreement will form the basis for the policy documents from national government; the mutual trust required in that connection calls for the structural integration of the North Sea Consultation in the process of policy making.

Jacques Wallage

Chairman of the North Sea Consultation

⁵ Parliamentary Paper [33 529, no. 469](#)



1. The background

The North Sea belongs to us all, and at the same time belongs to none of us. This Agreement was entered into according to the idea that North Sea policy must enjoy the broadest possible support.

The North Sea is one of the most intensively used seas in the world and is constantly becoming busier. It is a valuable and vulnerable ecosystem and a food source for humans and animals. It is also of huge economic importance. It is the location of heavily used shipping routes as well as being used for recreational purposes and as a LVL1 training ground for navy and air force. Oil, gas, sand and wind energy are all extracted from the North Sea. Moreover, the North Sea is essential for the quality of life of coastal areas and fishing regions.

At the same time, climate change is influencing the ecosystem of the North Sea and the consequences of climate change are already clearly tangible. Climate change is not only a global issue; all aspects of climate change are also taking place on our own doorstep, in the North Sea. These include temperature rise, acidification, sea level rise, anoxicity, the spread of invasive species and the changing distribution of fish stocks.

Gradually, fossil fuels are being replaced by clean, renewable energy, such as offshore wind. For the North Sea, this will result in a massive rise in the number of wind farms. This will help fulfil one of the essential preconditions for the Climate Agreement and the Paris Agreement: it will help to facilitate the reduction in CO₂. The construction and operation of an ever growing number of wind farms will increase the pressure on the already rising tension between functions.

A healthy North Sea is important for everyone. Already today, the marine ecosystem is crying out for recovery. Use of the North Sea must match its ecological resilience. To ensure that the North Sea is made and remains healthy, increased effort will be needed. Now that the decision has been taken to massively expand the number of offshore wind farms, this is becoming increasingly important. These then are the **‘extra miles we will have to go to achieve a healthy North Sea’**.

Surrounded by these radical changes, the fishing sector needs to know where it stands. For Dutch fishermen, the North Sea is of crucial importance, and deeply embedded in the lives of local communities. It is where they earn their living, and they need to know their future prospects. The fishing communities, often peripheral to the rest of society, are heavily dependent on the economic revenue from fishing. A stable fishing industry is not only essential for the fisherfolk themselves but also for local service providers and local businesses.

For the participants in the North Sea Consultation (NZO), the outcome is more than the sum of the various functions and nature values; as part of our national identity and history, the North Sea is a valuable asset. Our aim is to hand over a more healthy version of that sea to future generations. This Agreement includes the undertaking by national government to publish a **‘State of the North Sea’** every two years (see 7.9). The challenge therefore lies in ensuring a healthy and sustainable North Sea that provides sufficient space for protected nature values, sustainable fishing and sufficient room for offshore wind farms in order to provide for the Dutch contribution to the Paris Agreement. Against that background, gas production⁶ on the North Sea

⁶ Wherever the term gas industry is used, this should be read as gas and oil industry.



has been placed more emphatically within the targets of the Paris Agreement, and bound by more ecological parameters.

The aim of the Agreement is to bring about an improved equilibrium between all the interests that are at stake, within the framework of a healthy North Sea. This agreement will not bring itself about; government and stakeholders recognise the size of the challenge. This Agreement makes it possible to face up to that challenge, together. Initially, the Agreement focuses on the medium term towards 2030, but also offers a perspective for the rapid development of wind energy beyond 2030.



2. The challenge

Three major transitions are currently taking place on the North Sea, that form the heart of the challenge for the North Sea: the nature transition, the food transition and the energy transition. This Agreement focuses on the heavily interwoven nature of these transitions, thereby creating opportunities for an integrated policy with a focus on the longer term.

- (1) **The nature transition:** The North Sea is what is known as a 'commons'; an area under joint ownership for which joint responsibility must be borne. However, the marine ecosystem is under pressure: biodiversity is declining and the seabed is disturbed⁷. Increased use can only be achieved responsibly if the North Sea ecosystem is recovered and preserved. That will call for greater efforts in achieving Good Environmental Status (GES)⁸. Even once the North Sea has been made healthy, we must ensure that it remains that way. Ecological resilience is a precondition for the individual and cumulative use of the North Sea by the various functions. The nature transition also calls for a transition in our thinking about marine ecosystems. The ecosystem of the North Sea is not a static environment. Objects and installations create new habitats and can contribute to nature⁹. In a world facing climate change, as well as targets at the level of individual species, targets on use pressure must also be taken as a starting point in designating subareas.
- (2) **The food transition:** it is crucial that we achieve viable and sustainable fishery that by its nature and scale ties in with the new situation on the North Sea. That in turn calls for reorientation and eventually restructuring of the fleet. This is not only an ecological necessity and a (commercial) reality but also a societal requirement: people working in the fishing industry, both on sea and on land, have an urgent need for a clear perspective in the process of radical changes. Against that background, the government and the sector are currently working on a vision on beam trawling, which relates closely to harmonisation with this Agreement. Moreover, new ideas are constantly emerging for alternative methods of food production at sea (mariculture) that demand space on the North Sea.
- (3) **The energy transition:** the Dutch Climate Agreement refers to the North Sea as a Green Powerhouse, making energy generation more dominant in the take-up of space on the North Sea. This is a societal choice that must be made to meet the targets of the Paris Agreement. This transition will have direct consequences for the production, storage and transport of energy at sea, and towards land. The various parties fully support these energy targets. Nonetheless, with a view to the interests of the ecosystem and other use functions, a careful balancing of needs is required. The dynamism of technology now and in the future will impose different choices, for example on hydrogen (as a means of transport, for energy generation at sea and as a raw material), island creation and alternative methods of marine energy production/generation. The various

⁷ Marine Strategy Part 1 update 2018-2024. (<https://www.noordzeeloket.nl/beleid/europese/achtergrond/documenten-mariene/>)

⁸ As formulated in the Marine Strategy Framework Directive (ELI: <http://data.europa.eu/eli/dir/2008/56/oj>)

⁹ North Sea Foundation (2018) North Sea wind farms: ecological risks and opportunities. Available via: <https://www.noordzee.nl/north-sea-wind-farms-ecological-risks-and-opportunities/>



parties have included process agreements in the Agreement with regard to making choices for the future (see chapter 8 on governance).

The closely interwoven nature of these three transitions calls for a cohesive North Sea policy with the aim of avoiding conflicts regarding the use of space and a permanent loss of equilibrium. We share the conviction that it is not merely a question of 'sharing out the pain', but there will certainly be new opportunities, too. By focusing on the ties between these transitions, we will emphasise those solutions that increase benefits to society in the long term. This approach also offers the possibility of moving beyond sectoral interests. The certainty offered by this Agreement for the various parties is under all circumstances preferable to a sectoral approach that results in constant quibbling about the space available.

The often sectoral structure of existing money flows is not well-suited to the closely interwoven nature of these three transitions, and will not automatically result in the intended cohesion. For that reason, government and stakeholders must reach settlements within the Agreement on the establishment of a 'Transition fund' for the North Sea. This fund can then be called upon for the outlined transitions and the implementation of this Agreement, if the costs are not sufficiently covered by regular sources of income (see 9).

The North Sea Consultation has examined initiatives from society and industry. To make that possible, an Internet consultation was organised and on 8 May 2019 a participation meeting was held that resulted in a series of undertakings that form part of this Agreement.

There are also a number of subjects on which the North Sea Consultation has acquired in-depth knowledge, but in respect of which the parties to the Agreement did not see any need to reach additional settlements in the framework of this Agreement. These relate specifically to sand extraction and suppletion, the spreading of dredging spoils and shipping traffic separation systems, clearways and anchorages.



3. Common ground

The various stakeholders approached the North Sea Consultation from very different angles. Slowly but surely, the parties to the consultation have arrived at a number of common, overarching principles. At the same time, an examination of the challenges on the North Sea reveals that a number of reasonable underlying principles put forward by the various stakeholders also call for joint recognition. These principles form the common ground for the North Sea Agreement.

- 3.1 A healthy North Sea is a commonly shared interest. The busier the North Sea becomes, the greater the level of investment required in maintaining the health of the ecosystem. In that sense, optimising nature policy is a logical principle: we must go those extra miles to achieve a healthy North Sea. That in turn calls for further-reaching measures than provided for in current policy practice for the protection of various species and areas. The accumulated measures in this Agreement must contribute to achieving and subsequently maintaining good environmental status^{10,11}. In that equilibrium, as far as possible, account has also been taken of the interests of the fishing industry (see 4.38). As regards a number of nature areas, specific agreements are reached in this Agreement (see 4). Policy development is made more difficult by a structural lack of knowledge. With that in mind, the permanent gathering of knowledge, monitoring, supervision and enforcement of the agreed measures remain crucial. Viewed over time, this should result in the joint adjustment of the choices made in this Agreement in the form of a permanent North Sea Consultation (NZO).
- 3.2 Safety of users and the ecosystem are and remain important principles for every use of the North Sea (see among others 6.8-6.11).
- 3.3 To make optimum use of the limited space available, multifunctional use of space is a guiding principle. Implementation of this principle is based on an area-specific approach (see 4.1). Where this is impossible, enforceable separation of functions must take place on the basis of a transparent consideration of the various interests. As a result, in the future for example a wind farm is never just a wind farm.
- 3.4 To arrive at an integrated approach to the intended transitions on the North Sea, a 'Transition fund' is essential. It is intended as an investment boost to facilitate the agreed elements of the Agreement, wherever transitions interact. Adjustments to the nature and size of the fleet of beam trawlers and a boost to innovation will contribute to a major advance in quality for important values such as seabed protection and sustainable fishery. Additional funds will also be made available so that careful monitoring and research into the consequences of the future large-scale roll-out of offshore wind can be expanded. The same applies to research into

¹⁰ As formulated in the Marine Strategy Framework Directive and making use of criteria developed by ICES (The International Council for the Exploration of the Seas).

¹¹ See the Response from the KNAW sounding board committee North Sea on the GES on the OFL site – (<https://www.overlegorgaanfysiekeleefomgeving.nl/samenwerken/lopende+projecten+samenwerken/noordzeeoverleg>)



the status of nature in the framework of nature recovery. Additional efforts in the field of monitoring and research (baselines) will be needed.

- 3.5 Parties investing in wind farms must at the earliest possible stage sketch out viable business cases for attaining the targets of the Climate Agreement with regard to the terawatt hour (TWh) levels to be achieved and the reduction in the costs of offshore wind. Costs to society must be clearly defined in advance, while there must be transparent discussion on the question who pays for what. This will also help protect the energy consumer by keeping energy bills as low as possible.
- 3.6 To ensure that fishery, including seabed-disturbing fishery, remains possible on the North Sea now and in the future, the nature and size of the fleet must be adjusted in such a way that it ties in with the new situation on the North Sea. The transformation of the fishery sector on the North Sea that is being called for cannot be viewed in isolation from other, structural uncertainties for the sector. Landing obligations, the ban on pulse fishery and the uncertain outcome of the Brexit have already made the future of the fishing industry uncertain. The funds needed for restructuring the fleet must be made available on time; from the equity of the industry itself, from existing government funding and from the 'Transition fund'.
- 3.7 The 'New Economy' on the North Sea calls for space for (the upscaling of) robust pilots and a uniform policy with clear underlying principles for the awarding of licences and choice of locations. This relates to mariculture (the farming of fish, shellfish and crustaceans, algae and seaweeds) and to alternative forms of marine energy generation. These activities must also be demonstrably appropriate for the ecological resilience of the North Sea, for example in terms of the nutrients present and guaranteed safety. Within the North Sea Consultation, discussions aimed at achieving consensus regarding the governance and relevant principles will be organised.
- 3.8 The production of gas on the North Sea is finite, and shrinking. With the reduction of gas production from Groningen, the Netherlands has now become an importing country. The various parties agree that producing our own natural gas is better than importing foreign gas because the production of gas from small fields currently offers climate advantages¹² and is better for the economy and security of energy supply. This in turn requires a predictable licence-awarding procedure. The continued production of gas on the North Sea was also specifically placed in the framework of achieving the targets of the Paris Agreement. To ensure a transparent assessment, additional independent research is provided for in this Agreement (see section 5.11).
- 3.9 The parties recognise the systemic relationship between energy transitions on the North Sea as a source of revenue and the costs that must be incurred in financing other transitions for food and nature. As a society, we are enriched by the North Sea so that over the coming decades we will be able to promote a healthy North Sea. In three years time (halfway through the planned term for the 'Transition fund'), the parties will undertake a joint review to determine whether the targets set for the Agreement can be achieved using the additional funds made available (€ 200 million). If that is not the case, open and realistic discussions will be held within the North Sea Consultation about further financial impulses. The suppliers of wind energy, oil and gas are in principle positive about contributing to the 'Transition fund', assuming implementation of the so-called Small Fields Letter from the Cabinet.
The parties agree that in this way, the revenue from energy generation can also make a meaningful financial contribution to the costs of the transitions on the North Sea. A contribution from the energy sector in favour of a healthy North Sea would

¹² These advantages apply as long as foreign gas represents higher integrated CO₂ emission per calorific value. This could be eradicated if for example in Norway significant volumes of green gas were to be mixed with the natural gas.



mean that the revenue from energy (including from fossil fuels) could in part be used for the transition to a healthy North Sea, with balanced and sustainable use.

- 3.10 The North Sea is characterised by a high level of dynamism. The complexity of the ecosystem and changes in diversity as a result among others of climate change and human interventions on the North Sea, mean that we only have a limited understanding of the consequences of measures within and between the transitions. Wherever no definitive statements can yet be issued about those developments, government and the stakeholders have agreed that discussions will be held within the North Sea Consultation, aimed at reaching consensus in the future. This should make it possible to jointly evaluate the effects of the undertakings in this Agreement, and where necessary to make adjustments through adaptive planning ('hands on the controls' and governance). In that sense, this Agreement is the starting point for a more adaptive approach which makes joint action by government and stakeholders in response to uncertainties, future developments and dynamic technological changes. self-evident.
- 3.11 The necessary scientific research and monitoring must be financed as an integral part of North Sea policy. An additional boost must be provided to facilitate cohesive monitoring and research policy (for example by enhancing the existing WOZEP programme¹³). The research and monitoring agenda in appendix 2 outlines the content and priorities within research and monitoring activities on the North Sea, essential for implementation of this Agreement. This agenda was drawn up in consultation with the KNAW sounding board committee and the responsible departments.
- 3.12 Final responsibility within national government is not under discussion. This Agreement serves as a basis for the formal planning documents including the North Sea 2030 Strategic Agenda and the North Sea 2022-2027 Programme. If national government deems that the undertakings laid down in the Agreement must be deviated from in future procedures, consultation aimed at achieving consensus will be organised within the North Sea Consultation.
- 3.13 Following the establishment of this Agreement, at the request of the Minister of Infrastructure and Water Management¹⁴, OFL will prepare a separate set of recommendations about 'governance'. The objective is to issue recommendations that enjoy broad support from both national government and the stakeholders.
- 3.14 The Parties recognise the reality of the context in international law (see appendix 3). If the undertakings laid down in this Agreement cannot be implemented or can only be put into practice subject to fundamental change as a result of international agreements, national government will first put the question to the North Sea Consultation, before adopting a definitive position.

¹³ Offshore wind ecological programme

¹⁴ See letter from the Minister of Infrastructure and Water Management to the Dutch House of Representatives of 5 January (appendix 1) and the OFL advisory report



4. Areas

This chapter describes agreements at area level. This can for example relate to nature areas but also the designation and plotting of wind energy areas. By placing the relative importance of different areas for different parties in a long-term perspective, potential solutions have emerged that facilitate an improved equilibrium between the different functions on the North Sea. One example is the examination of the possibility of writing off a number of wind energy areas in the busy southern North Sea, combined with the accelerated rollout of offshore wind energy in the northern North Sea. In this same way, this Agreement offers guiding statements subject to certain stipulations for beyond 2030. This chapter also lays down agreements that implement the area-based approach, for example through the introduction of ‘**area passports**’.

General agreements on the designation and protection of areas

- 4.1 In addition to the priorities that apply to the entire Dutch North Sea, in arriving at a customised approach, there is need for a clear inventory of the use and characteristics of specific areas. In designating areas at sea for a particular purpose (for example sand extraction areas, plot decrees for wind energy or nature areas) - in advance of the possible project EIA or designation decision - in consultation with civil society parties, national government will draw up an area passport. As a consequence, in the remainder of the procedure, the specific characteristics of areas can be better accounted for, and the balance between interests can be made more explicit: customisation.
These area passports provide at least the following information in a transparent manner:
 - the natural qualities present in the area;
 - the current users of the area and the value of the area for these users;
 - the possibilities for future combined use by current and new users, in line with the purpose for which the area is being designated.
- 4.2 If as a result of the closure of areas (e.g. for wind farms or nature conservation measures) space is removed for potential catch for fishery, which space cannot be compensated for elsewhere or which may favour exclusion, mitigating measures must be taken at sector level in the interests of fishermen. This may take the form of a financial contribution from the ‘Transition fund’. If possible, this mitigation will be undertaken at plan level (e.g. in a future roadmap). The compensation will depend on the moment at which fishing is no longer permitted in the area in question as a result of construction work for the wind farm.
- 4.3 To prevent damage to nature values by use functions, ecologically vulnerable areas must be avoided. If this is not possible, in accordance with the statutory requirements (including the ADC assessment), mitigating measures, and if harm cannot be avoided, compensating measures must be taken.



- 4.4 The Agreement subscribes to the principle that a uniform policy must be introduced for the new economy, that also provides space for upscaling pilots, because initiative takers in the field of the new economy must be offered absolute clarity.¹⁵ National government is investigating the potential of the combined blue economy (food, energy and nature development). Within the North Sea Consultation, that investigation will be further discussed.
- 4.5 The obligations for designating and protecting nature areas arising from international regulations, including the OSPAR Convention (OSPAR MPSs), the Birds Directive and the Habitats Directive (Natura 2000 areas) and the Marine Strategy Framework Directive (spatial protection measures) will be fully implemented and enforced.
- 4.6 In the event of designation of areas at sea for a specific purpose, the safety and accessibility of the area to shipping¹⁶ must be guaranteed. If safety risks arise as a result of new functions, these must be mitigated. The related necessary measures must be in place before the new use is initiated.
- 4.7 The search area agreed in consultation with Germany, Denmark and Belgium for the clearway towards Esbjerg will be kept free for this purpose until definitive agreements have been reached within the IMO (International Maritime Organization).
- 4.8 The roadmap for offshore wind energy through to 2023¹⁷ is seen as a given. The roadmap through to 2030 will also remain unchanged, but undertakings from this Agreement may be included in plot decrees¹⁸.

Agreements on the designation of wind energy areas: starting sooner in the north

The high level of activity on the North Sea is mainly concentrated in the southern section. This is also the area where almost all designated wind energy areas are located, wedged in between the shipping routes. At the same time, this is an important area for sole fishery. Moreover, the implementation of all these designated areas would result in an increase in the pressure on the ecology and as a consequence the ecological space for offshore wind energy.

Given the importance of these areas, the parties to the North Sea Consultation have agreed to investigate whether it is possible to leave the areas Hollandse Kust (northwest), (southwest) and the still unused part of IJmuiden Ver free of wind turbines and to create wind farms in other areas at sea, still to be designated. This investigation is important because the effects of the rollout of wind energy on other users of the North Sea and the ecosystem could be reduced as a result. Above all for fishery, this will be of major importance. It could also be a risk-mitigating measure for shipping.

At the same time, the parties do recognise that the spatial puzzle on the North Sea is a complex one and that the possibility of creating wind farms elsewhere depends on a variety of factors, including greater insight into the additional costs. For that reason, establishing clarity on the budgetary consequences of starting earlier in the north will be part of the investigation. Moreover, it is essential that there be no delay in the rollout of the current roadmap and the future rollout of wind energy.

In the roadmap for offshore wind energy 2030, national government has announced that the wind energy areas Hollandse Kust (west), north of the Wadden Islands and IJmuiden Ver (in part) will be used for achieving the target of 49 terawatt hours (TWh) offshore wind energy, by 2030. This target has been included in the Climate Agreement. It was footnoted that subject to

¹⁵ In the Community of Practice Multi-use North Sea 2030, an assessment is made of the potential for the new economy. To put the experiences acquired in that investigation into policy, short-term clarity is needed.

¹⁶ Merchant shipping, fishing vessels, professional and recreational shipping.

¹⁷ As laid down in the Energy Agreement for sustainable growth

¹⁸ As laid down in the Roadmap 2030. <https://www.rijksoverheid.nl/documenten/kamerstukken/2018/03/27/kamerbrief-routekaart-windenergie-op-zee-2030>



certain conditions, including sufficient energy demand and sufficient ecological space, taking account of the interests of the fishery sector, and within the resilience of a healthy ecosystem, more offshore wind farms are possible, before 2030. The relevant frameworks have been laid down in the North Sea 2022-2027 Programme, on the basis of the administrative agreements in the North Sea Agreement. This could become relevant if a higher level of ambition comes into view, in the event of greater electrification and if the Cabinet opts for the target of 55% CO₂ reduction by 2030. Also beyond 2030, the further upscaling from 20 to 40 GW¹⁹ offshore wind energy will remain possible, subject to the conditions agreed in the Climate Agreement²⁰. In terms of areas for offshore wind energy beyond 2030, possibilities include far above the Wadden²¹ and to the east of the Cleaver Bank. The northwesterly section of the Scholbox, northwest of Texel, is viewed in this connection as a potential steppingstone. By 2021, a greater insight will be acquired into the degree of electrification in other sectors, including investigation whether upscaling of renewable electricity is needed. In the framework of the Climate Agreement, PBL (Netherlands Environmental Assessment Agency) will be called upon among others, on the basis of the Climate and Energy Investigation (KEV) 2020, to map out the potential contributions that offshore wind energy can be expected to make in the light of this upscaling. Given the time needed for the construction of the grid connection, through to 2023 it will still be possible to accommodate a rise in electricity demand with additional offshore wind farms. Given that new wind energy areas cannot be designated before the end of 2021 at the earliest, the unused wind energy areas are the only way of capacitating the possible upscaling according to the plus variant of the Climate Agreement. For that reason, in this Agreement text, the areas Hollandse Kust (northwest), (southwest) and part of IJmuiden Ver are not definitively written off as potential areas for offshore wind energy.²²

- 4.9 The above mentioned wind energy areas designated in the National Water Plan will remain available for the construction of possible additional offshore wind farms in the period through to 2030, until other alternative wind energy areas have been designated, according to which the plus variant of the Climate Agreement and the future rollout of wind energy remain achievable.
- 4.10 The parties recognise that the expected demand for electricity is an important factor in satisfying the targets contained in the Climate Agreement. If it emerges in the framework of the Climate Agreement that additional offshore wind energy is needed, this can only be achieved on time in the existing wind energy areas (Hollandse Kust (northwest), (west), (southwest) and IJmuiden Ver).
- 4.11 National government is examining the possibilities for creating wind farms in other parts of the North Sea besides the southern part. This investigation must have been concluded by 2021 and is part of the North Sea Programme project. Within the North Sea Consultation, discussions aimed at achieving consensus will be held on this subject. As part of this investigation the following will be examined:
 - what alternative areas are available for the 4.8 - 5.8 GW offshore wind energy still available within the areas Hollandse Kust (northwest), (west), (southwest) and IJmuiden Ver;
 - new wind energy areas for at least 20-40 GW subject to the conditions agreed upon in the Climate Agreement, or sufficient energy demand respectively, and within the ecological resilience of the system.
- 4.12 In designating new wind energy areas, an integrated assessment framework will be employed, which in a transparent manner examines and assesses at least the following points:
 - the ecology is included with additional weighting and at an early stage, whereby both Natura 2000 and MSFD areas are spared. In other words, in principle no wind farms are built in areas that are or that become designated

¹⁹ On top of the Roadmap 2030

²⁰ Climate Agreement. <https://www.klimaatkkoord.nl/>

²¹ This ties in with the emphatic wish of the Province of Groningen to implement offshore wind energy north of the Wadden

²² If it is assumed that possible planning will start in 2021, given the lead time for the procedures, it is likely that free use can be made of these areas at least through to 2026.



on the basis of the Birds and Habitats Directives and the Marine Strategy Framework Directive. If there are reasons to deviate from this rule, consultation aimed at arriving at consensus must take place within the North Sea Consultation, in advance. Moreover, the effects on the biogeographical populations must be considered, both in isolation and in cumulation, according to the Ecology and Cumulation Framework;

- the effect on other uses, including fishery, defence interests, sand extraction, aviation safety and airside access, cables and pipelines and oil and gas platforms. Wherever necessary, solutions will be sought that allow multiple use of space, such as oil and gas production within a wind farm, or fishery-friendly wind farms;
- the possibilities for bringing the generated energy ashore;
- the consequences for the onshore energy infrastructure and the related costs;
- the costs and risks to shipping and effects on the shipping measures to be taken both with regard to safety and access (for example broadening the route above the Wadden and the possible search area for the Barents Sea route);
- the size of areas so that a multiplication of the technical standard for platform or hub solutions for mains connection can be achieved (such as 700MW AC, 2 GW DC or a new future hub standard);
- the possibilities for linking international wind farms as interconnectors and in the field of system integration.

- 4.13 The spatial considerations regarding offshore wind energy areas for the plan EIA for the North Sea 2022-2027 Programme will be discussed in the North Sea Consultation. A Social Cost Benefit Analysis is part of this plan EIA.
- 4.14 To investigate how the generated energy from the search areas can be brought ashore, national government, in consultation with the North Sea Consultation and with other stakeholders is undertaking an initial Survey of the Landfall of Offshore Grids (*Verkenning aanlanding Netten op Zee*). This will run concurrently with the plan EIA for the North Sea Programme. In outline, the network techniques, costs, effects on the environment, effects on ecology and futureproofness of the various options, connections and routes will all be mapped out.
- 4.15 For defence exercise area EHD42, the Defence organisation sees no alternative location that offers space for an exercise area that is at least as large as the existing area, and that can be reached as quickly and effectively from Leeuwarden airbase, and which has no consequences for civil aviation. With a view to the security tasks of the Defence organisation and the training of pilots, these are essential conditions. The Minister of Defence is investigating whether an alternative is available on an international scale that does satisfy the conditions imposed by the Defence organisation. In that case, the Defence organisation will cooperate in a relocation.



Agreements on the plotting and combined use of wind farms

*Agreements on the plotting of wind energy areas in separate wind farms are laid down in the Plot Decree. Because the Plot Decree relates to where and subject to what conditions a wind farm may be built, the 'area passport' is a vital instrument in implementing the underlying principle of multifunctional use. As a result, a wind farm is never just a wind farm. The **area passport** is an important tool in balancing between different forms of combined use that may exclude one another, such as new economy, through-passage and nature development. Technical and substantive agreements at the level of wind turbines are discussed in chapter 5 about installations and objects.*

- 4.16 Early anticipation of the development of combined use or nature in a wind farm will generally prove more cost effective than sequential development (the subsequent addition of functions to a wind farm). For that reason, prior to any plotting for a wind energy area, in line with 4.1, an area passport is drawn up that forms the basis for a customised decision. The information from the passport is considered in drawing up a Plot Decree, whereby the principle 'comply or explain' applies. Also based on the information from the area passport²³, consideration will be given to:
- nature development and protection;
 - forms of and locations for fishery with permanent fishing gear (for example baskets and standing nets);
 - logical passages for shipping, or the location of corridors for through-passage for fishery and recreational vessels;
 - permitted forms of and locations for combined use by 'new economy' (for example mariculture such as mussel farming, oyster farming and seaweed farming and marine energy);
 - possible future oil and gas production within the wind farm and options for electrification of platforms;
 - compact or large-scale wind farms²⁴;
 - consequences for safety, supervision and enforcement.
- 4.17 The possibility of sequential combined use or nature development (see also 5.1) is also taken into account via the inclusion of specific regulations in the plot decrees. This applies in as much as the regulations relate to the wind farm itself, and on condition that they can be technically regulated in a plot decree.
- 4.18 Choices relating to the installation of wind farms must always be balanced against the effects on the electricity output of wind farms and the cost reduction targets of the sector.
- 4.19 The presence and migration patterns of vulnerable species above water and underwater are vital criteria for the plotting of wind energy areas and may result in obligations.
- 4.20 Fishery with fixed gear (for example baskets) and mariculture are permitted in (parts of) all new wind farms. Wherever necessary, additional regulations will be developed with a view to sharing the user rights and preventing over-exploitation.
- 4.21 New plot decrees provide for 'anchorages' in the form of notifications on the map or physical locations, for combined use by passive fishery and the new economy.
- 4.22 The question whether combined use and through-passage through wind farms can be facilitated by a form of collective insurance will be further discussed in the North Sea Consultation²⁵.

²³ The LCoE test (levelized costs of energy) from the Ministry of Economic Affairs and Climate Policy also plays an important role in this respect.

²⁴ For example if the importance of the area for fishery justifies investment in a fishery-friendly wind farm, or if the prevention of bird strikes imposes requirements on the size of and distance between wind turbines.

²⁵ For trawler fishing in wind farms, the consequences for insurance and the resultant problems have been investigated by Ecorys on behalf of the Ministry of Economic Affairs and Climate Policy. The results of this investigation are available via <https://offshorewind.rvo.nl/interfacestudies>.



- 4.23 The goal is to designate logical passages within wind farms for fishing vessels and recreational shipping up to 46 metres, day and night and in all weather conditions. Based on a transparent consideration, part of the wind farm must remain available at all times: in these clearways, through-passage takes precedence over other forms of combined use. If this approach is deviated from for specific reasons, national government will accept the obligation to issue a relevant explanation. In that situation, relevant passages will under all circumstances be provided between fishing grounds and fishing ports.
- 4.24 The wind farms in the southern section of the North Sea will remain closed to seabed-disturbing fishery until further notice, because 'fishing with the existing fishing vessels with today's demersal trawl gear in the existing wind farms is neither desirable nor safe and as a consequence is not a viable option in the short term'.²⁶ If this situation changes in the future (due to technical innovation), for each plot decree, for new wind farms, new consideration will be given as to whether the relevant interest of the wind farm location for the fishery sector justifies an investment, in a fishery-friendly wind farm.
- 4.25 With regard to already tendered and built wind farms, in consultation with the wind farm owners, an area passport will be prepared that will set the course for the possibilities for combined use and nature development. As concerns possible additional costs, agreement will have to be reached with the wind farm owners.
- 4.26 National government will provide an overview for and facilitate in the (licencing) procedures that initiative takers must complete in order to start up combined use.
- 4.27 National government will investigate which tendering instruments are needed in order to facilitate the desired integrated development of wind farms, and at the latest by 2020 will be issuing substantive proposals. Consultation aimed at reaching a consensus will be organised within the North Sea Consultation, about the choices based on this investigation.
- 4.28 Within the North Sea Consultation, further discussion will be held about how citizens can be permanently and more actively involved in offshore wind (over and above financial participation by citizens).
- 4.29 Wind farm owners are making a constructive contribution to removing obstacles to scientific research into wind farms.

Agreements on additional nature areas on the North Sea

The development of an ecological network of protected areas is one of the most vital instruments for maintaining and recovering the ecosystem in the North Sea. A coherent and representative network of protected marine areas will be created in the Dutch part of the North Sea, whereby the diversity of the contributing ecosystems is adequately covered.

- 4.30 Agreements reached on the designation and protection of marine nature areas will be implemented and enforced.
- 4.31 Nature objectives for the North Sea must not only be formulated on a quantitative basis (% protected) but also in qualitative terms: which nature values are worth protecting and how do we protect them? In this connection, the scale and size of areas must do justice to the nature objective.
- 4.32 Nature must be protected on the basis of an integrated assessment of the ecological qualities of an area, taking account of the socioeconomic consequences (integrated consideration framework MSFD) according to other effective area based measures.

²⁶ Sectoral in-depth study document Space for fishery in a sea full of wind turbines (3 June 2019).
<https://www.visned.nl/ruimtelijke-ordering/798-wind-op-zee-olie-en-gas-overheid-visserij-en-natuur-op-weg-naar-noordzeeakkoord>



- 4.33 The procedure for designating the Brown Bank as a Birds Directive area will have been initiated at the latest by 2020 and completed by 2021.
- 4.34 Independent scientific research will have been carried out before 2025 to determine whether the Hollandse Kust, the Vlake van de Raan, the Borkumse Stenen, the Cleaver Bank, the Dogger Bank and the Central Oyster Grounds satisfy the selection criteria for designation as Birds Directive areas. Areas that satisfy the selection criteria must then be designated as quickly as possible as Birds Directive areas (at the latest by 2025).
- 4.35 From 2020 onwards, independent scientific research will be carried out into the presence and distribution of honeycomb worm reefs. If that research results in applicable conclusions, relevant locations can be protected via spatial protection measures pursuant to the Habitats Directive or the MSFD.
- 4.36 Nature values to be protected in an area form the basis for acceptable combined use taking account of the prevention principle. Forms of combined use, including fishery, that have no significant impact on defined nature values will be permitted. If the nature values justify complete exemption from potentially harmful activities, the following agreements on fishery in nature areas will be taken into account.
- 4.37 On balance, gas production within Natura 2000 areas will decline. Current practice according to which gas can be extracted in Natura 2000 areas, subject to strict conditions, will be continued. These conditions satisfy the best available techniques²⁷ that supersede legal requirements that still have to be formulated, for environmentally protecting and nature-reinforcing building and operation, as will be periodically laid down in the governance structure of the North Sea Consultation.

Agreements on fishery in marine nature areas: balance between quality and quantity

One of the greatest dilemmas in closing nature areas to seabed disturbance is that the most ecologically valuable areas are also often good fishing grounds. This makes any decision a complex one. The existing and planned agreements on fishing measures in nature areas total 5.1% of the Dutch part of the North Sea that is fully exempted from seabed-disturbing fishery²⁸. If the measures planned to date on the Dogger Bank are further tightened up, a total of 7.4% of the Dutch North Sea will no longer be fishable with trawl gear. In the interest of a healthy North Sea and to deliver a proven contribution to achieving the good environmental status, a larger number of marine nature areas will be meaningfully protected²⁹ which means that restrictions will be imposed on seabed-disturbing fishery. This relates both to the quantity of the nature areas to be protected and the quality of the protection measures. The assumption is that the greatest gain for nature will be achieved if at least a significant part of the most valuable areas are exempted from fishery³⁰. The relative ecological value of the different nature areas as laid down in the response from the KNAW sounding board committee serves as the basis³¹. A number of measures have been added within the Frisian Front, including a no-fisheries zone of

²⁷ Wherever here and elsewhere reference is made to obligations above the legal requirements, these can be reasonably demanded without the initiative taker incurring excessive costs, if the outcome is only limited environmental or nature gains. Within the North Sea Consultation, discussions aimed at arriving at a consensus will be held with regard to the definition of best available techniques to be employed, based on historical experience, case history and existing literature.

²⁸ The Dogger Bank is not included because it is not fully exempted (flyshoot is still permitted).

²⁹ See answer from the KNAW sounding board committee North Sea to questions from NGOs, (<https://www.overlegorgaanfysiekeleefomgeving.nl/samenwerken/lopende+projecten+samenwerken/noordzeeoverleg>)

³⁰ Areas where no form of fishery whatsoever takes place. Fishery will be taken to mean seabed-disturbing fishery, other forms of professional fishery, sports fishing and recreational fishing.

³¹ See reply from the KNAW sounding board committee North Sea with regard to a discussion map for the Dutch part of the North Sea – (<https://www.overlegorgaanfysiekeleefomgeving.nl/samenwerken/lopende+projecten+samenwerken/noordzeeoverleg>)



approx. 1649 square kilometres. An important precondition for the implementation of the measures is that sufficient financing from the 'Transition fund' is made available in time, for the mitigation of the consequences for fishery and the improved sustainability of the fleet.

- 4.38 In 2023, 13.7% of the North Sea³² within ecologically valuable areas³³ has been fully exempted from seabed disturbance by fishery. This percentage will rise to 15% in 2030.
- 4.39 Further consideration in respect of the Frisian Front has resulted in the agreement that the area of the Frisian Front relevant for the Norway lobster fishery will be kept open. As a result, part of the Frisian Front will be kept open for seabed-disturbing and pelagic fishery while approx. 1649 square kilometres of the Frisian Front will still be exempted from all forms of fishery. In 2020, the fishing industry and NGOs will negotiate further to determine whether there are opportunities for establishing no fishery zones within the areas closed to seabed-disturbing fishery. This means a limited amendment to the fishery measures for the designated area previously planned by government.
- 4.40 For the following areas, the necessary implementation measures will be taken, so that they come into effect at the latest by 2022.
- Exemption from seabed-disturbing fishery in parts of the already existing and planned protected areas, excluding the Dogger Bank³⁴ (2964 square km);
 - Ban on flyshoot fishing in the already planned closed areas on the Dogger Bank (+1326 square km);
 - Expansion of the closed area for seabed-disturbing fishery on the Dogger Bank (+557 square km);
 - Expansion of the closed area for seabed-disturbing fishery on the Central Oyster Grounds (+1062 square km);
 - Expansion of the closed area for seabed-disturbing fishery on the Frisian Front (+1014 square km);
 - Expansion of the exemption from seabed-disturbing fishery on the Cleaver Bank excluding the Botney Cut (+552 square km);
 - Expansion of the exemption from seabed-disturbing fishery on the Borkumse Stenen (+558 square km);
 - No fisheries zone on part of the Frisian Front (1649 square kilometres).
- These measures concern 8032 square kilometres (13.7% of the Dutch part of the North Sea closed to seabed-disturbing fishery, 2.8% of the Dutch part of the North Sea being closed to all forms of fishery (no fisheries). Appendix 7 contains a map with an illustration of the fishery restricting measures in the North Sea Agreement.
- 4.41 This is a non-exhaustive summary of measures aimed at restricting seabed disturbance by fishery for the term of this Agreement.
- 4.42 As concerns the phasing of the implementation measures, the supervision measures and the way in which they will be enforced, discussions aimed at achieving consensus will be held within the North Sea Consultation.
- 4.43 Within the no fishery zone on the Frisian Front, a number of subareas will be designated. Discussions aimed at achieving consensus concerning the precise location and dimensioning of these areas will be held within the North Sea Consultation, in 2020.
- An area of 100 km² designated for oyster recovery.
 - An area, on the edge, of 100 km² for research into the long-term effects of beam trawl and pulse fishery, where, subject to strict conditions, seabed disturbing fishing will be permitted.

³² The North Sea comprises the territorial waters and exclusive economic zone, and covers a total of 58749 km².

³³ Ecologically valuable areas are existing and future Natura 2000 and MSFD areas.

³⁴ Parts of the Coastal zone, Pre Delta and Vlakte van de Raan (181 square km), part of the Frisian Front (1000 square km), parts of the Cleaver Bank (688 square km), part of the Central Oyster Grounds (1000 square km), part of the Borkumse Stenen (95 square km).



- 4.44 The parties have agreed to revoke the current restrictive fishery measures in the Dutch part of the Scholbox, with the exception of the Borkumse Stenen. This also revokes an existing European agreement, and will therefore require further international consultation.
- 4.45 No new cast net fishing will be permitted in the Natura 2000 and MSFD areas. This means that no further licences will be issued than those already in place and that no more space will be created within the existing licences (for example for longer nets). On the basis of research, additional restrictive measures for cast net fishery or other passive forms of fishing may be taken, if necessary in order to satisfy all the obligations from the Birds and Habitats Directives and the MSFD.
- 4.46 Measures must always satisfy the requirements arising from the Birds Directive, the Habitats Directive and the Marine Strategy Framework Directive.
- 4.47 All measures will be adopted in accordance with the applicable procedures of the Common Fisheries Policy.
- 4.48 Part of the measures include inspection and enforcement agreements with the Ministry of Agriculture, Nature and Food Quality. To facilitate inspection and enforcement, the Ministry of Agriculture, Nature and Food Quality will establish the necessary workable VMS frequency, with an appropriate time interval, to facilitate effective inspection and enforcement in the protected areas (or some other form of technology if it proves more effective). As concerns the deployment of the additional resources made available within the 'Transition fund' for enforcement and inspection (€14 million), discussions aimed at arriving at consensus will be held within the North Sea Consultation.
- 4.49 The measures for the step from 10 to 13.7% protection will only come into effect once the resources from the 'Transition fund' for the implementation of the Vision on beam trawling including shrimp fishery have actually been made available.



5. Installations and objects

This chapter describes the agreements relating to the installations on the North Sea. Specifically it relates to the location-based use of space, subject to compulsory licencing. These are installations or objects for long-term use that have consequences for other users of the North Sea. This includes wind turbines and gas platforms, and for example TenneT platforms. Because installations are subject to a large number of rules, in terms of this North Sea Agreement the agreements discussed here are primarily additions or amendments to already applicable regulations aimed at improving the cohesion? with other users and the ecosystem.

General agreements on installations and objects

- 5.1 The goal is to actively learn from experience acquired subject to result obligation (for example in respect of the use of materials and configurations and in respect of ecological effects) for nature-enhancing building in the Plot Decree Hollandse Kust (north) for all new installations on the Dutch part of the North Sea. In this process, account is always taken of the latest insights.
- 5.2 All existing and new developments must be integrated in the resilience of the ecosystem and based on the formulated ambition to implement them with the smallest possible negative footprint. Within the North Sea Consultation, periodic agreements are reached on the best available techniques³⁵ for mitigation and nature-enhancing building and ecologically friendly activity and the consequences on new installations and objects.
- 5.3 The dismantling of installations must be planned in accordance with national and international regulations (including the OSPAR Convention).
- 5.4 In positioning installations and objects, underwater cultural heritage will be treated respectfully. National government is investigating how supervision of the respectful handling of shipwrecks, in particular wrecks that are viewed as war graves, can be intensified.

Agreements on wind turbines

- 5.5 In the plot decrees for wind farms, conditions are imposed in respect of the general agreements referred to above.
- 5.6 The parties will reach additional agreements on construction techniques that further reduce the effects on nature. In that process, the parties will develop joint knowledge on noise impact from pile driving at sea and on the basis of that

³⁵ Within the North Sea Consultation, discussions aimed at arriving at a consensus will be held with regard to the definition of best available techniques to be employed, based on historical experience, case history and existing literature (see also footnote 21).



- knowledge, will continue to develop the standards for underwater noise.³⁶ With every plot decree, the latest available knowledge will be considered.
- 5.7 The experiences of neighbouring countries Germany and Belgium with a noise level of 160 DB will be explicitly included in developing this joint knowledge base, with the aim of assessing whether it is possible to harmonise the noise standard across the board. With regard to the bandwidths for wind turbines in plot decrees, birds and other vulnerable species will be explicitly included in the considerations.
 - 5.8 An overarching monitoring programme for nature enhancement will be introduced to boost learning capacity in successive plot decrees.
 - 5.9 Cooperation in the monitoring process by the wind farm owner will become an integral part of the plot decrees. A central approach to this monitoring must ensure that it is carried out efficiently, and that the data is made publicly available, in particular for research within the WOZEP programme.

Agreements on oil and gas production

- 5.10 In respect of the framework provided by the Paris Agreement, the parties agree the following:
 - The Dutch energy and climate policy, and within that policy the consumption and production of natural gas, must at all times be in line with the targets of the Paris Climate Agreement. In other words, a maximum rise in the temperature of the Earth of well below 2 degrees and the aim of not allowing the maximum temperature rise to exceed 1.5 degrees, or the limits imposed by updates of the IPCC in respect of these targets and their further conversion? translation?, for the Netherlands. Dutch energy and climate policy is laid down in the Climate Act, and the relevant policy has among others been elaborated in the Climate Agreement and this North Sea Agreement.
 - Dutch gas production on the North Sea will under all circumstances remain below the level of domestic natural gas demand, and its sole purpose is therefore to limit the import of even more foreign gas, as far as possible.
 - Each year, the PBL (Netherlands Environmental Assessment Agency) will report within the Climate and Energy Outlook (KEV) on whether the targets for 2030 are within reach. The KEV provides an overall picture of the consequences of (proposed) policy, agreements and national and international developments in terms of greenhouse gas emissions. The agreements in the North Sea Agreement on energy and climate policy are an integral part of the agreements on which the PBL reports. The PBL will be specifically called upon to investigate whether the agreements from the North Sea Agreement relating to gas demand and gas production remain within the Dutch emission budget derived from the Paris Agreement³⁷. Parties have expressed a preference for the additional variant described by the PBL, because this additional research will then become part of the agreed planning cycle in the Climate Act.
 - Appendix 4 to this Agreement formulates the specific terms of reference that the parties believe need to be satisfied within this research programme. Discussions will have to be held by the North Sea Consultation with the PBL relating to this intended variant.
 - If the PBL, taking into account its scientific independence, sees no opportunity to include this research variant, agreements will be reached

³⁶ The innovation programme of the Topconsortium Knowledge and Innovation Offshore Wind offers possibilities for undertaking combined research and product development projects, possibly with grant assistance.

³⁷ The maximum volume of CO₂ reduction that humanity is permitted to emit into the atmosphere within the Paris limits, translated into the Dutch contribution thereto.



within the North Sea Consultation to have another independent agency carry out this research.³⁸ Within a few months following the signing of the North Sea Agreement, the assignment for the study referred to above will be issued to the PBL. If that proves impossible, the assignment will be issued to another independent agency within three months following the signing of the North Sea Agreement.

- The annual reports from the PBL (KEV) or the outcomes of the research work entrusted elsewhere will be discussed within the North Sea Consultation. The discussions will also consider the consequence of the fact that gas consumption in the Netherlands and gas production on the North Sea must remain in line with the Paris Climate Agreement. No measures have been excluded in advance and all options remain open.
 - Each year, the Cabinet will report on the progress of climate policy in the Climate Policy Document. In this Climate Policy Document, the Cabinet will also consider the climate and energy measures from the North Sea Agreement. Pursuant to the system laid down within the Climate Act, every 2 years the Cabinet will assess whether it is possible within the initiated policy that the targets will be reached, or whether the policy needs to be adjusted. The discussions will consider the consequence of the fact that gas consumption and gas production in the Netherlands must remain in line with the Paris Climate Agreement. No measures have been excluded in advance and all options remain open.
- 5.11 Predictable awarding processes are of vital importance for gas production on the North Sea. That in turn means that government authorities must participate actively in processing licence applications, and that parties must first attempt constructive consultation if tension builds up as the risk emerges of deviating from the undertakings in the agreements. The parties will make every effort to ensure that a predictable licence application process is put in place that remains within reasonable and legal boundaries.
- 5.12 Gas production that remains possible within the restrictions of the Paris Climate Agreement and this North Sea Agreement will at all times be carried out subject to strict statutory ecological and environmental construction and control conditions. In respect of the North Sea Consultation, government authorities and other stakeholders on the North Sea, the oil and gas sector is committed to harmonising its activities to those of others, to employing the best state of the art, even beyond the legal requirements in respect of nature and environmental impact, to building in a way that enhances nature and to limiting the use of space by reducing the levels of helicopter transport.
- 5.13 For the transport of people and materials to gas platforms, consideration will consistently be given to whether this is possible by boat, or whether transport by helicopter is unavoidable due to the relevant distance, frequency, weather conditions, etc. By preference, new platforms will be designed without a helicopter pad. As far as possible, the parties wish to encourage integration and synergy between gas production and wind farms. If necessary, for each platform it is possible to deviate from the 5NM safety zone, and a customised approach will be employed in reducing this safety zone. In principle, all parties have a positive view on the electrification of oil and gas platforms, as a means of achieving considerable CO₂ reductions, offshore. Further discussions will be held within the North Sea Consultation in respect of the relevant terms of reference.
- 5.14 A study will be undertaken into the conditions according to which it is possible to carry out exploration and production activities in existing wind farms and those

³⁸ At that time, the North Sea Consultation will reach a joint decision in favour of an independent institute that will carry out this research work. The research will have to be completed at the latest 12 months following the issuing of the relevant order. Within 12 months following the adoption of the results of this research work, the parties will decide on follow-up agreements in relation to this study, whereby no options will be excluded in advance.



that may be developed in the future. These studies will be carried out in close consultation with government authorities, TenneT, nature conservation and environmental organisations and the developers of the wind farms. These activities may also include the installation of temporary or semi-permanent drilling and production installations and infrastructure within wind farms. If safe and ecologically responsible, this can allow greater space than is currently available.

- 5.15 At present, the minimum required noise level for obtaining usable information about gas and oil in the seabed is not known. It is therefore conceivable that unnecessarily high noise levels are used in practice. The parties have therefore agreed to minimise, as far as possible, the impact of 3D seismic surveys on nature, in combination with the exploration and extraction of hydrocarbons³⁹, taking account of the statutory frameworks.
- During the next 3D seismic survey, a combined research programme will be simultaneously established for collecting this information, all for the account of the oil and gas sector (see appendix 5 for the specification of this research programme and the follow-up steps).
 - Porpoises are particularly vulnerable to disruption during the breeding season, which lasts approximately from 1 May to 1 September. The parties have agreed that for the time being, the oil and gas sector will have the 3D seismic surveys carried out as much as possible outside this breeding period. In addition, over the next 12 months, within the North Sea Consultation, the parties will jointly investigate the best possible solution for preventing or minimising the disruption of porpoises during the breeding period, and subsequently testing that solution. This may take the form of a binding seasonal shut-down period, or some other measure.
 - Wherever possible, airguns that transmit limited high frequency will be used for 3D seismic survey work.
- 5.16 If necessary for achieving the Paris targets, within the North Sea Consultation, the parties will develop a plan for promoting and as far as possible accelerating the introduction of climate-neutral gases on the North Sea, for example in the form of pilots for the production of green hydrogen.

³⁹ Minimum impact on nature means the use of the 3D seismic survey method that generates the lowest level of burden on nature, whereby results are still achievable, in accordance with the best available techniques principle. NB: the minimum required noise level is not by definition the maximum safe noise standard for nature.



6. Activities

Activities relate to uses of the North Sea that are less location specific, and above all take up large amounts of space. This does not mean that activities are entirely independent of location. Examples include fishery, recreational shipping, and species protection. Tasks undertaken by national government relating to safety enforcement at sea and Search and Rescue (SAR) are also included.

Agreements on fishery

The nature and size of the fishing fleet must be adapted to the challenges facing us on the North Sea. In part this is a sectoral issue that requires close harmonisation between undertakings and measures from this Agreement, and the vision on beam trawling currently being developed by the Ministry of Agriculture, Nature and Food Quality and the sector. Support for innovation aimed at more selective and less disruptive forms of fishery is of key importance. Consideration must also be given to the operationalisation and upscaling of these innovations. Pulse fishery and other alternatives for beam trawling offer clear prospects for the sector. With that in mind, the parties have recognised that pulse fishery must remain on both the political and research agendas. Any innovations that make a contribution to a sustainable fleet (for both fish and shrimp) must be encouraged. These agreements were established in part on the basis of further information from the Ministry of Agriculture, Nature and Food Quality (see Appendix 6: Letter from Director-General Osinga (Agriculture, Nature and Food Quality LNV) to North Sea Consultation chairman Wallage).

- 6.1 Within a European context, national government will be working towards a review of the pulse decree within five years.
- 6.2 Structured research will be undertaken into promoting selectivity and reducing seabed disturbance, including the possibilities offered by pulse fishery.
- 6.3 The vision on beam trawling to be drawn up by the Ministry of Agriculture, Nature and Food Quality and the sector, and the implementation of the undertakings from this Agreement will be closely harmonised. To avoid tension between the vision on beam trawling and this Agreement, the vision will be discussed within the North Sea Consultation prior to its adoption.
- 6.4 The parties consider investments in adaptations to the nature and size of the fleet as an integral part of reinforcing nature values in the North Sea.
- 6.5 In reducing the size of the fleet and making it more sustainable, in addition to the resources already available, an appeal may be made to the 'Transition fund'. The quota allocated to the Netherlands will remain under Dutch control. The vision on beam trawling will determine how this will be dealt with.
- 6.6 National government and the Dutch fishing industry are working to develop a system of Fully Documented Fisheries video registration and the use of the Black Box system, as an integral part of the fleet adaptation process. All data collected



will be used for research into the selectivity of fishery and pressure factors on vulnerable species, and for developing and implementing techniques for improving selectivity. In a European context, the Netherlands is working towards alternatives for the landing obligation.

- 6.7 For forms of more applied research aimed at the technical innovation of the fleet in implementation of this Agreement, an appeal can be made to the 'Transition fund'. This will enable improved integration of knowledge and innovation at individual ship level.

Agreements on species protection

In addition to area protection, more generic species protection is essential for long-lived and vulnerable species, such as marine bird species and certain species of shark and ray. The undertakings in this Agreement will intensify more generic species protection as an integral part of the 'extra miles we have to go for a healthy North Sea'.

- 6.8 Existing action plans and species protection plans (for example for sharks, porpoises and marine birds) will be implemented. Progress of the implementation of those plans will be evaluated every two years.
- 6.9 Species protection plans will be developed and implemented for vulnerable species including birds, marine mammals, fish and bottom dwellers identified on the basis of international directives and the Framework for Assessing Ecological and Cumulative Effects (KEC). For species already identified as vulnerable to offshore wind farms within the KEC frameworks, planning priority will be orchestrated (period 2019-2022) and implemented (period 2023-2030). At the latest within two years following the establishment of this Agreement, a list will be drawn up of other species for which protection plans must also be drawn up and implemented, including the time frame within which the planning must be completed.
- 6.10 Species protection plans will describe pressure factors and generic protection measures, such as measures aimed at reproduction, food supply and safety, and tackling existing threats. These factors must be taken into account and monitored in existing and future developments on the North Sea.
- 6.11 The species protection plans will be drawn up by the Ministry of Agriculture, Nature and Food Quality in collaboration with relevant civil society organisations and scientific institutions, and submitted to the North Sea Consultation for discussion. The Minister of Agriculture, Nature and Food Quality will adopt the plans. Progress of the implementation of those plans will be evaluated every two years.
- 6.12 The drawing up and implementation of the species protection plans will in principle be financed with regular funding. For additional financing, an appeal can be made to the 'Transition fund'.

Agreements on enforcement and safety

Enforcement at sea is crucial for the safety and confidence of the parties in the implementation of the Agreement. Despite efforts by national government, enforcement at sea is all too often below par as a result of capacity problems. Due to increased levels of use, enforcement has become more complex and more costly over the past few years, and this trend is set to continue over the coming years. The parties recognise the necessity of additional efforts and financing in the field of enforcement at sea. This relates both to additional manpower and more equipment, and the use of innovative techniques that will bring about an improvement in the quality of enforcement. Such an improvement is essential for guaranteeing that well-meaning parties that



promote a healthy North Sea do not fall victim to violations by others. Moreover, the safety of and access for shipping must be guaranteed.

- 6.13 The safety of Search and Rescue operations must remain guaranteed by means of an adequate SAR system financed by national government, so that the requirements laid down in the Policy Document on Maritime Emergency Assistance (*Nota Maritieme Noodhulp*) are satisfied at all times.
- 6.14 National government will work within an international context to ensure shipping guidance beyond the 12-mile zone.
- 6.15 National government will provide a budget for coastguard organisations that is proportional to the scale of the new tasks arising from this Agreement.
- 6.16 The combined coastguard organisations will focus on research and innovation to improve the quality of enforcement.



7. Monitoring and research

The KNAW sounding board committee and national government have been called upon to outline the priorities with regard to monitoring and research in the implementation of this Agreement. Research and monitoring can in part be funded from the 'Transition fund'. The research and monitoring agenda in appendix 2 to this Agreement underpins the right to transition fund financing. In allocation of these resources, a distinction must be made between more fundamental and applied research and monitoring. On the one hand, monitoring refers to the gathering of knowledge to make up knowledge shortfalls for example about the presence and behaviour of species in response to the changing North Sea, and on the other hand the effectiveness of measures from this Agreement. The results of research and monitoring will be published in the biannual **State of the North Sea**, via which progress towards a healthy North Sea is transparently communicated.

Agreements on research

- 7.1 Research is in principle funded via existing sources of funding⁴⁰. For research resulting directly from the agreements laid down in this Agreement, the 'Transition fund' can be appealed to.
- 7.2 The monitoring and research agenda that forms part of this Agreement is vital for the establishment of a common knowledge base. The agenda also helps prevent fragmentation of knowledge and research. It helps ensure that rights to the 'Transition fund' for research remain tied in with the undertakings in this Agreement.
- 7.3 All data and research results emerging from the North Sea Agreement will be made available via the 'public unless' principle.
- 7.4 The WOZEP programme will be continued and intensified. Harmonisation will be sought with the research programme from this Agreement, to exclude the risk of overlap and duplications.
- 7.5 The 'Transition fund' will determine which proposals are eligible for financing on the basis of the research agenda of the North Sea Consultation.

⁴⁰ For example the European Maritime and Fisheries Fund (EMFF), the Fishery Innovation Fund, the Offshore wind energy ecological programme (WOZEP), the Basic GES and the ecological innovation programme line of the TKI WOZ.



Agreements on monitoring

- 7.6 Monitoring will in principle be financed from existing sources of funding. For monitoring programmes or additional efforts arising directly from the obligations entered into within the Agreement, (additional) appeal may be made to the 'Transition fund'.
- 7.7 The costs and benefits of monitoring must be viewed at overall North Sea level, and decisions on this aspect must be taken on the basis of good knowledge of causal links (most value for money).
- 7.8 The systematic monitoring system for birds will be intensified so that it is possible to determine whether areas satisfy the criteria of the Birds Directive. This information on bird numbers and species can then play a more active role in future decisions on North Sea policy.
- 7.9 Within the North Sea Consultation, agreements will be reached on an integrated and systematic monitoring programme by national government, for measuring the health and development of marine and coastal bird populations and migratory birds, for bats, benthos, fish and marine mammals, and for measuring cumulative effects of all human activities on these species and on the ecosystem as a whole, including physical, chemical and biological factors that contribute to determining the functioning of the ecosystem. Every 2 years, national government will publish the **State of the North Sea** which will report on the effects of supervision and results of this monitoring, including the information available about commercial fish stocks.



8. Governance

We have come a long way, but further elaboration of a number of points remains necessary. There are also a number of structural points that will only be rounded off over time. All contributors to the North Sea Consultation have therefore expressed the preference of continuing this consultation following the reaching of the North Sea Agreement. As a consequence, the transition from ‘stakeholder consultation’ to ‘consultation focused on reaching consensus between national government and stakeholders’ remains the underlying principle for the future. As a result, also following adoption of this Agreement, it is possible to continue responding to developments that emerge and that can impact on the essence of the agreements reached (for example Schiphol at sea, islands, unpredicted growth in the demand for sand as a consequence of climate change). In the implementation of this Agreement too, there is a sequentiality of agreements that make further detailing and operationalisation important, over time. It must be possible to make adaptations on the basis of advanced understanding, according to acquired knowledge and monitoring (adaptive planning). For that reason the parties have signed up to an institutionalised North Sea Consultation under independent chairmanship, to ensure implementation of this Agreement and to facilitate joint consultation on whether new developments should result in fine tuning of the agreements.

Agreements on the establishment of an institutionalised North Sea Consultation

- 8.1 For the time being, the North Sea Consultation will be continued on the same legal basis and composition, under the auspices of the Consultative Body for the Living Environment (OFL) and with an independent chairman.
- 8.2 Following completion of phase 1 (establishment of the Agreement) a phase 2 will therefore be created, in which at least the governance recommendations to be published by the OFL will be discussed. The independent chairman will then issue further proposals to the North Sea Consultation about other subjects to be discussed, working methods and practical issues in phase 2. Just as at the start of phase 1, this is decided upon jointly. As regards the necessary budget for phase 2, the OFL will enter into negotiation with the relevant Ministries.
- 8.3 In the governance recommendations to be published by the OFL, a proposal will be made for a definitive structure for the North Sea Consultation, phase 3. At least the following points will be discussed:



- the advantages and disadvantages of a variety of legal frameworks;
 - the tasks, composition, working methods and financing of the definitive North Sea Consultation;
 - the positioning of the North Sea Consultation, including the question whether a construction ‘under the auspices of’ the OFL, in the judgement of the OFL chairpersons, remains permanently in line with the role the OFL itself wishes to fulfil;
 - representation of parties⁴¹;
 - nature and position of the ‘Transition fund’;
 - safeguarding the monitoring and research agenda in relation to the North Sea Agreement.
- 8.4 Until the OFL has published its governance recommendations, the stakeholders will not publicly support the idea of a North Sea Commissioner, in the knowledge that this variant will be further considered in the OFL recommendations.
- 8.5 The OFL will encourage discussions aimed at reaching consensus within the North Sea Consultation on the recommendations to be issued. If that consensus is not achieved, the recommendations will still be published by the OFL, thereby outlining all relevant considerations put forward by government and stakeholders.

Agreements on the function of the institutionalised North Sea Consultation

- 8.6 Key decisions by government with regard to the North Sea will be discussed within the North Sea Consultation with a view to discussions aimed at reaching consensus, before being presented to the Dutch House of Representatives.
- 8.7 The North Sea Consultation will lay down the framework within which the scientific research arising from the Agreement can be (jointly) financed from the ‘Transition fund’. In this process, the North Sea Consultation will be supported by an independent scientific sounding board committee that will be established in consultation with the KNAW.
- 8.8 Parties represented in the institutionalised North Sea Consultation must first undertake to hold discussions aimed at achieving consensus within the North Sea Consultation before making use of their formal possibilities for rejecting decisions by government.
- 8.9 The parties will consider whether current objections submitted by them should be withdrawn, on the basis of this Agreement. In the case of doubt, the subject will be placed on the North Sea Consultation agenda.

⁴¹ For example in the original structure for the North Sea Consultation, the coastal provinces were not included; the relevant provincial executive members were regularly informed of the progress of the North Sea Consultation, but they would prefer permanent inclusion of the provinces on the road to a definitive structure for the North Sea Consultation to be seriously considered.



9. 'Transition fund'⁴²

Three major transitions are currently taking place on the North Sea: the nature transition, the food transition and the energy transition. The intrinsically interwoven nature of these three transitions calls for a coherent North Sea policy, also aimed at preventing a permanent imbalance between the different functions. The structure of the existing monetary flows does not automatically result in that intended coherent policy. It is the aim of the 'Transition fund' to resolve this imbalance now and in the future. The policy operated by the fund must be selective and aimed at specifically that objective. This will be demarcated by the agreements on the scope of the fund.

Agreements on the scope of the fund

- 9.1 Transitions describe a turnaround and contributions from the fund must demonstrably assist in bringing that turnaround about.
- 9.2 Applicants must first appeal to available regular sources of financing outside the fund. It must be clear that existing grants and budget resources are insufficient. This does not exclude claims to the fund by individuals.
- 9.3 To be eligible for a contribution from the fund, it must be demonstrated that the resources encourage cohesion between the transitions, although this does not exclude the possibility that certain contributions will primarily be spent within one of the transitions.⁴³
- 9.4 Applicants must provide an insight into the timeframe within which the intended effect will occur.
- 9.5 In assessing applications, proportionality in relation to the total budget of the 'Transition Fund' must be considered; the same applies to cost effectiveness.
- 9.6 In principle, financing from the fund will not be available for applications arising from recognised government tasks or statutory obligations. The same applies to applications arising from generally accepted business risks.
- 9.7 Within the governance recommendations, specific attention will be paid to the method of awarding the funding, the service counter function of the 'Transition fund' and the monitoring of the objectives (cohesion in transitions).

⁴² In this Agreement, the word 'Transition fund' appears between quotation marks. Although parties have reached agreement concerning the intention and method of the fund, as described in this chapter, national government has imposed a specific condition in respect of the legal structure, above all in relation to regular processes within the national budget. For the stakeholders, the establishment of a fund that must possess a certain degree of professional autonomy is essential. The parties have agreed that they will await the governance investigation by OFL (see 9.13) before forming on that basis, a definitive judgement on the structure of the 'Transition fund'.

⁴³ Sometimes funds spent elsewhere are more cost effective than spending in the domain of the applicant (opportunity costs). Money spent on the coast to support marine birds can prove more effective than measures at sea.



- 9.8 The fund will make use of a project and plan-based approach to prevent a purely reactive response.
- 9.9 Discussion within national government and decisions on the future structure and actual functioning of the fund will be concluded at the latest by mid-2020 so that the financing intended for implementation of this Agreement is available on time.
- 9.10 The phasing out of fishing boats should not result in the intensification of fishery efforts. For the time being, conclusions on this issue from the vision on beam trawling will be awaited.

Agreements on the establishment of the 'Transition fund'

- 9.11 A 'Transition fund' will be established, with a plan period of six years, based on undertakings as laid down in the Agreement.
- 9.12 The structure of the Fund, its legal integration and intended working method are an integral part of the governance recommendations from the OFL. Specific attention will also be paid to the regular budgeting process and the relationship between the 'Transition fund' and the budget rights of the House of Representatives.



10. Implementation

This chapter deals with the safeguarding of agreements after the Agreement has been entered into, so that a clear vision is established of the actual implementation of the agreements reached. The international dimension is also considered here. The Netherlands shares the North Sea with seven other countries. Many agreements therefore call for international harmonisation in the next phase.

Agreements on implementation

- 10.1 The undertakings from this Agreement are safeguarded in that they form the basis for formal policy documents at least including the North Sea 2030 Strategic Agenda and the North Sea 2022-2027 Programme and the accompanying implementation programme.
- 10.2 The parties wish to make a contribution to a positive outcome for the government aid assessment in the plans for beam trawling.

Agreements on international harmonisation

- 10.3 In the process towards a North Sea 2022-2027 Programme, neighbouring countries and other relevant North Sea States will be asked to make an active contribution, because cross-border effects on their sea area cannot be excluded, and vice versa their plans may have an effect on our part of the North Sea. This certainly applies to the effects of activities on protected species (marine mammals and marine bird species) that are dependent on the ecosystem in the southern part of the North Sea. The accumulation of the effects of all these plans and projects must be assessed in respect of the functioning of the entire North Sea ecosystem. In the Strategic Environmental Assessment (plan EIA) for the draft North Sea 2022-2027 Programme, explicit attention will be focused on possible cross-border effects, and these findings will be shared with the neighbouring countries.
- 10.4 The EU-sponsored cooperation projects NorthSee and SEANSE are examples of cooperation with the North Sea neighbours aimed at improving knowledge of the cross-border ecosystem of the North Sea, and the cumulative effects of human use on that ecosystem. Work is also being undertaken on greater coherence in the approaches to these effects. These projects are focused on sub-aspects of use, in particular renewable energy generation and shipping. Our country is working alongside nine neighbouring countries around the North Sea in the North Sea Energy Cooperation, so as to learn from one another, to improve the harmonisation of plans and to facilitate combined large-scale multinational wind farms. In the framework of the accelerated allocation of farms in other parts of the southern North Sea, the Netherlands will intensify its cooperation with Germany, Denmark and the UK, in 2020. In its cooperation with the other North Sea coastal



states in the field of energy, the Netherlands will take the lead to ensure that the ecology of the North Sea is given a prominent position in the planning and implementation of energy generation in the region, including cumulative effects on the nature values present.

- 10.5 In the frameworks of the MSFD and OSPAR, with regard to assessments the Netherlands will be aiming to acquire more cross-border knowledge of the status and influence of use on species, habitats and the foodweb, including the issue of the network of combined protected areas and international migration routes, swimming routes, foraging routes and breeding grounds and (cumulative) effects of use. The Netherlands is striving to achieve efficient, coordinated monitoring by making use of one another's ships and combining activities and applications for innovations (such as satellites). As regards objectives and measures on the North Sea, from the point of view of the Netherlands, the focus should be on placing issues on the agenda and establishing alliances in the field of tackling the effects of fishery on the ecosystem, plastic soup, underwater noise and the cumulative effect of wind farms.



Appendix 1: Letter with request to establish North Sea Consultation

Ministerie van Infrastructuur
en Waterstaat

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Overlegorgaan Fysieke Leefomgeving
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Bestuurskern
Dir. Waterkwaliteit, Ondergr
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Den Haag
Postbus 20904
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Contactpersoon

Ons kenmerk
IENW/BSK-2019/16645

Datum 5 februari 2019
Betreft Verzoek tot opzetten van een Noordzeeoverleg

Geachte heer Wallage,

Het Overlegorgaan Fysieke Leefomgeving (OFL) heeft op mijn verzoek in de periode oktober-december 2018 een 'Verkenning Noordzeestrategie 2030' uitgevoerd. De vraag was om te adviseren over hoe een duurzame samenwerking tot stand is te brengen tussen het Rijk en de stakeholders rondom de gezamenlijke strategische keuzes voor het Noordzeebeleid en beheer. De adviesaanvraag is gedaan in het kader van de totstandkoming van de Strategische Agenda Noordzee 2030. De Strategische Agenda Noordzee 2030 vormt de opmaat naar de besluitvorming van het kabinet in 2020-21 over het Nationaal Programma Noordzee 2022-2027. Hierin zullen de hoofdlijnen van het omgevingsbeleid van de Nationale Omgevingsvisie (NOVI) nader worden uitgewerkt en juridisch vastgelegd voor de Noordzee tot 2030 en daarna, alsook mede invulling worden gegeven aan de afspraken in het aanstaande Klimaatakkoord. De ambitie is om de toekomst van de Noordzee samen in eigenaarschap tussen de betrokken maatschappelijke partijen en ministeries vorm te geven.

Advies

Op 19 december jl. hebt u als co-voorzitter van het OFL het adviesrapport aan mij aangeboden. Het advies van het OFL is om samen met de departementen en belangrijkste maatschappelijke partijen een Noordzeeoverleg op te zetten, onder onafhankelijk voorzitterschap. Het doel is om in een half jaar tijd tot gezamenlijke keuzes en daaraan gekoppelde bestuurlijke afspraken te komen in de vorm van een 'Noordzeeakkoord'. Het OFL adviseert dat de betrokken ministeries en maatschappelijke partijen samen beslissen over de agenda voor het overleg over een Noordzeeakkoord. De focus zou moeten liggen op de onderwerpen visserij, natuur en windenergie waarover tussen de partijen nog forse meningsverschillen bestaan die alleen in gezamenlijkheid kunnen worden overbrugd.

Dat de belangrijkste maatschappelijke partijen zich al gezamenlijk positief hebben uitgesproken over het starten van een dergelijk traject, is daarbij een belangrijk signaal. Het opstellen van een Noordzeeakkoord onder onafhankelijk voorzitterschap is als uitvoeringstraject opgenomen in het ontwerp-Klimaatakkoord.

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Verzoek

Graag nemen wij, de ministers van IenW, LNV, EZK en BZK, de adviezen uit het adviesrapport Verkenning Noordzeestrategie 2030 over. Wij onderschrijven het belang van keuzes en afspraken over uitdagingen die alleen in gezamenlijkheid kunnen worden overbrugd. Ik verzoek u daarom, mede namens mijn collega's, op basis van dit advies het voorgestelde Noordzeeoverleg onder uw voorzitterschap in te richten en in werking te stellen. Met als doel om in maximaal een half jaar tijd na aanvang van het overleg in gezamenlijkheid met de betrokken ministeries en maatschappelijke partijen tot een 'Noordzeeakkoord' te komen. In aansluiting op het advies uit het rapport vragen wij het OFL om de aandacht vooral te richten op het bereiken van gedragen keuzes en afspraken voor beleid die de opgaven voor visserij, natuur en windenergie concreet in balans brengen, rekening houdend met de belangen van andere gebruikers zoals zeevaart en zandwinning.

Onze ministeries zullen zich inspannen om dit traject samen met u en de andere partijen tot een succes te maken. Een Noordzeeakkoord met stevig eigenaarschap bij de meest betrokken maatschappelijke partijen op deze korte termijn, kan een krachtige basis leggen onder het besluitvormingsproces naar het Nationale Programma Noordzee 2022-2027. In dit verband is de genoemde periode van maximaal een half jaar cruciaal voor een tijdige start van de Plan-MER procedure.

Proces

Namens het Rijk zullen de heer Peter Heij, de Directeur-Generaal Water en Bodem van het ministerie van IenW, de heer Johan Osinga, Directeur-Generaal Natuur, Visserij en Landelijk Gebied van LNV, en de heer Sandor Gaastra, Directeur-Generaal Klimaat en Energie van EZK, deelnemen aan het Noordzeeoverleg. Afhankelijk van de agenda van de overleggen zullen zij zo nodig terzijde worden gestaan door één of meerdere DG's van de andere departementen. Binnen het Rijk draagt dhr. Heij de verantwoordelijkheid voor de coördinatie van de Rijksinbreng, daarbij gebruikmakend van het DG Overleg Noordzee en ondersteund door het Interdepartementaal Directeurenoverleg Noordzee (IDON). Voorts zal met het OFL worden overlegd om tot een adequate ondersteuning van het Noordzeeoverleg te komen.

Gelet op het politieke belang van dit traject en de raakvlakken die het kan hebben met andere dossiers, is het wenselijk in mei of begin juni 2019 een tussentijds voortgangsoverleg op ministerieel niveau te hebben. Mede vanwege het Algemeen Overleg Water dat altijd in juni plaats heeft. Het is wenselijk om dan als gezamenlijke ministers de Tweede Kamer goed te kunnen informeren over de voortgang van het proces en zo mogelijk de eerste kenschetsen van het akkoord.

Hoogachtend,

DE MINISTER VAN INFRASTRUCTUUR EN WATERSTAAT,

drs. C. van Nieuwenhuizen Wijbenga

Bestuurskern
Dir. Waterkwaliteit, Ondergr
en Marien
Marien- en Internationaal
Waterbeleid

Ons kenmerk
IENW/BSK-2019/16645

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Appendix 2: Research and monitoring agenda

The contours of the Monitoring and Research Programme of the North Sea Agreement

A healthy North Sea is important for everyone. The marine ecosystem is already in urgent need of protection and recovery, given current practice. Any change in the (form and intensity) of use must be appropriate for the ecological resilience of the North Sea; that ecological resilience determines the parameters for individual and cumulative use of the North Sea by various functions. To ensure that the North Sea is made and remains healthy, increased effort will be needed. Policy development for conservation, recovery and sustainable use is hindered by a structural lack of knowledge. This certainly applies to the species most vulnerable to the large transitions taking place on the North Sea. As such, these species are indicators for the major changes we expect to take place in the North Sea.

With that in mind, there is considerable demand for an integrated and systematic research and monitoring programme that will form the basis for knowledge about the functioning of the North Sea. The key is to gain an insight into the ecological resilience to current and sustainable future ecosystem services, and to measure the health and development of marine and coastal bird populations, migratory birds, bats, fish species (including sharks and rays), bottom dwellers, marine mammals and benthic and pelagic habitat types. Moreover, the (changing) use such as marine energy generation and mariculture (the farming of fish, shellfish and crustaceans, algae and seaweeds) must be in balance with the ecological resilience of the North Sea, for example in terms of the nutrients present, while still guaranteeing safety. In addition, there must be a better understanding of the (cumulative) effects of all human activities on these species and on the ecosystem as a whole, including physical, chemical and biological factors that contribute to determining the functioning of the sea (effect monitoring).

The most important questions at present are ‘what is the ecological resilience of the North Sea ecosystem?’ and ‘what are the effects of the various functions on that resilience?’. To find answers to those questions, an integrated and systematic monitoring programme is also needed, that is focused on the physical, chemical and biological basic parameters for the functioning of the ecosystem and the (variation in) presence of birds, bats, bottom dwellers, fish and marine mammals.

This integrated research and monitoring programme must be urgently elaborated. The programme must tie in with existing monitoring and research (in particular WOZEP (offshore wind energy ecological programme) and MWTL (water status monitoring)). This work approach can help develop the essential basic knowledge about interactions between the various components of the ecosystem, allowing well-founded and validated models to be prepared for answering questions about changes in resilience, including possible effects of climate change. This method also offers possibilities for preventing duplications and for the best application of the financial resources available. Collaboration with the parties undertaking monitoring and research on the North Sea offers opportunities for establishing smart combinations, and can contribute to the sound application of financial resources. There is a particularly important role for science.

Urgent need to implement the Monitoring and Research programme: a call to action.

The North Sea Agreement lists a number of specific research questions/assignments that must be initiated urgently. The aim of this research is to determine whether the Hollandse Kust, the Vlake van de Raan, the Borkumse Stenen, the Cleaver Bank, the Dogger Bank and the Central Oyster Grounds satisfy the selection criteria for designation as Birds Directive areas. The research also relates to the prevention of honeycomb worm reefs, research for species protection plans, the noise impact of pile driving at sea and seismic surveying and research aimed at promoting selectivity and less seabed disturbance by fishery, including technical innovations.



Research will also be needed into the effectiveness of measures for protected areas; basic monitoring into these aspects is already financed by government, while more extensive research is only meaningful once the management measures have been in place for a number of years, in other words beyond 2025. This will result in additional demand for funding. All these proposals relate to supplementing, adjusting and harmonising existing research and monitoring programmes.

Although there is an urgent need to implement the monitoring and research programme, it will take time. For certain subjects, a huge volume of measurement work will first have to be carried out before a start can be made on actual research. Careful harmonisation between the various elements of the programme will also take time. Moreover, a sound understanding of already existing monitoring equipment and the available data will be needed. In determining the necessary resources, these aspects must be taken into account. Monitoring and research may also require a certain amount of time for the further development of techniques and their application on the North Sea. Equally essential is good governance of the monitoring and research programme, to ensure good communication and cooperation between science and policy. Nonetheless, governance is not a component of this appendix to the North Sea Agreement. Instead, at a later stage and in a broader North Sea Agreement framework, governance of the North Sea Agreement will be elaborated. That will then include good governance of the monitoring and research programme. The monitoring and research programme will cover the period through to 2030. As a consequence, also in the longer term, there will be time for a solid adaptive programme that is able to respond to new questions emerging from North Sea Agreement consultation and policy developments, for example for reinforcing nature and species protection plans. For these aspects, the scientific committee and governance of the North Sea Agreement will play an important role.

Required resources

The figures referred to in the following table are in no way binding upon government. The figures and their range serve to indicate which amounts should be considered, over and above existing funding, including WOT, in drawing up further project plans for the subjects referred to in the table below (as they tie in with the triangle Energy-Nature-Food). The various parties have expressed their confidence in a favourable outcome. The amount that has so far been made available (€ 55 million), although representing an important step forwards, does make it necessary to prioritise the monitoring and research tasks. This process of priority setting is not discussed in the table below. Within the funding currently available, discussions will have to be undertaken about how the funds should be spent within the North Sea Consultation, with a view to reaching consensus.



Priority table Research and Monitoring 2020-2030 for the themes Energy, Nature and Food

Per research or monitoring programme <i>Reference to relevant section North Sea Agreement</i>	Per North Sea Strategy 2030 theme: Energy- Nature- Food	Indication of existing resources and term	Total additional budget 10 years. ⁴⁴ (Instalments if possible and in as much as known)	Comments For certain categories a shorter term than 10 years
1. Reinforcing ecological knowledge on the North Sea to support transitions <i>Section 3.10</i> <i>Section 6.8 - 6.12</i> <i>Section 7.9</i> a. Resilience of the North Sea	<ul style="list-style-type: none"> - Nature - Food - Energy <ul style="list-style-type: none"> - Nature - Food - Energy 	<p>The required funding for TO2 applied research institutions is restricted and in many cases earmarked to MMIP for Top Sectors. Improved use of this funding is very desirable.</p> <p>Missing knowledge factor</p> <p>Discussed in the MSFD, NWA/NWO Application research programme North</p>	<p>14-26 million (2020-2030)</p> <p>Planning project proposals included in Position Paper NIOZ/Deltares/WMR: Measuring, Monitoring and Modelling (3M)</p>	<p>Healthy North Sea ecosystem:</p> <p>The transitions on the North Sea (energy, food and nature) and climate change influence the processes within the ecosystem of the North Sea. Reinforced understanding of the functioning of the North Sea, the resilience for current and sustainable future ecosystem services of the North Sea and interaction between the policy options is essential.</p> <p>Resilience, primary production, small foodweb, zooplankton, fish, hard and soft benthos substrate, birds and their food, developing and supporting monitoring, modelling). Numerous field measurements, including ship time.</p>

⁴⁴ Existing resources include: reinforcing basic data birds (0.6 million per year), MWTL Bird counts 0.3 million per year, MWTL Water quality 1 million per year, WOT fishery, porpoise, seal, shellfish 3.7 million per year. *This is a non-exhaustive indication of national government resources*



b. Reinforcing knowledge base North Sea	<ul style="list-style-type: none"> - Nature - Food - Energy 	Sea in Transition rejected.	Planning and programming Q4 2020; through to 2030	<p>Attention for cumulative effects to be included (see also part 7).</p> <p>The knowledge base for the North Sea ecosystem must be structurally reinforced in a combination of improved acquisition of field data and improved interpretation of these data using an appropriate set of instruments for data processing and modelling.</p> <p>With a view to preparation for carefully considered measures and related decision making.</p> <p>See also parts 2 and 3.</p>
2. Basic understanding of the North Sea in order, including water quality, nutrients, physical factors, eDNA, phytoplankton, zooplankton <i>Section 3.10</i> <i>Section 7.9</i>	<ul style="list-style-type: none"> - Nature - Food - Energy 	Monitoring is already underway for MSFD and Birds and Habitats Directives (see also point 3) (Based on MWTL, WOT and other relevant programmes)	4-20 million (2020-2030) Planning and programming ready Q3 2020; implementation to start in 2021.	Supplement to MSFD monitoring plan. To thoroughly understand and predict the combined effects of the 3 transitions, combined with climate change (see also element 7.a), accurate and high-resolution measurements are necessary of: physical and chemical factors, primary production and zooplankton in basic monitoring. An important proportion of the budget may be spent on installing measuring equipment in the North Sea.
3. Reinforcing knowledge base a. Birds <i>Section 7.8</i> <i>Section 7.9</i>	<ul style="list-style-type: none"> - Nature 	0.6 per year through to 2025. Undertaken alongside and in consultation with WOZEP and MSFD/Birds and	4-6 million (2020-2030) Programming ready Q3 2020; start of implementation asap	Emphasis on (future) Birds Directive areas and new wind energy areas in northern sector of the Dutch Continental Shelf (see also part 5) Intensification of data gathering and reinforcement of significance. Possibly additional effort in relation to effects on other sea, coastal and



<p>b. Statutory research tasks: marine mammals, bats, fish and benthic species</p>	<p>- Nature</p>	<p>Habitats Directives (MWTL)</p> <p>Current WOT budget is insufficient for additional tasks from NSA.</p>	<p>10 million (2020-2030)</p> <p>In the course of 2020 evaluation against background of NSA with alterations; starting in 2021. Permanent and where relevant through to 2030</p>	<p>migratory birds (death and increase of birds) that are sensitive to pressure factors such as offshore wind energy (see also part 5) Demographic bird monitoring. Formulation of recovery measures on land.</p> <p>Marine mammals (several seasons per year) and use of small pelagic fish surveys.</p> <p>Importance of food chain, availability of food in relation to breeding success and reinforcement of seabed quality improvement.</p> <p>WOT are statutory research tasks and contribute to accountability and good decision making.</p>
<p>4. Nature recovery and reinforcement species protection <i>Section 6.8 - 6.12</i></p>	<p>- Nature</p>	<p>No budget</p>	<p>3 million (2020 - 2026)</p> <p>Draw up in 2020 (2020-2030)</p> <p>Implementation Agenda</p>	<p>Drawing up Implementation Agenda</p> <ol style="list-style-type: none"> 1. Carrying out research into which vulnerable species are eligible for a species protection plan. Including population studies. 2. Carrying out research to prepare for or implement existing and future species protection plans. Including population studies.
<p>5. Effects of development of offshore wind energy (WOZEP/KEC)</p> <p><i>Section 3.1</i> <i>Section 3.4</i> <i>Section 3.11</i> <i>Section 4.12</i></p>	<p>- Nature - Food - Energy</p>	<p>Currently 3 million per year</p> <p>Including WOZ bird counts</p> <p>Through to 2023.</p>	<p>15-21 million (2023 - 2030)</p> <p>Will be extended beyond 2023 and adapted through to 2030;</p> <p>Per year 2-3 million</p>	<p>Effects of offshore wind energy (WOZEP) (extensive studies on birds (collisions and habitat loss), bats and marine mammals, EMV, underwater noise and benthos soft substrate).</p> <p>Attention for: hard substrate, effects on fish (including sharks and rays). The Ministry of Economic Affairs and Climate will finance the WOZEP research programme through to 2023. Extension</p>



<p><i>Section 5.6</i></p> <p><i>Section 7.4</i></p>				<p>of the programme through to 2030 is desirable so that effect measurements continue and can be undertaken for more and larger operational windfarms (the standard for future farms). This makes it possible to more accurately determine the effects of upscaling, above and below water.</p>
<p>6. Food & fishery</p> <p><i>Section 3.4</i></p> <p><i>Section 4.42</i></p> <p><i>Section 6.2</i></p> <p><i>Section 6.7</i></p>	<ul style="list-style-type: none"> - Nature - Food - Energy 		<p>6-12 million</p> <p>(2020-2030)</p>	<p>For various of the study questions listed below, these questions are further elaborated (also) in the Knowledge Agenda North Sea Strategy 2030 (in respect of seabed disturbance, effects of large-scale rollout of wind farms, opportunities for combined use and sustainability, and innovative catch techniques.</p>
<p>a. Effects of wind farms on fish numbers and megafauna</p>	<ul style="list-style-type: none"> - Nature - Food - Energy 	<p>At present no separate research programme. Partially piggy-back with WOZEP (see part 5).</p>	<p>Planning and programming ready Q2</p>	<p>Research questions fishery sector. Effects of construction and operation of offshore wind farms on (commercial) fish numbers and megafauna.</p>
<p>b. Research into recovery of habitat types 1110, 1170</p>	<ul style="list-style-type: none"> - Nature 	<p>At present no separate research programme. To a limited extent part of MSFD monitoring programme.</p>	<p>Planning and programming ready Q3 2020. Through to 2030</p>	<p>Research into effects of changing intensities of seabed disturbing fishery</p>
<p>c. Research into the selectivity of fishery and the development and application of techniques for</p>	<ul style="list-style-type: none"> - Food - Nature 	<p>At present no separate research into effectiveness, selectivity and pressure factors</p>	<p>Planning, programming, financing and implementation of sustainable beam trawling compliant with NSA.</p>	<p>Monitoring of incidental by-catch of marine mammals, birds, 'non-commercial' fish (including sharks and rays) and squid.</p>



increasing selectivity.				
7. Anthropogenic factors and cumulative effects <i>Section 3.10</i> <i>Section 7.9</i> a. Cumulation	<ul style="list-style-type: none"> - Nature - Food - Energy 	<p>At present no separate research programme available.</p>	<p>5 million (2020-2030)</p> <p>Planning and programming Elaboration of research agenda Cumulation 2020-2021</p> <p>Harmonisation with international forums and WOZEP research (see part 5)</p>	<p>Gaining improved insight into effects of separate pressure factors/activities and of all pressure factors/activities together (cumulative effects).</p> <p>This relates to such pressure factors as by-catch (see also part 6.c), seismic survey), offshore wind (see also part 5) but also for example changes in wave patterns and increased water temperature.</p> <p>And effects on among others birds, bats and underwater nature. The element cumulative effects consists of sub-elements including birds, bats and underwater nature.</p>
b. Climate change and North Sea		<p>Proposal NWA/NWO study C2Oceans submitted. Decision in 2020. Relates partially to North Sea. Term 2021-2025</p> <p>Monitoring programme Acidification North Sea 2018 – 2028</p>	<p>Planning and programming Q4 2020. Period 2021-2028</p>	<p>This covers adaptation and mitigation. A start will be made on the feasibility study Nature Recovery for Climate Mitigation.</p>



8. Socio-economic research		At present no separate research programme.	1-5 million Action plan ready Q2 2020; start q4 2020 Through to 2025. Possibly subsequent extension	The transitions can have major socioeconomic consequences for the sectors, in particular fishery due to reduced catch. Research into optimum and sustainable solutions for all stakeholders, including desirable and effective governance structure, is needed.
9. Project secretariat and data management		No funding available	5 million (2020-2030) Plan before Q3 2020	Management, research programming, combining programmes and institutions, cooperation for connection (open) data and data management (IHM), clarity and accessibility of reports and communication. Also retrieving and integrating developed knowledge for answering knowledge questions and use in policy and management.
Total			67-113	



Appendix 3: Context in international law

- The borders of the Dutch sector of the North Sea are of administrative relevance, but use, nature and ecosystem all cross borders. Targets, agreements, obligations and cooperation occur on different scales and take place within a variety of forums. Below is an overview of the most important collaborative ventures and obligations.
 - UN level: Sustainable Development Goals; Paris Climate Agreement; Oceans Policy; Biodiversity Convention; United Nations Convention on the Law of the Sea (UNCLOS, shipping safety and accessibility) and agreements in the framework of the International Maritime Organization (IMO);
 - European level: Marine Strategy Framework Directive; Maritime Spatial Planning Directive; Common Fisheries Policy; Natura 2000 / Birds and Habitats Directives; CO2 emission reduction targets; Blue Growth Strategy; Renewable energy policy;
 - Regional level, OSPAR: Protecting the environment of the North East Atlantic Ocean System including the North Sea (mainly via MSFD implementation). Other relevant conventions at regional level include ASCOBANS (conservation of small cetaceans); AEWA (protection of water birds including the majority of marine birds in the North Sea) and other relevant instruments laid down in the framework of the Bonn Convention on the protection of migratory animal species and the Bonn Agreement (tackling incidents);
 - North Sea countries: Political declaration on the North Sea Energy Cooperation and the related EU supported SEANSE project; the Interreg North Sea Region programme;
 - Bilateral exchange: takes place at government level, currently mainly with Belgium and Germany.
- On the basis of the Marine Strategy Framework Directive, all European countries are subject to the obligation to implement the ecosystem-based approach for sustainable use of the sea. OSPAR offers the organizational framework for a sea treaty which according to the MSFD must be used in order to arrive at an internationally coordinated approach for undertaking assessments, setting targets and taking measures. The MSFD also contains the targets and indicators for Birds and Habitats Directives, WFD and CFP (operationalised via a Commission decision). For all these themes, both within the EU and OSPAR (and other regional sea treaties), working groups have been established.
- According to the Maritime Spatial Planning Directive, there is an obligation to harmonise cross-border aspects with neighbouring countries. This includes shipping routes, cables and pipelines, wind farms and the cumulation of (cross-border) effects such as underwater noise or the effects on migrating birds. There is an immediate obligation in the Directive to consult neighbouring countries if there are potential cross-border effects of policy and management. This is also an obligation from the ESPOO Convention.



Appendix 4: Terms of Reference for research into gas production on the North Sea in relation to the Paris Agreement

- The most recent insights from the IPCC regarding the internationally accepted urgency of climate change.
- The fact that the Paris Agreement specifies that developed countries must make a greater contribution to reducing CO2 emissions than developing countries.
- The agreements in the Dutch Climate Agreement, including those relating to the conditions according to which CCS and biomass should be introduced.
- The worldwide carbon budget available for ensuring compliance with the Paris targets and how this budget should be equally shared between countries, and what that means for CO2 emission from Dutch gas consumption.
- Developing scenarios whereby it is 80% certain that the 1.5 degree limit will be achieved and 100% certain that the 2 degree limit will be achieved, and translating those achievements into what these scenarios mean for the Dutch carbon budget and what reduction it requires.



Appendix 5: Seismic survey programme and follow-up steps

- The data from the combined seismic survey programme, together with already known data will serve as the basis for determining the minimum noise levels needed for obtaining the necessary information about the exploration and extraction of hydrocarbons⁴⁵. These results, together with already known data, must serve as a guideline for the best available technology for the sector.
- Minimum impact on nature means use of the least nature-burdening model for a 3D seismic survey whereby results are still achieved, in accordance with the best available technology principle. The operator of the 3D seismic survey must therefore carry out an analysis in advance of the lowest possible noise level whereby the intended results are still achieved. No more noise will be produced than necessary in order to collect the intended information.
- During the 3D seismic survey, monitoring will determine whether the intended result is achieved with the noise level; if necessary the noise level will be adjusted. The accompanying propagation model will be verified.
- Nature and environmental organisations promise their cooperation in the research programme. For this work, the affected NGOs will submit an independent expert to supervise the method, implementation and monitoring of the study.
- If other 3D seismic surveys are carried out on the Dutch North Sea before the results of the study are known and processed, the relevant party will carry out a similar survey to calibrate the minimum required noise levels, with the aim of limiting as far as possible any disruption to nature.
- The terms of reference of the study(ies) will be determined in consultation with the parties. This must be a transparent and measurable study project. The noise levels will be determined within the North Sea consultation.
- The 3D seismic survey will take place at a specified water depth and with regard to a specified geological formation depth. For 3D seismic surveys at another water depth or another intended geological formation depth, it may be possible to adjust the formulated noise levels. In all cases, the operator will set the lowest possible noise level in advance whereby the intended results are still achieved.
- It is not possible to exclude in advance that even if the best available technologies are used, the 3D seismic survey will still result in noise disruption, individually or in combination with other plans or projects, as a result of which the natural characteristics of nearby Natura 2000 areas can be negatively affected, or that this will result in the disruption, killing of and/or damage to strictly protected animal species.
- To avoid damage to nature, in particular physical damage and behavioural change the most recent scientific findings concerning hearing and behavioural thresholds for the relevant species will be taken into account during applications for permits pursuant to the Nature Conservation Act and other relevant regulations and legislation.
- The underlying principle is that parties will always consult in advance before applications for seismic surveys are submitted. Should there be an indication that despite the application of best available technology with minimal noise levels damage to protected nature values cannot be prevented, the parties will first consult about the situation and seek a solution. If no solution is forthcoming, the situation will be submitted to the North Sea Consultation to attempt to find a solution by consensus, before a permit is issued and any formal legal remedy is sought.
- If permits are awarded, at least the determined noise levels based on best available technology must be taken into account.

⁴⁵ Parties expect the data from this research to be available in the second half of 2021.

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Appendix 6: Letter from Director-General Osinga (Agriculture, Nature and Food Quality, LNV) to NSC chairman Wallage

Langweer 10 April 2020

Dear Jacques,

Over the past few weeks there has been much discussion in ever changing constellations about the North Sea Agreement and the associated appreciation of the vision on beam trawling. Last Thursday, we at LNV held administrative negotiations with the representatives of coastal and shrimp fishermen about the North Sea Agreement and the related (appreciation) of the vision on beam trawling. Although they are not part of either process, they may be directly or indirectly affected, and they also have a vote on the North Sea Agreement. These discussions proved a revelation on a number of points, including the fact that there are many questions about the appreciation of the vision on beam trawling, and what will happen to the sector if a North Sea Agreement is unfortunately not reached. Over the next few days, we must all consider our contributions to the North Sea Consultation on 15/4. In the runup to that session, in my judgement it could be valuable to provide clarity wherever possible, on a number of points. This will supplement the outline document discussed on 4 March at the North Sea Consultation session.

The following points were identified from within the sector:

1. Shrimp fishermen on the North Sea also wish to be able to participate in the restructuring process and innovations, and are fearful of exclusion.
2. Fishermen keen to participate in the restructuring process and who in addition to a quota for plaice, sole or langoustines also have a shrimp licence for the North Sea (GV licence) want to receive payment for this.
3. The restructuring process must be carried out ASAP; 2022 is far too late.
4. There is insufficient funding for innovations.

Below I will discuss each of these points one at a time. However, before dealing with these points, I would like to once again draw your attention to the Frisian Front. Many entrepreneurs in the sector have expressed serious problems with the complete closure of the Frisian Front as part of the negotiation agreement. I know that there have been discussions between the fishery sector and NGOs about a previously rejected alternative proposal for the number and size of areas to be closed. For LNV, both options are open for discussion, but it is not up to LNV to submit such points. However, as I understand from you that you may be willing to return to the possibility of the previous compromise if so requested by the parties as part of their final approval of the North Sea Agreement.

We would also note that there is uncertainty about the potential consequences of non-implementation of the North Sea Agreement and the relationship with the vision on beam trawling. As we have explained, without the North Sea Agreement, there will be no financial incentives available for restructuring for the beam trawlermen, and the fishermen will thereby be putting their 'place at the table' at risk. As we all know, the North Sea Consultation is aimed specifically at offering all stakeholders including the fishery sector an opportunity to reach agreements on the spatial structuring of the North Sea. I have noted that the reasoning of certain parties is that even without a North Sea Agreement, the funds will be available and once again open for negotiation. However, this is not the case. In that case, we will be reliant exclusively on our own LNV resources: only the EMVAF resources will be available, in other words 35 million for innovation (the amount for innovations in the framework of the North Sea Agreement consists of 35 million EMVAF funding and 10 million national funds). It is undoubtedly clear to everyone that the COVID-19 situation will not help ensure the availability of funding; the opposite is more likely to be the case. As concerns the points referred to above, the following:



1. Shrimp fishermen have seen that beam trawlermen, who often have a shrimp licence as well, are able to make use of the restructuring scheme in the framework of the North Sea Agreement and that shrimp fishermen on the Wadden Sea also have such a scheme. Shrimp fishermen who have only a shrimp licence for the North Sea, in their judgement, fall between two stools in the current agreements, while there is still a need for managing the number of shrimp licences. The nature of the problem, however, deviates substantially from that facing other beam trawlermen, and for that reason it is not logical and risky from a legal point of view and in terms of state aid, to combine the two, a development which furthermore would certainly not shorten the lead time for the planned restructuring procedure.

The VIBEG agreement has called for an international level playing field. To make that possible, research will have to be carried out into the supporting arguments for the (re)structuring of protected areas in the 12-mile zone (in particular the Borkumse Stenen). In terms of content, ecological arguments will be needed to convince the European Commission and other Member States of the interest of agreements across national boundaries, which we wish to reach on fishing measures in those areas (Article 11 procedure). Buy-outs could play a role: as in the case of the North Sea beyond the 12-mile zone, and of the Wadden Sea, supporting arguments will have to be provided to demonstrate that possible buy-out is linked to ecological conservation or recovery. Economic viability also plays a role but must not be the primary reason for any buy-out. This is the nature of the state aid framework. Controlling the number of shrimp licences is also a precondition which is difficult because shrimps are not a species regulated (via the TAC and Quota regulations). The outcomes of this study, together with the VIBEG evaluation, initial experiences with the Wadden Sea tender scheme and an understanding of the progress of the international dialogue, will be brought together to form a future perspective for the shrimp sector in which the conditions and possibilities for restructuring can be mapped out. Any actual regulation naturally depends on the outcomes of this programme, the progress of international agreements and the availability of resources. This of course is all subject to an adopted North Sea Agreement; without such an agreement there is after all no foundation for this.

2. Following on from the above: the proposal in the restructuring of the beam trawling industry is to withdraw shrimp licences from those who in addition to flatfish also fish for shrimp, in order to prevent exclusion. This will satisfy the concerns of the shrimp fishermen on the North Sea, who are unable to participate in the restructuring programme and are concerned about additional pressure on shrimp fishing. In return, the fishermen will receive a payment because the calculations for the restructuring are based on compensation for loss of income over the past few years. In this way, income obtained through making use of the shrimp licence will be part of the calculated loss of income. In other words, compensation will be paid for surrendering the shrimp licence in as much as they were actually used, such that the fishermen in question actually experience a disadvantage as a consequence. Because there is no restriction on the number of shrimp licences for the North Sea, we do not consider it sensible to compensate for them individually. Hence also the action referred to sub 1).
3. As regards planning of the restructuring as intended in the vision on beam trawling, I do see a small point of hope in the COVID-19 crisis. I would like to make use of this situation in which the European Commission has massively eased the state aid rules in order to accelerate the application of the state aid procedure. I will make every possible effort in respect of the Commission to open up the scheme as quickly as possible so that it can be initiated in 2021. Our aim is that in the autumn, the scheme can be submitted to Brussels. The supporting arguments will be based on a reduction of the ecological pressure on the North Sea in relation to the shrinking space available, but we expect the European Commission to also take account of the corona context such that it could have a positive influence on the approval process.



4. Funding for innovations. Firstly I would point out that never before has such a substantial amount been available for restructuring and innovation in this sector, as the amount offered within this North Sea Agreement. There are two points of discussion in respect of funding: a) the balance between restructuring and innovation, b) the sufficiency of the innovation budget. As concerns the first point, we do not wish to raise any barriers between the two aspects: if in elaboration it emerges that there is greater demand for innovation budget than for restructuring budget, then the funds can be shifted between the two⁴⁶. As concerns the second point, it is my belief that the sector is wrong in expressing concerns. In my judgement, the funds available are more than sufficient, since co-financing from the sector itself will also be needed in order to get projects up and running; and this is a small sector. Although the COVID-19 crisis means that at present attention is focused more on survival than on innovation, we have not lost sight of the long-term developments, and are working to arrive at a boost for innovation. As soon as the space once again becomes available, we will be accelerating innovations by appointing innovation drivers, who from all relevant angles (practice, science, maritime sector) will be able to bring together the knowledge needed for arriving at sound innovative projects. Moreover, we will be expanding the capacity within the Netherlands Enterprise Agency (RVO) for supporting entrepreneurs in submitting project proposals. If this results in huge pressure on the innovation budget - something I would keenly applaud - then it can be brought forward. If the budgets are exhausted rapidly, we will make every possible effort to seek out additional budgetary capacity. Given the huge social and political pressure on innovation with a view to sustainability, then I see certain opportunities. To avoid any risk of misunderstanding: the relevant innovation funding is available for the entire sea fishing sector. In other words, also for shrimp and coastal fishery.

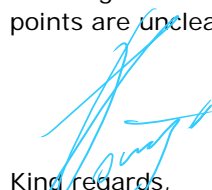
I would once again like to emphasise that the above points are only and exclusively meaningful in the event of a North Sea Agreement and when the related funding becomes available. Without a North Sea Agreement, we will be dependent on the restricted deployment of the EMVAF funding.

Finally: the COVID-19 crisis also has considerable consequences for companies in the fishery sector. My people are working hard to provide additional measures to keep the fishing fleet afloat. At present these measures include a furlough scheme and a guarantee scheme.

In summary

- We can work alongside the shrimp fishermen to develop a future perspective, in which the option of buy-out is also supported and examined;
- We can accelerate the restructuring scheme;
- We will not prevent any compromise about the Frisian Front;
- We are optimistic about the innovation budget and we will assist the sector in rapidly submitting applications, via the Netherlands Enterprise Agency (RVO).

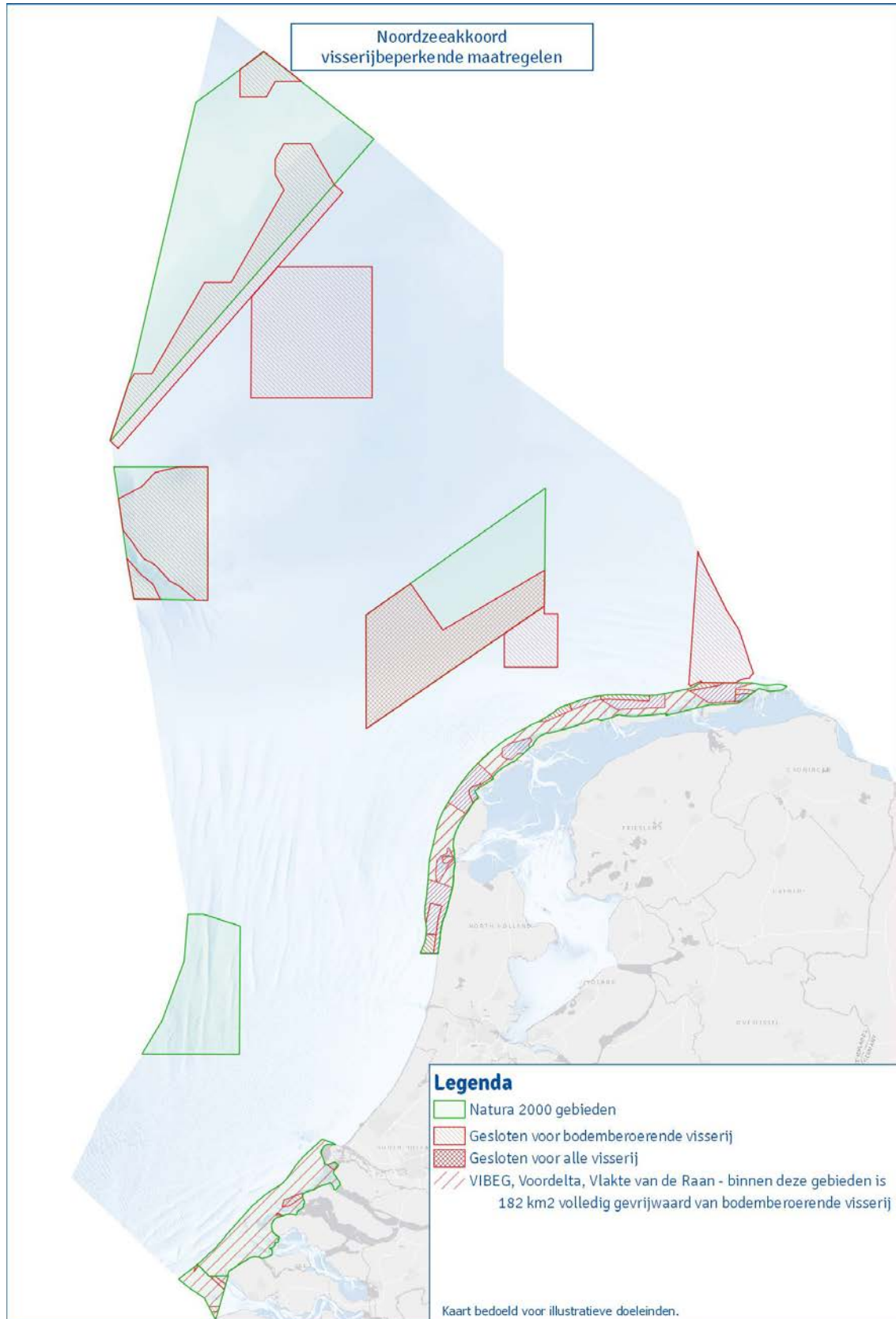
I hope that this information is valuable for you and for the fishermen, and can offer assistance in reaching a final decision in the runup to 15 April. Please do not hesitate to contact me if any points are unclear or if you have any further questions.


Kind regards,
Johan Osinga.

⁴⁶ N.B. shifting from innovation to restructuring is not possible because the EMVAF funding cannot be used for restructuring.



Appendix 7 Illustrative map



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